Placing Justice / Critical Perspectives

May 9-11 2016

University of Winnipeg

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Placing Justice / Critical Perspectives 2016

FULL PROGRAM

Monday, May 9

*10:00 AM – Coffee and Registration (Convocation Hall)

10:30 AM – Opening Remarks and Elder Robert Apetagon Welcome to Territory

11:00 AM – Featured Plenary

George Pavlich (Alberta): Accusers and the Accused at Thresholds to Criminal Justice

Introduction: Bryan Hogeveen (Alberta)

Over millennia, societies have relied on different ideas and forms of accusation to identify wrongdoers as 'criminal'. Typically, accusers are expected to provide information about breached social norms, or laws, to authorized agents who subsequently channel the accused either into or out of historically fashioned criminal justice domains. Such accusations arrest everyday life and open possible entryways to law's trials. Judges certainly decide on the guilt or innocence of the criminally accused, but their decisions follow on the heels of decisions made at accusatory thresholds, or entryways, to justice arenas. Though often disregarded, crime's journey into being, that is, commences with an accusation made by credible accusers. Through a genealogical discussion of three examples of the ideas and practices that framed specific instances of criminal accusation, this presentation explores a changing politics of gatekeeping at thresholds designed to criminalize particular subjects. The changing forms of such gatekeeping enable a glimpse into an oft overlooked dimension supporting the expansion of today's vast criminal justice arenas.

*12:00 PM – Lunch – Sandwiches Provided (Convocation Hall)

1:00-1:50 PM – Featured Plenary (Room 2M70)

Randy Lippert (Windsor): Condo Law, Governance and Spaces of Control in Toronto and New York City

Introduction: Kevin Walby (Winnipeg)

Condominium complexes (condos) are private residential urban spaces that have been spreading rapidly across cities of North America for five decades. Initially premised on a community of retired persons sharing space and volunteering on boards to oversee it, partially to free up urban residential housing for young families, the mundane condo has become something else entirely. Four years of intensive study of condos in Toronto and New York City reveals the condo's far less celebrated features, including crime cover-ups due to property value obsession; absent owner-investors; 'poor doors' and affordable rental housing displacement; elevators as spaces of control; systemic owner tax evasion and entrenched profiteering or corruption among property management firms, developers, law firms, and condo boards; as well as intrusive technological surveillance and roaming 'condo

commandos' seeking strict rule enforcement in common spaces. Prospects for community, justice, and resistance in condo space are discussed

2:00-3:00 PM – Paper Sessions – 3 PANELS

Correctional Spaces and Places of Justice 2C13

Chair: Courtney Waid-Lindberg (Northern State)

Michael Weinrath (Winnipeg), Location, Location; Correctional Centre Living Space and Prisoner Misconduct

Research on prisoner misconduct tends to be focused on violence and aggregated at the level of a single institution or prison system, while little attention is given to other forms of misconduct and the many within-centre inmate communities that exist and can influence behaviour. Prisons, correctional centres and jails are not uniform in prisoner placement and are actually made up of many smaller sub-units such as general population, mental health, protective custody, gang and program-focused units. I argue that these distinct physical and psychological spaces can influence institutional behaviour. Using two years of misconduct data from a Canadian Prairie provincial correctional centre, this study examined spatial placement of inmates and housing level attributes that were predicted to influence behaviour. We found substantial differences at the geographic level of prisoner housing – the likelihood of misbehaviour and/or victimization does vary by physical location in the jail. Implications for institutional research and correctional policy are discussed.

Prince Abrah Boamah (Ghana),   *Offenders Decision Making and Desistance from Crime; the impact of correctional experience*

This study explores the impact of correctional experience on juvenile delinquents aging out of the Criminal Justice System in Accra, Ghana. The aim of the research was to understand the processes juvenile delinquents go through in deciding to desist from crime and to expand the theoretical basis for the decision-making process to desist from crime. In doing so, the study provide potential mechanisms for stakeholders and correctional service providers to assist criminal offenders in the desistance process. A qualitative research approach was used to explore the life history of ten juvenile delinquents. The research questions focuses on teasing out the critical factors explaining their desistance as they navigate adulthood. The results of the study reveal that cognitive shifts resulting from the individual, the institution and religious organizations triggered a turning point among the participants. The cognitive behavioral programme that the participants seeks to benefits were mainly advices and counseling given to them by the prison officers and the religious leaders. In this sense, the study suggests the need to strengthen cognitive behavioral programs that addresses the specific needs of offenders as they pass through the correctional facility.

Alex Antwi (Ghana), Reformation and Reintegration of Offenders in Nsawam Medium Security Prison in Ghana

Prison sentences in Ghana and the rest of the world are administered to serve the roles of reformation and rehabilitation for individuals convicted of crime in the society. The overarching goal is to provide a safe space for offenders to learn to live subsequently as law-abiding citizens after they are released. However, some of

these offenders re-offend and return to prison again and again. The question this study sought to address is: what is the nature of the reformation of offenders in Ghana? In order to address this question, a sample of 87 respondents drawn from Nsawam Medium Security Prison including the recidivists, case managers, social workers, prison evangelists and family members of the recidivists were purposively engaged in in-depth interviews. The findings suggest that reformation of offenders in Ghana is not effective due to the fact most inmates participate in the religious activities not because they want to renew their minds of criminal intent but that, just as the general population, most of them are pretenders. Besides, most of them also participate in these activities because of items they expect to receive. The study recommended that for reformation to be effective in transforming the prisoners, there is the need for social acceptance of the offenders by changing the stereotypical perceptions of offenders in Ghana and allow them to participate in post-release conventional activities.

Spatial Methodologies 2M70

Chair: Vanessa Iafolla (Alberta)

Julie Kaye (King's University), Laura Aylsworth (King's University) and Janelle Knoop (Alberta), Methodological Challenges of a Community-Based Examination of Harm Reduction, Legislation, and Sex Work in Edmonton

This participatory action research (PAR) project will explore the role of peer-supports as well as the implications of shifting and uncertain prostitution legislation in Canada for sex workers in Edmonton. In a co-production of knowledge, the research working group led by harm reduction agencies, a sex worker collective, and community-based academics engaged in discussions about sex work legislation and community-based responses to harm reduction. Methodological challenges, such as power dynamics within a PAR project to ensure a representative voice of representatives from indoor and street-based sex workers were addressed in the early stages of this phased project. In particular, the working group provided safe space for interactions between indoor and street based workers to consider the effects of varying legislative models from a harm reduction lens. Based on these discussions, the research group will consider models of sex worker led peer supports for increasing safety and security in Edmonton. Social and systemic factors that create harm experienced by sex industry workers will be highlighted, with the goal of offering insights into community-based responses to harm reduction.

Kelly Struthers Montford and Jean-Philippe Crete (Alberta), *"Authentically crafted"? Reproducing the human-animal binary through culturally-specific Aboriginal prison programs*

Canada is a nation founded on the violence of colonization and the fur trade. From contact, British settlers considered Indigenous persons as similar to wolves. Specifically, they were like wild animals who hunted, gathered, and lived in forests. Colonists claimed that this relationship to animals and to land was unproductive, and as such the lands Indigenous persons inhabited remained common property until its 'productive' use (e.g., for animal agriculture) resulted in specific rights to ownership (Brodie 2012, Kim 2015). The human-animal binary—predicated on the superiority of white, European, heterosexual males against the denigrated status of nonhuman animals—was used to justify the colonization of Indigenous persons, while instituting hierarchical and commodified relationships to animals (Robinson, 2013). This paper critically examines CSC labour programs for Indigenous prisoners, such as the "Fur and Shearling Program," from a critical prison studies and critical animal studies perspective. We argue that though couched as culturally-appropriate correctional training, this program—entailing the production of cultural artefacts from animal pelts and skins—extends

longstanding colonial practices and objectives of civilizing Indigenous persons through imposing 'productive' relationships to land, nature, animals, and labour. We further demonstrate that programs such as these perpetuate colonial and humanist ontologies that render animalized humans and nonhumans as exploitable beings within capitalist frameworks of the settler colonial state.

Matthew Ferguson, Devon Madill, Justin Piché (Ottawa) and Kevin Walby (Winnipeg), Escaping the Prison (Museum)

Touring a former prison that has been repurposed as a penal history museum is a popular leisure activity around the world. A common theme featured in these spaces is escape: a desperate, often unsuccessful, attempt at gaining freedom. We draw upon two case studies of escapes represented in Canadian penal history museums to consider how such sites shape ways of understanding imprisonment. Data for this paper were generated from a study of 45 Canadian penal history museums, where researchers collected empirical material using photos of museum exhibits, interviews with staff, and field notes. Specifically, this paper examines the represented escape attempts of Henry More Smith at the Kings County Museum in Hampton, New Brunswick, and Almighty Voice at the Duck Lake Regional Interpretive Centre in Duck Lake, Saskatchewan. Henry More Smith was a well-known thief, seer, and escape artist who displayed an uncanny ability to free himself from his chains during his imprisonment in the Old County Gaol in 1814. Almighty Voice was a young Cree man who was imprisoned in 1895 at Duck Lake. Historical re-telling's claim that a guard jokingly told Almighty Voice that the penalty for his 'crime' was death, provoking his escape. We show that Canadian prison museums represent escape through elements of drama, novelty and realism. At the Kings County Museum, Henry More Smith's escapist tendencies are dramatized into a form of light entertainment, told through amusing narratives that reaffirm the nature of his supposed untrustworthy, yet witty, character. In contrast, the escape of Almighty Voice at Duck Lake is presented as an open dialogue blending the oral traditions of First Nations peoples, skits, and documented facts into an interpretative performance that cues visitors to reflect on the impacts of colonialism and the universal desire for freedom. We also argue that through escape, Canadian penal history museums represent prisoners as deceitful security threats. In conclusion, we shed light on the role museums play as unique sites of memorialization that disseminate narratives of escape to museum-goers, while also contemplating methods to escape these dominant ways of thinking about penality.

Places and Spaces of Control: Carceral Communities 2C15

Chair: Mandi Gray (York)

James Gacek and Andrew Woolford (Manitoba), When Space is Used to Destroy: (Re)Imagining Carceral Spaces and Cultural Destruction

Within the broader context of what we term 'genocidal carcerality', this paper contributes to the criminology of genocide. We employ this term to examine the ways in which space is implicated in the physical, biological, and cultural destruction of group life. Within the Canadian context, this is witnessed through a greater examination of settler colonial destruction. We wish to demonstrate the multiplicity of spatial strategies at work within any genocidal context, with specific focus on the Indigenous boarding school. In so doing, we critique attempts to reduce genocidal carcerality to a single spatial form, such as the camp. Our intention is not to create a typography of genocidal carcerality, but rather interrogate how the Indigenous boarding school is a space that transformed into a destructive place where fundamental aspects of Indigenous group life and Indigeneity were targeted and destroyed. Therefore, a (re)imagining of carceral spatial theory should be

considered when we attempt to place and critique (in)justice. We illustrate our main points through a case study of the Fort Alexander Indian Residential School in Manitoba, Canada.

Anita Grace (Carleton), The Carceral Network: Governing Beyond Boundaries

Very few women who have been found guilty in a Canadian criminal court will spend their lives behind bars. Compared to men, they typically receive shorter prison sentences, and are more often placed under community and parole supervision (Kong and AuCoin 2008). Upon release from a carceral institution, or upon receipt of a sentence of community supervision, women find themselves within a complex network of community organizations and service agencies that have as their goal the 'reintegration' of criminalized women. This network is made up of welfare and mental health agencies, social services and child protection agencies, educational and employment support centres, halfway houses and shelters, drug and alcohol treatment centres, and societies set up to assist people in conflict with the law. These agencies are directly engaged with criminalized women, and with the practices and policies of the criminal justice system. They work outside of the formal system, yet they, and the women with whom they work, are intricately bound to it. Does the mobilization of community organizations into governing projects of the criminal justice system represent an expansion of the boundaries of governance? Some scholars suggest the state's presence is retreating or shrinking due to the mobilization of non-state organizations (Kaufman 2015; Garland 1996). Others argue the scope of social control is widening (Wacquant 2010; Simon 2007; Cohen 1985). An examination of the location and distribution of organizations involved in the reintegration of criminalized women illuminates the spatial aspects of strategies and practices of governance.

Caroline Tess (Winnipeg), Prison Based Therapeutic Communities: A Neoliberal Shift in Penal Policy to the Responsibilization of the Offender

Prison based Therapeutic Communities are residential programs that provide intensive, highly structured pro-social environments, which are generally used for the treatment of substance abuse and addiction in correctional facilities (Welsh, 2007). In recent years TC's have emerged as an alternative to traditional incarceration and a seemingly effective way to treat substance addicted offenders in the Canadian correctional system (Prendergast, Hall, Wexler, Menick, & Cao, 2004; Weinrath, Tess, Willows & Kutcha, 2015; Zhang, Roberts, & McCollister, 2009) However, Therapeutic Communities are also emblematic of the recent shift in penal policy to the responsibilization of the offender through the 'do it yourself' (Turner 2014, p.9) mode of treatment. This mode of treatment is particularly troubling as it simultaneously makes the offender responsible for their own punishment and treatment. Therapeutic communities are symbolic of a shift to what Garland (2001) refers to as a culture of crime control. This responsibilization of offenders through a neoliberal shift in policy and a culture of control detracts attention from the broader social and economic inequalities that offenders experience, and how therapeutic communities seek to remedy the social problem of substance abuse and crime with a penal solution that expands the culture of crime control in the Canadian criminal justice system (Garland, 2001).

3:15-4:30 PM – Paper Sessions – 2 PANELS

Othering, Race, Fear and Space 2M70

Chair: Neil Funk-Unruh (Menno Simons)

Bryan Hogeveen (Alberta), Colonial Power, Cities, and Criminal Justice in Canada

A pair of City Centre Mall security guards in Edmonton, AB confronted Aboriginal outreach worker Gary Moostoos in October 2014 as he sat drinking coffee. They informed him that he was "observed as portraying suspicious activity" (Hampshire 2014). Moostoos was banned from the mall for six months. The indigenous body is too often seen by police and security officers as sufficient cause to accuse the Aboriginal other of wrong-doing. This paper examines Moostoos' case, and others like it, toward an excavation of how criminal justice pathways have expanded indigenous involvement via accusatorial technologies. This paper is inspired by Foucault's lectures on truth-telling and avowal. Foucault highlighted how truth-telling is imbricated in apparatuses of governance and shifting accusatorial technologies. Drawing critical attention to the mechanisms of accusing the Aboriginal other of wrong-doing highlights, and draws our attention to gateways into legal and extra-legal institutions of control. Such a critique presents opportunities to confront colonial power and the gross overrepresentation of Aboriginal peoples in the criminal justice system.

Justin Tetrault (Alberta), Theorizing Hate and Space: In/Tolerance and the Geographies of Right-Wing Rhetoric

Until the 1990s, scholars understood right-wing extremist (RWE) movements (traditionally known as "hate groups") through the lens of psychology, and only recently have they emphasized the distinct social dimensions of hate (Blee & Yates 2015). This has lead to an understanding of intense prejudice and intolerance that is less individualized and more socially contagious; something that is perhaps most evident in the recent upsurge of right-wing populism across many Western countries such as Greece, France, and the United States. As a relatively new and undertheorized concept in the social sciences, hate crime scholars increasingly approach "hate" (especially its more organized manifestations) as inseparable from ideas of space. In this presentation I argue that "hate" is a mostly unworkable concept when studying far-right movements and should be supplanted by a more nuanced approach that emphasizes space, community and in/tolerance. By looking at the contemporary trends of RWE activism and right-wing populism in the West, I show how the most attractive messages of far-right movements are not those that explicitly evoke a passionate hatred of particular identities or minority groups, but rather, those that are most successful emphasize the limits of space and a love of space – such as the spatial margins of nation, culture, history or gender. While the discourses of right-wing extremism and populism do not necessarily inform one another, their issue-framing strategies can look remarkably similar and the individualized notion of "hate" cannot adequately explain this complex development.

Mark Ayash (Mount Royal), Decoloniality and the interplay between space and place: resistance of Palestinian Fellahin

This paper asserts that the colonial logic of occupation seeks to evade the flux of space by positing a view of land as a place to be captured, owned and governed within a bounded nation-state. One of the major pitfalls of decolonial struggles is the tendency to oppose the colonial authority by repeating this colonial logic. Such a dynamic can be observed in how the Palestinian Authority has reduced the Palestinian struggle to one basic

demand: end the occupation and create a bounded Palestinian nation-state. While this is certainly understandable in some respects, it is indeed a limited demand that has historically effaced the suffering and resistance of Palestinian fellahin. This paper examines how fellahin resistance in the earlier parts of the 20th century operated on a complex understanding of the relationship between the fixity of place and flux of space. In the context of fellah resistance, space never becomes the absolute boundary of itself within the notion of a bounded place. I argue that following the complex interplay between space (flux) and place (fixity), as opposed to resolving it, may indeed yield a promising pathway in Palestinian decolonial resistances today.

Owen Toews (Independent Scholar), Capitalist fragility, colonial durability: The geography of race and 'revitalization' in Winnipeg

This paper examines the geographical relationship between race and capitalist risk in a contemporary urban context. In particular, it investigates the 'back to the city' movement by capital in Winnipeg, Canada's most Indigenous city. With billions of dollars in pending real estate investments in Winnipeg's city centre, Canadian capitalists are joining together to protect their ventures against risk of financial loss. Physical management of urban space and existing communities is central to this agenda. First, the paper reveals how investors achieved the institutional capacity necessary to significantly reshape urban space in Winnipeg by establishing a public-private urban redevelopment authority – called CentreVenture – and endowing it with funds redirected from municipal and provincial revenues. The paper then explores the social dynamics of CentreVenture's activities – in particular its attempts to police, shutdown, bulldoze, or forestall the creation of Indigenous space. Through archival research, ethnographic interviews and participant observation, the paper shows how CentreVenture mobilizes new discursive techniques and geographical imaginaries to cast urban Indigenous communities as threatening to the economic future of the city and therefore as justifiably disposable. As such, the paper argues that the imperatives of capitalist accumulation require and renew a racist colonial geographical imaginary that equates Indigenous disappearance with regional progress.

Spaces, Places, Health and Justice 2C13

Chair: Amelia Curran (Carleton)

Eric Mykhalovskiy (York), Colin Hastings (York), Chris Sanders (Lakehead), Laura Bisaillon (Toronto), HIV Criminalization and the Media: The Discursive Construction of Racialized, Immigrant Defendants in Canada

In Canada, concerns have been raised that media reporting of HIV non-disclosure criminal cases is sensationalist, fuels racist stereotypes that link Black men with criminality, exaggerates the risk of HIV transmission, and contributes to public fears about racialized immigrants living with HIV. Despite the prominence of these concerns in political and research discourses about HIV criminalization, until this time there has been no comprehensive analysis of Canadian media coverage of such cases. This paper responds to this gap in knowledge. This study aimed to provide: 1) a stable empirical foundation for settling claims about the potential overrepresentation of racialized defendants in mainstream media coverage of HIV criminal non-disclosure cases; 2) a rigorous analysis of key strategies of representation used to frame media coverage of HIV criminalization. To meet these objectives we systematically searched the Factiva database for newspaper coverage of Canadian HIV non-disclosure criminal cases from 1989 to 2015 and identified a corpus of 1744 articles. The paper reports quantitative findings that support claims about overrepresentation. For example, racialized immigrants represent 22% of known Canadian defendants but are the focus of over 60% of the articles in our corpus. Our qualitative analysis identifies three discursive strategies that constitute Black

immigrant men as idealized perpetrators of HIV-related sex crimes: telling stories in criminal justice time; constituting hypersexual, amoral subjects; and representing the men as non-Canadian, "African others." Our study confirms community concerns that racialized immigrants are overrepresented in media coverage and identifies problematic forms of representation to be critiqued and remade.

D. Scharie Tavcer (Mount Royal), Criminalization of non-disclosure of HIV/AIDS: A chronological review of Canadian case law the progression of medical knowledge and advancements in treatment

This article presents the legal consequences in cases where one person did not (for whatever reason) disclosure his/her human immunodeficiency virus (HIV) or acquired immunodeficiency (AIDS) status to another person before engaging in sexual relations with that person. HIV/AIDS advocates continually described such laws as stigmatizing. It wasn't until the Supreme Court of Canada's 2012 decision of R v. Mabior, that a definite turn was made wherein the law matched current medical knowledge. The chronology of cases outlined in this article begins with those prosecuted under the nuisance offences then to cases that used the basis for conviction to be concealment of, or the failure to disclosure one's HIVpositive status constituted fraud (thereby vitiating consent to sexual intercourse). In the seminal case of R v Cuerrier [1989], the Supreme Court (SCC) held, at para 124, that the essential element of fraud, (1) dishonesty and (2) deprivation or risk of deprivation, is required for the Crown to establish that consent to sexual relations was displaced by fraud. Span ahead to 2012 when the SCC in R v Mabior declared that disclosure of HIV-positive status is not always required; only where there is a realistic possibility of HIV transmission is disclosure of HIV-positive status obligatory (Mabior, at paras. 66, 67, 91 cited in R v Felix [2013 ONCA 415]. This article offers a summary of each case to demonstrate the parity or disparity with medical knowledge at the time. An overall trend from 1987 to 2014 is provided as well as a variance of individuals, charges and outcomes across the provinces.

Lisa Wright (Carleton), Normalized Pathology and Excluded Others: Legal, Spatial, and Temporal Subjects of Harm Reduction

Interrogating governance practices demarcated as harm reduction, O'Malley (1999) outlines a transition from the moralized "drug addict" to the normalized "drug user" as the subject of government (p. 196). In this paper, I further investigate how this normalized subject is produced and othered through governing practices regarded as harm reduction. A variety of legal, regulatory, and normative governing practices that are legally, spatially, and temporally bound are justified through the discourse of harm reduction. Based on fieldwork conducted in Ottawa over one year at a socio-medical drop-in program, I argue that subjectivities are not static; rather the governance of subjectivities through harm reduction is legally, spatially, and temporally based. I demonstrate that harm reduction aims to include particular subjectivities within its legal, spatial, and temporal boundaries through the normalization of pathology. Placed within harm reduction, the normalization of the pathologized subjectivity is not totalizing. Rather, harm reduction relies upon the exclusion of other subjects of government both within its legal, spatial, and temporal relationships and outside of them. Othering is produced through the dissipation of the normalized subjectivity as subjects move through, negotiate, and resist the governing practices of harm reduction.

Diana Young (Carleton), Assisted Suicide: Technologies and Images of Dignity

In certain contexts legal rules are heavily associated with juridical power, in that they are largely concerned with prohibition (many aspects of criminal law) and articulating individual rights as a means of resisting

excessive use of the state's power to repress through coercion. As a practical matter however, it is frequently difficult to dissociate the concept of individual rights associated with the juridical and forms of governmental power, as the latter often gives content to the former. Some theorists, such as Judith Butler and Ben Golder, suggest that Foucaultian approaches to subjectivity and governmental power might give rise to a new conception of rights that avoids the essentializing tendencies of the juridical. In this paper I will consider the various ways in which the concept of "dignity" is deployed by judges, advocacy groups, and popular media, in contemporary debates concerning assisted suicide. Though associated with what are considered basic rights of security and autonomy, "dignity" turns out to be a conceptual site of contestation between norms that are thought to constitute the subject. These contests often evoke images that suggest instability in our relationship to technologies, biopower and the disciplines. Does the encounter with death in the assisted suicide debates and the instabilities it generates suggest possibilities, as Golder suggests, for the subject to remake its relationship to itself?

*Monday Evening 6:00 PM to 6:45 - Wine and cheese reception (Convocation Hall)

7:00-8:00 PM – Featured Plenary

Introduction: Richard Jochelson (Winnipeg)

Mark Weber (DePaul): Disability, Space and Law: Canada and the United States Compared
This presentation will consider disability-related exclusions from immigration to Canada and the United States. North American law long excluded many classes of immigrants, including those with intellectual disabilities, mental illness, and physical impairments. Both countries recently abolished most exclusions for specific disabilities. Though exclusions for individuals likely to draw excessive public resources or become public charges still exist in Canada and the United States, the U.S. has permitted legalization for severely disabled undocumented immigrants, and has liberalized naturalization requirements. Nevertheless, under U.S. law, vast discretion remains in applying the public charge exclusion. Moreover, conduct related to mental disability, including petty criminality, can result in removal. In Canada, families who have children with disabilities find themselves excluded from legal status because of supposed excessive demands on public resources. The easing of some exclusions in Canada and the U.S. and of U.S. citizenship requirements illustrates a significant, though incomplete, removal of barriers to disability equality in North America.

*Coffee 2M74

9:00-10:00 AM – Paper Sessions – 2 PANELS

Gendered and Sexualized Spaces: Work, Abuse and Identity 2M67

Chair: Bryan Hogeveen (Alberta)

Ummu Ibraham (Ghana), Punishable and non – punishable child sexual abuse in Ghana

Nations across the globe are obligated to protect children from all forms of abuse including sexual. Irrespective of this, child sexual abuse continues to be on the rise in developing countries such as Ghana due to cultural reasons. As a result, the programs, policies and interventions put in place to curb the phenomenon of child sexual abuse globally can only be effective if they are relevant to the social and cultural setting within which it happens. This is an exploratory study that sought to investigate sexual behaviours between adults and children which are considered punishable and non-punishable by the Ga Community in Ghana. It uncovers how victims and perpetrators of child sexual abuse are perceived based on acceptable sexual behaviours. The study uses qualitative research methods to collect data from community members via six focus group discussions in the Greater Accra Region of Ghana. The findings showed that transactional, consensual (Joleying), non-penetrative sexual activities and sexual activities with children where perpetrators showed interest in marrying their victims did not attract any form of punishment from community members. However, sexual activities between persons of the same sex, sexual abuse that affected a child's health and forced sexual intercourse with a child were regarded as punishable offences by the Ga people in Ghana. The 'normality' and 'abnormality' of child sexual abuse in Ghana determines which form of sexual behaviours between adults and children are punishable or not. This is relevant as it would aid in cultural appropriate interventions in curbing the phenomenon of child sexual abuse in Ghana.

Brittany Pearson (Simon Fraser), Are girls "real gang members"?

The study of criminal activity has historically revolved around the study of deviant males. When the topic of gang activity is discussed in academic and practitioner circles, there is almost always the underlying assumption that the speaker is referring to activities related to the male segment of society. Society creates an illusion that only men are truly deviant and therefore only the male population can commit organized and violent acts on a structural level. The reality is that society has operated under the "the delinquent is a rogue male" assumption for centuries as described by Albert Cohen who spent many years focusing his research on gang delinquency (Cohen, 1955, p. 140). The majority of research to date has been conducted on males in relation to gang involvement, compiling a substantial amount of literature on topics related to male youth and gang participation. Consequently, there is significantly less information researched and analyzed in regards to women who participate in gangs and gang related activity. The idea of the female gangster is often limited to the "girlfriend" or the "prostitute" within the gang circle while common assumption of women's involvement in gangs is limited to secondary relationships in which they are not active participants but passive objects. The reality is that women are not "real gang members" as they do not function as critical power players in the gang world. We will explore why females actively seek out gang membership and the entry points and mechanisms in which they join gangs. Furthermore, we analyze the common role of women within the gang structure and

how other gang members evaluate their utility. Lastly, we explore whether women routinely hold senior positions in gangs and how their status compares to their male counterparts.

Marcus Sibley (Carleton), Embodying Risk, Negotiating Vulnerability: Affective Identity Politics and Shifting Subjectivities in Sex Work Regulation

The recent changes in Canadian sex work legislation have brought significant attention to the issues of decriminalization. With the implementation of Bill C-36 (Protection of Communities and Exploited Persons Act)—the legislative response to the 2013 Bedford decision—the state has re-criminalized sex work through the affective narrative of protecting vulnerable and exploited sex workers. Shifting the attention of the criminal justice system away from those who sell sex to those who purchase sex creates a dynamic that reconstitutes sex workers as vulnerable subjects. At the same time, sex work advocates have maintained a subject position willing to download responsibility and risk onto their own subjectivities, a move that challenges the inherently violent characteristics of the sex trade while simultaneously playing into neoliberal discourses of risk management and self-governance. Using data collected from the 2013 Bedford decision and Bill C-36 House of Commons and Senate hearings, I explore the ways risk and affect serve to reorient our understanding of the risky sex worker subject from that of a societal nuisance to a vulnerable victim or legitimate worker—positions which ultimately reify the grievability of sex workers' lives. In doing so, I argue for a more fluid understanding of sex worker subjectivities, one which considers the legal and criminal justice system as places where both sex work advocates and abolitionists (re)appropriate ideas of risk and vulnerability in ways that attempt to achieve de/criminalization.

Digital Spaces and Places of Justice 2M70

Chair: Garrett Lecoq (Carleton)

Claudio Colaguori (York), E courtroom functions as a space of injustice by examining how the adversarial system in criminal trials relates to wrongful convictions

This paper examines how the courtroom functions as a space of injustice by examining how the adversarial system in criminal trials relates to wrongful convictions. The case of William Mullins-Johnson, a Canadian aboriginal man who spent 12 years incarcerated for a crime that never took place serves as the example for how adversarial legal contests are often vexed by the classical philosophical principle of "agonism" a principle that equates victory with truth and justice. In addition to discussing the conventional administrative and procedural problems inherent in adversarial trials the analysis suggests that the theory of agonism, which is prefigured in Foucault's under-explored theory of power as a "clash between forces," can make a meaningful contribution to understanding how the battle mentality inherent in adversarial trials contributes to wrongful convictions. The "agon" is literally the space of conflict and the site of adversarial engagement where winner and loser are produced. Agonism is a virtue from classical Greek philosophy based on fair play between adversaries, yet it can be used to examine how rule-breaking occurs to the gross disadvantage of accused persons who are members of marginalized groups and, in doing so, reproduces horrific forms of systemic discrimination. In criminal trials in which there is an imbalance of power between opponents, the desire for legal victory over factual truth often outweigh the ideals of fair play and due process procedures, resulting in miscarriages of justice and destroyed lives.

Ryan Coulling (Carleton), #BlueLivesMatter: Policing Emotions in Digital Spaces

According to the Blue Lives Matter Facebook page, the group "originated from the incident in Ferguson, Missouri." Blue Lives Matter, then, is a direct response to Black Lives Matter activism, particularly that which culminated after the Michael Brown shooting. This paper suggests understanding the Blue Lives Matter movement through the lens of a Deleuzian affect, which is to say the variation that transpires when individual or collective bodies come into contact or collide, and Ahmed's cultural politics of emotion. Looking at this project within the digital spaces of social media, I offer a close reading of digital texts (i.e. Facebook posts, Tweets), discussing how these perform and circulate different emotions, delineate the surface of different bodies (i.e. police, criminals, and Others), stick signs to these bodies to create objects of feelings, and generate effects. Using this affect-emotion frame, I argue that Blue Lives Matter is an emotional project as much as it is a rational response. Finally, I argue that incorporating emotion into research of justice, crime, and policing allows researchers to see subjects as more than rational actors while advancing broader theoretical inquiries.

Marilyn Terzic (Université du Québec à Montréal), Lights, camera, syndi-court justice: The art of constructing legal consciousness

Television can have an impact on both the formation and organization of viewers' concepts. Therefore, the more viewers can be engaged to think about the auditory and visual elements presented in a series, the more likely they are to experience changes in knowledge, attitudes, and behavior. To that end, this research examines the ways in which producers of syndi-court shows have manipulated the information search and processing faculties of their audiences and thus their understanding of the law and the legal system. Specifically, it details how the production techniques and message design strategies used in these courtroom spectacles have shaped viewers' perceptions of the litigants, judges, and proceedings and influenced the ways in which they process "legal" information.

10:10 AM – 11:00 AM – Featured Plenary (Room 2M70)

Elaine Craig (Dalhousie): The Sexual Assault Trial as a Space of Ritualized Hierarchy

Introduction: Kelly Gorkoff (Winnipeg)

Who speaks and with what authority, what evidence is introduced, and how it is presented, is informed not only by the substantive law and the rules of evidence but also by the rituals of the trial. It is from this legal process as a whole that a judge or jury determines the (legal) 'truth' about a woman's allegation of rape. A sexual assault complainant's capacity to be believed in court, to share in the production of meaning about an incidence of what she alleges was unwanted sexual contact, requires her to play a part in certain rituals of the trial. Many of these rituals are hierarchical, requiring complainants to perform subordinate roles that mirror the gender, race, and socio-economic status based societal hierarchies in which the problem of sexual violence is rooted. Relying on the work of Robert Cover and work on ritual for its conceptual framework, this article pursues two objectives. First, it attempts to depict, through the use of trial transcripts, the brutality of the process faced by sexual assault complainants. Second, it exposes some of the institutionalized practices (including courtroom aesthetic) that contribute to the sexual assault trial as a space of ritualized hierarchy.

Spaces and Places of Sexual Oppressions 2M70

Chair: Pauline Greenhill (Winnipeg)

Amanda Nelund (McEwan), Hey – you dropped your smile: An auto-ethnography of feminist teaching

This paper is an auto-ethnography of teaching and confronting rape culture as a female, feminist professor. The paper recounts 2 encounters with undergraduate students around rape culture. In the first a student catcalls me at the beginning of class. In the second male students contribute to a discussion of sexual assault by focusing on false accusations and the protection of women by their fathers and brothers. Analyzing my own responses to these 2 classroom moments I examine issues of authority, student led learning, and manifestations of rape culture. I grapple with how to maintain a commitment to feminist pedagogy while teaching sexual assault.

Diane Crocker (St. Mary's), Regulating Rape culture

Despite the proliferation of programs and policies, reports of sexual violence and manifestations of "rape culture" continue to take place on campuses across North America. In this presentation I will argue that our approach to regulating rape culture has been misplaced because we have failed to understand the complexity of the problem and continue to erroneously assume that culture change can occur through the application of "best practices" and "evidence-based" programs. I will present stories from university students to illustrate the gap between how we have responded and what actually needs to be done.

Joanne Minaker (McEwan), Deconstructing Mattress Girl: Campus Rape Hoax and other tropes on sexual violence in and outside the university

This paper explores the political context and cultural milieu in which sexual assault and rape culture persists in the post-secondary educational landscape of North America. From Columbia University in New York to MacEwan University in Edmonton, experiences of gender-based violence, legal and institutional responses to sexual misconduct, and policy reforms are theoretical, practical, and pressing issues. I take the U.S. case of Emma Sulkowicz – who has come to be known on-line under the demure moniker "Mattress Girl" – and the broader implications of "rape culture" and sexual violence among University students as an occasion to problematize how we "do pedagogy on uncomfortable subjects" in ways that simultaneously expose harm and victimization, offer opportunities for students to develop their own critical knowledge claims and/or social engagement strategies and challenge social injustices. I share my own experiences as a feminist scholar working with (and at times against) students to deconstruct misleading tropes on sexual violence.

Mandi Gray (York) and Laura Pin (York), We need more lighting and more security staff": Rape Myths, Carceral Feminism and Campus Sexual Assault

Sexual assault on college and university campuses has been an issue discussed by feminist and student activists for decades. However, its occurrence on campus has recently received significant attention from the

media, provincial governments and student activists across Canada. As a result, Canadian campus administrations have invested significant economic resources into educational campaigns and workshops, safety audits, the creation of sexual assault educator positions, changes to the environmental design of the campus and hiring additional security personnel. Nonetheless, research conducted by the author at a large Canadian university shows that undergraduate student knowledge about sexual assault remains entrenched in rape myths perpetuating the belief that sexual assault occurs with the use of physical force and is committed by a stranger Drawing on ethnographic methods and survey research, and utilizing a critical anti-carceral feminist perspective, this paper will examine how rape myths allow for the sexual assault industry to flourish and further perpetuate carceral politics on campus resulting in an increase of surveillance and policing under the guise of sexual assault prevention on campus.

Space, Place, Poverty and Fear 2M67

Chair: Marc Vachon (Winnipeg)

Emma Bonnemaison (Winnipeg), Safety, Spatial Justice, and the Inner City: Photovoice in North Point Douglas

In Winnipeg, the majority of reported sexual violence takes place in the downtown core an area where there is a significant concentration of ethically diverse yet highly racialized communities (Masuda et al. 2012; Comack & Silver 2008). There is a strong need to understand how on-going risks of violence towards women in public spaces contribute to women's perceptions of fear and how these perceptions, based on lived realities, affect women's mobility and daily practices in the city. This paper will examine women's perceptions of sexual violence and human security in the city core. I develop a photovoice project with women who frequent the North Point Douglas Women's Centre to create a platform for participants to raise safety concerns and to actively participate in mapping unsafe space in the city. I combine emerging analytical frameworks on feminist geography (Massey 1993), spatial justice (Soja 2010; Harvey 2010) and feminist intersectionality (Razack 2000; hooks 2000; Monture 2007) to interrogate the production of unsafe spaces in Winnipeg's city core, to highlight reasons why sexual violence is more prevalent within these zones, and to track recent social justice campaigns working towards the prevention and elimination of sexual violence in public spaces. Most importantly, my research will investigate women's perceptions of fear towards sexual violence in the urban landscape and how fear affects mobility and access and use of public space. I work with spatial justice and feminist critical race literatures to demonstrate the interlocking power dynamics and spatial configurations of sexual violence.

Gina Sylvestre (Winnipeg) and Nora Cristall (Manitoba), Aging in Winnipeg's North End: Spaces of Poverty and Exclusion

Places characterized by impoverishment and exclusionary processes create particular vulnerability for older adults facing declining health and functional status. Despite the complex needs of seniors living in disadvantaged neighbourhoods, exploration of the nature of poverty has remained underexplored. Using the lens of environmental justice offers an opportunity to enrich conceptual understanding of the linkages between residential milieu and the wellbeing of marginalized seniors, as well as an enhanced discourse on policy and design strategies to create environments that are physically and socially inclusive. This presentation considers a research project in the North End of Winnipeg that examines the experiences of older adults aging in an environment of poverty and inequality deeply entrenched in this inner city renowned for crime, violence, and gang activity. The aging population is virtually invisible in a policy landscape that equates renewal measures

with youth and families. The research offers an alternative approach through a broader conceptualization of the life space of an older person proposing a more nuanced understanding of the multi-dimensional phenomenon of social exclusion. A framework is proposed based on consultations with both key informants and older adults in Winnipeg's renowned North End. The domains proposed highlight the experiences of exclusion related to mobility, food security, material resources, and informal and formal community resources, in addition to the milieu of familial and cultural relations. Overall, the goal of this research is to identify the contextual elements and mechanisms in the neighbourhood that influence the experience of environmental and social injustice for older adults.

Derek Chadee (West Indies-St. Augustine), Afraid for Close Others: Risk and General Fear Sensitivity

The fear of crime literature distinguishes between personal fear and altruistic fear (Snedker, 2006; Warr, 2000). This study assesses the relationship among altruistic fear of crime (that is, concern of close others being a victim of crime) and perceived victimization, pragmatic fear and sense of community. Data are from the 2015 Crime Victimization and Fear of Crime Survey conducted by the ANSA McAL Psychological Research Centre, University of the West Indies, Trinidad. A sample of 603 respondents were selected from private households in a Caribbean country utilizing a multi-stage cluster. Of this sample 53% (319) were females, the mean age was 46.83 (SD=17.05) and participants ranged from 18 years to 91 years. Measures on the following were utilized: altruistic fear, risk of victimization (Ferraro (1995), incivility, community safety (ONS), general fear (additions to Chadee & Ng, 2013) and safety precautions (Williams, McShane & Akers, 2000) Results from AMOS SEM suggest that risk of victimization and pragmatic fear were the better predictors of altruistic fear and sense of community safety, incivility and abstract fear had the greatest indirect effect on altruistic fear. Findings are discussed in the context of psychological literature on fear of crime and community and policy implications analyzed. This study is funded by a Research Development Impact (RDI) Funded Grant.

Erin Dej (Ottawa), Parsing out the redeemable/irredeemable typologies: Managing exclusion in the homeless community

The homeless industry administers a variety of disciplinary techniques to manage homeless men and women. Some of these are coercive and rely on overt social control methods used by the mental health and criminal justice systems. Many more, however, are nebulous and are built into the systems and institutions used by the homeless to encourage them to manage themselves. Borrowing from Rose's (1999, 2000) conceptualization of governing through freedom and Cruikshank's (1999) work on empowerment, this research uncovers the ways that some homeless men and women attempt to assert their autonomy and actively work to position themselves as included within an otherwise exclusionary environment. I argue that some homeless individuals use mental health resources as tools to assert their autonomy because it highlights their ability to engage in self-surveillance and work on their project of the self. While many individuals are filled with tremendous hope that by acting out the role of the responsible mental health consumer they can become included members of society, in reality most homeless individuals find that by accepting the pathologization and individualization of social problems they are positioned as permanently redeemable but never fully redeemed. We also have to consider the fate of those who cannot or will not play the homeless mental health consumer role and who are cast as irredeemable and who are most vulnerable to criminalization.

*12:30 PM-1:30 PM Lunch (Room 2M74)

1:30-2:20 PM – Featured Plenary (Room 2M70)

Nicholas Blomley (Simon Fraser) Doing justice to space: legal geographies, rights, and power

Introduction: Steven Kohm (Winnipeg)

Space (or more accurately, social space) is integral to law in general, including justice. Rights, as an instrument for the realization of justice, produce, invoke, mobilize, act upon, and differentiate space in multiple, complicated ways. Spatial representations and practices also constitute rights -- for example, through claims of spatial universality. Yet there is a danger in ignoring or undervaluing the work that space does, in part, perhaps, because of a prevalent, modernist view that treats space as a disinterested or inert surface upon which livelier forces work. Not only does this limit our analyses of law and justice, but also it may obscure some of the injustice that space can generate. Drawing upon work with Marie-Eve Sylvestre and Céline Bellot on the use of area restrictions in conditional orders imposed in the context of criminal proceedings involving marginalized groups of people in Canadian courts, I trace the work of space, and its complex and worrisome relationship to justice.

2:30 PM-3:30 PM – Paper Sessions – 3 PANELS

Critical Spaces and Places in Corrections 2M70

Chair: Bryan Hogeveen (Alberta)

Taylor Richtick (Winnipeg), A critical criminological case study of the recent Ashley Smith tragedy

On October 19th, 2007 a young woman's life was lost in a Canadian federal correctional facility. After spending nearly a year in various federal institutions and in solitary confinement, 19 year-old Ashley Smith ended her life by tying a ligature around her neck, which resulted in cutting off airflow to her brain. Correctional staff watched for fifteen minutes and failed to immediately intervene. A critical criminological case study of the recent Ashley Smith tragedy, will demonstrate that the intersectionality of social factors such as age, gender and class can contribute to an individual's mistreatment within a correctional setting; mental health is a pressing issue and is prevalent among inmates, signaling a dire need to provide effective intervention and services within our prisons; solitary confinement is correlated to deteriorating mental health; and lastly, there should be the creation of a "young adult" criminal justice system. The events that occurred to young Ashley Smith were a huge injustice by the Canadian criminal justice system, and more specifically by the Correctional Service of Canada. Sadly, Ashley Smith is just one example of what is occurring behind closed doors in our justice system. An analysis of the Ashley Smith case is needed to effectively expose injustices that are occurring to individuals within the Canadian criminal justice system. Without this research, the Canadian criminal justice system will continue to provide an inhumane and unjust environment for individuals within their care.

Aaron Doyle (Carleton) and Laura Mckendry, Risk Management and the Remand Population Explosion in Ontario

We examine the processes that have led to the tripling of the pretrial population in Canadian provincial jails and remand centres while the sentenced population has been shrinking, and the shift towards a majority of

people in provincial correctional institutions now being people on remand denied bail, and possible links between this and the use of risk assessment tools in the bail process such as the Service Planning Instrument Pre-Screen; more broadly, we consider the role of a culture of risk aversion influencing the process (Webster, Doob and Myers 2014) so that those on bail are "set up to fail" (Canadian Civil Liberties Association 2014) resulting in the pre-trial incarceration of large numbers of often-marginalized people on minor administrative breaches, in conditions of extreme overcrowding. This empirical case leads us to reconsider and reevaluate theories of risk and criminal justice (eg Feeley and Simon 1992, O'Malley 2010), suggesting they focus overly on the purported rational and technical efficiency of risk management measures ostensibly designed to scientifically reduce risk and harm but in practice creating more risk and harm.

Claire Friesen (Professional Artist, Winnipeg), Othello in Stony Mountain

TBA

Artistic Spaces: Art as Justice Critique 2M74 & 2M72

Chair: Rowan Crowe (Winnipeg)

Kevin Walby (Winnipeg), Cyclonic Capitalist Development in Nitro, West Virginia and Uranium City, Saskatchewan: Reflections on a (Counter-)Visual Ethnography of Sacrifice Zones

We have conducted observations and interviews at decommissioned industrial sites (conceptualized here as sacrifice zones). We have also taken photographs and videos at each site, including Nitro, West Virginia and Uranium City, Saskatchewan, which we examine here. Part of what we do in this paper is reflect on the contributions that visual methods enable us to make. We argue that there is an inherent gap in knowing involved in relying too much on the visual dimension of qualitative projects. This aspect of our argument is consistent with counter-visual ethnography, which we draw from to examine remnants of cyclonic capitalist development in these sites and the marred landscape and lives left behind. We argue there is something about place that eludes the visual, especially photography. Finally, we connect our findings to debates about social and environmental justice.

Jeanette Tossounuan (Professional Artist, Ottawa, ON), Home-The Human Kennel: Sharing the incarceration experience through art and journals

Jeannette Tossounian was incarcerated at a provincial detention centre for women in Ontario. Wrongfully convicted of the arson of her own art gallery, the jail became her 'home' for two years. She spent most of her time in maximum security and segregation for standing up for her human rights which she later won at the Ontario Human Rights Tribunal forcing the jail to rescind their sexist policy forcing women to wear bras. In her tiny cell, she sketched her jail issued items and wrote 9 books with several golf-sized pencils. Her second self-published book 'The Human Kennel' was recently released and consists of the journals that she wrote in jail which follows her through her journey into maximum security and segregation and also tells the stories of the inmates who shared her 'home.' Years later, she is still going through the Ontario Court of Appeal process fighting her wrongful conviction. To go along with her jail journals, she is exhibiting a sculptural installation piece at this conference called 'Home.' The wooden stick figures are wrapped with green cloth and yarn which represents the green institutional uniform mandatory for incarcerated women in Ontario. The cloth and yarn

also reflects skills often associated with women. However, the artwork could easily represent anyone incarcerated as the green stick figures could also represent the forest being caged as we are human beings, living creatures, trapped by concrete and metal, stifled from growth and dying.

Ben Davis (Brandon), formally unoccupied: coming in/to land

This paper discusses my current body of work - paintings, drawings, installations and video which problematize land in relation to colonization, specifically referencing Manitoba and the Dominion Land Survey. Reacting to older traditions of landscape, my work posits land as layered and contested, where different understandings, meanings, and purposes can intersect, clash, and reform. Drawing parallels with criticism levelled at the Group of Seven for its reinforcement of terra nullius - representing land as empty and uninhabited when in fact it had been occupied for centuries - I argue that the Canadian Government's promotion and marketing of land for agricultural development to European settlers as pristine, empty space at the turn of the 20th century was akin to a formalist project - (re)structuring and sectioning irrespective of historical and social context - in the service of political and economic gain. Conceptualizing both land and art as evolving text(s), I reference palimpsests to suggest the many-layered histories, authors and understandings of place and making. In researching questions of representation, authorship and mediation, particularly in relation to the tradition of landscape, I situate myself and my practice within postcolonial discourse, interrogating and understanding my process of recording, representing, interpreting, deconstructing and (re)constructing in relation to colonial acts of appropriation.

Spaces of Criminality and the Constitution 2M67

Chair: Melanie Murchison (Wisconsin-Madison)

Jenny Edwards (Chandler Edwards Research), Bestiality: How illegal should it be?

While the majority of the electorate in both the U.S. and Canada deem bestiality a criminal act, there is wide variability in how it is defined and punished. There is currently a case before before the Canadian Supreme Court that will determine whether the definition of bestiality is confined to anal penetration of an animal by a man, or whether Parliament intended a much broader definition. The U.S. struggles with similar issues, with laws either too restrictive or too broad to make enforcement practical or sentencing consistent. This presentation provides a broad overview of the depth and breadth of acts of bestiality including preliminary results of a study of 465 adjudicated cases in the U.S. over a forty-year period. This presentation is appropriate for educators and practitioners, particularly in the fields of criminal justice, social work, law and law enforcement.

James Gacek (Manitoba) and Richard Jochelson (Winnipeg), Animal Justice and Sexual (ab)use: Precautionary governance of bestiality in Canada

With the recent developments surrounding R. v. D.L.W. (2015) and the legal interpretation of 'bestiality' before the Supreme Court of Canada, animal law organizations such as Animal Justice insist that Canadians must recognize that they have an obligation to protect the most vulnerable beings in their care, and not subject them to abuse. While this notion is not disputed, it is significant to consider beyond the understanding of law as simply protecting the innocent in society. This paper demonstrates that in terms of a security inspired logic of

pre-emption (or precautionary governance), the Supreme Court could appropriate such logic into the heart of bestiality law as it did for interpreting 'obscenity' in R. v. Butler (1992) and 'indecency' in R. v. Labaye (2005). It will be argued that today, risk of harm obviates the empirical evidence of harm, and that when the Supreme Court rules on how to legally interpret 'bestiality,' there exists the possibility that consequences of the ruling could include that: (1) Canadian criminal law will be subject to incorporating animal rights into sexual (ab)use legislation; (2) animals will be legally recognized as sentient beings rather than as property; and (3) a judge's perception of the imagined risks and negative effects of sexual conduct and (ab)use will encapsulate not only children and victims but will extend further into the realm of animals.

Garret Lecoq (Carleton), Too Much Ado About Judicial Review: Mapping Out the *Charter*-interpreting Process

It is a longstanding tradition in Canada that many of our constitutional principles operate on unwritten cultural practices. One key example of this practice is how the Canadian legislative and judicial branches interpret the Constitution. Deviating from the current judicial review literature that analyzes the relationship between these two branches, I argue that neither of these branches can truly have the 'last say' regarding the Charter. Moreover, this paper illustrates out how the legislative and judicial branches of the state constitute a monumental space where the Canadian Charter of Rights and Freedoms is interpreted and links this interpreting process to the governing of populations. Analyzing the recent, yet controversial Supreme Court decisions of Bedford (2013) and PHS Community Services (2011), coupled with their legislative responses, I demonstrate how the Charter-interpreting process is directly involved in how Canada currently regulates sex work and safe injection sites.

3:45 PM-4:35 PM – Featured Plenary (Room 2M70)

Marie-Eve Sylvestre (Ottawa): The Use of Liminal Spaces, Fines and Red Zones on Marginalized Peoples

Introduction: Bronwyn Dobchuk-Land (Winnipeg)

This paper is based on extensive fieldwork conducted in multiple Canadian cities with my colleagues Céline Bellot (Université de Montréal) and Nick Blomley (Simon Fraser University) over the past ten years (2005-2014). It focuses on two different but often complementary strategies used to control marginalized groups of people who occupy public spaces in Canada: 1) the issuance of tickets or fines for their violation of municipal bylaws and of provincial statutes; and 2) the use of red zones and other geographical conditions in bail and sentencing orders. We argue that these two tactics are illustrative of important changes in Canadian law. Specifically, we demonstrate that there has been a spatial and temporal shift in the management and punishment of marginalized populations from the perspective of the criminal justice system. While Carol Steiker (1998) speaks of the preventive state as a temporal move from managing the present to managing the future, Kohler-Haussman (2014) accurately speaks of managerial justice as characteristic of a system in which people are managed over time through their engagement with the criminal justice system. Criminal law typically inflicts pain after an adjudicative process. Here, the locus of criminal law is shifting from the courtroom to bail or sentencing hearings, and to prosecutors' offices and to the streets, where police officers focus on particular neighbourhoods, typically downtown areas. Moreover, the process becomes the

punishment (Feeley, 1971): we move from the back-end to the front-end of the criminal justice system and away from the trial, focusing on the criminal procedure itself. These important shifts have significant consequences for individual rights. First, the particular setting in which tickets or court orders are issued or enforced does not create the necessary space and time to discuss their consequences on marginalized people's lives and rights. Secondly, as we avoid traditional criminalization, we often lose the full protection of procedural criminal law guarantees.

6:00 PM-10:30 PM – FACULTY CLUB – 4th Floor Wesley Hall

*Reception with food and drinks

Launch of *The Annual Review of Interdisciplinary Justice Research*. Volume 5: Visualizing Justice

Open Mic and Karaoke

*Coffee 2M74

9:00-9:50 AM – 2M70

Niigaanwewidam Sinclair (Manitoba), Jacqueline Romanow (Winnipeg): Acknowledging Indigenous Spaces and Places: Reconciliation, Respect and Limitations

Moderator: Andrew Woolford (Manitoba)

10:00-11:15 AM – Featured Plenary Panel (Room 2M70)

Gender, Identity and Space: Women in Troubled Places

Chair: Diana Young (Carleton)

Gillian Balfour (Trent), From Feeding Tubes to Thank You Notes: Documenting Resistance in Women's Prisons

This paper will explore the place of prisoner resistance as documented in official archival records of the Prison for Women (1935-1985) and the Oakalla Prison Farm for Women in B.C (1955-1975). As part of an expansive archival study of discipline and resistance inside women's prisons, I discuss the results of an examination of 50 inmate case files to illustrate the ubiquitous and exceptional practices of prisoner agency, as well as carceral power. Prison photographs, security memos, and physician assessments reveal how these women's lives were marked by embodied acts of political resistance such as arson and hunger strikes, as well as polite hand written letters to matrons and doctors. I tell the stories of "Firebugs, Junkies, and Slashers" – women whose institutional records reflect how penal authority relies upon multiple and intersecting forms of rules and regulations. I connect these prison histories with current practices of discipline, and suggest that today's legislatively proscribed prisoner grievance process as a tactic of managerial power retells the story of carceral power.

Jennifer Kilty (Ottawa), Ideal Victims and Inconsistent Offenders: Notes on the Effects of Whiteness, Gender, Space and Class on the Cultural Fixation on Karla Homolka

When a beautiful, young, and petite blonde woman went to the police to report her and her husband's involvement in the sexual assault and murder of two adolescent girls, a new cultural and media obsession with the predator hidden in plain sight was borne. Karla Homolka and Paul Bernardo have since become infamous names in Canadian criminal history, but it is Homolka alone that has maintained our cultural interest and who remains the primary target of our collective vitriol, much of it stemming from the plea bargain she received in exchange for her testimony against Bernardo. Despite the widespread public and political commentary and the ongoing media frenzy that has encircled this case for nearly twenty-five years, feminist discussions are noticeably lacking. As such, few authors have endeavoured to contextualize the violence Homolka both experienced and participated in perpetrating against others. In fact, Karla Homolka remains an enigma to most who attempt to write about her. This talk aims to unravel some of the mystery surrounding the longstanding cultural fascination with Karla Homolka by deconstructing tropes related to hegemonic femininity and

whiteness that shore up narratives about violence and 'ideal' victims and offenders to reveal how gender, race, and class cohere to produce striated levels of socio-cultural and spatial inclusion. Homolka's identity as a member of the dominant and included segment of the social body contributed to our cultural obsession with her role in this case and to her characterization as an enigmatic figure in Canadian criminal law.

Elizabeth Comack (Manitoba), "Women in Trouble" Revisited

In 1992 I conducted interviews with 24 women incarcerated at the Portage Correctional Institution (PCI). These interviews became the basis for the book Women in Trouble (Fernwood 1996), in which I explored the connections between the women's histories of abuse and their law violations as well as their prisoning experience. Much appears to have changed in the ensuing two decades. Recognition of the issue of violence against women has led to concerted efforts to respond to the problem. And women in prison are no longer deemed "too few to count" as federal and provincial correctional systems have made efforts to implement "gender responsive" programming to address the needs of incarcerated women. In the case of Manitoba in particular, the closing of the PCI and the opening of the new Women's Correctional Centre (WCC) in February 2012 appeared to mark a new era for women's imprisonment in the province. But have things really changed? Drawing on interviews conducted with 42 women housed at the WCC, I explore whether the connections between women's experiences of abuse and their law violations are still in evidence two decades later, and whether the women's prisoning experience in the "new and improved" facility marks a benefit—or just more of the same.

Kelly Hannah-Moffat (Toronto), Moving Targets: Framing rights as risks in an era of institutional protectionism

This talk focuses on recent rights violations and deaths in custody and examines the institutional responses to these incidents to explore systemic issues of accountability, institutional accessibility, and the reframing of correctional policy and prisoner's rights. It examines the subtleties of rights and accountability in punishment and concerns that can apply to a variety of public institutions. Using the specific story of Ashley Smith, it offers an analysis of how a country like Canada that sees itself as an international leader in human rights and has genuinely worked hard at integrating human rights norms into law, policy and institutional procedures, fails to ensure substantive justice consequences.

11:30 AM-12:45 AM – Paper Sessions – 2 PANELS

Place and Urban Spaces – Critical Analyses 2M70

Chair: Bronwyn Dobchuck-Land (Winnipeg)

Amelia Curran (Carleton), Territory and Turf: The Making, Maintenance, and Multiplicity of Gang Spaces

Despite territoriality being a defining feature of gangs, the boundaries and spatiality of gang territories have received limited or peripheral attention. In addition, the implicit spatial models used in gang studies are typically regional and volumetric: gang territories are predominantly framed as bounded geographical containers of crime and disorder. In contrast, this paper presents preliminary thoughts on research that asks more pointedly, what kind of spaces are gang territories? Using information gathered through a series of qualitative interviews

with people who live or work within gang territories, this paper explores the material practices that bring these spaces into being, for instance through the various technologies that change the shape and function of territories; the iterative movement of spatialised bodies over time that mark these spaces; and the defense of boundaries that are as temporal as they are spatial. Rather than as singular static spaces that are contested by various groups this work assumes that gang territories emerge in multiple ways from the generative capacities of actors.

Rhys Steckle (Carleton), The Politics of Circulation: Michel Foucault, William Harvey, and Road-Building as Statecraft

Though informed by Michel Foucault's notion of governmentality as action exercised within a milieu, this paper challenges his invocation of the circulation concept as a post-sovereigntist field of governmental power. Contemporaneous with the nascent field of mobility studies, the English language publication of Foucault's lectures on governmentality emerged at a time when issues of mobility/immobility and attendant analyses of crime and government were increasingly being oriented around issues of movement. Foucault's heavy emphasis on the importance of circulation as an autonomous milieu in which 'apparatuses of security' displace sovereign forms of power has been highly influential. However, neither mobility studies nor Foucault challenge the meaning of the term circulation itself. Movement, circulation, flux, and flow are all keywords denoting the inherent resistance of social life to forms of authoritative control. However, the conceptualization of circulation at various points in time and space goes unexamined. Through a detailed reading of William Harvey's 'discovery' of the circulation of the blood, this paper challenges the assertion of governmentality and mobility studies that circulation is a post-sovereign domain. Drawing on Harvey and through an examination of road-building as a form of statecraft, this paper argues that the domain of circulation both supports and requires state infrastructure. Efforts to use circulation or the movement of people to challenge modalities of power predicated on hegemony and domination are argued to be misleading.

Laura Naegler (Kent), Anti-gentrification resistance in the post-Occupy movement in New York City

This paper is based on a critical ethnographic study I conducted with 'post-Occupy' activist groups resisting gentrification in New York City. This research utilizes an interdisciplinary, theoretical approach, including critical criminology and cultural criminology, urban sociology, cultural geography, and social movement studies. Based on this theoretical framework, it analyzes the interplay of geographical, political and cultural conditions of urban development and social movement activity, along with the political imagination of the social movements and their production of movement-specific knowledge. Here, the analysis focuses in particular on the spatio-temporal dynamics of resistance, and contributes to the integration of critical spatial understandings of resistant practices in sociology and criminology, by including, among other aspects, the role of imaginaries of space, and the creation of space through resistant cultural and social practices. The research demonstrates that resistance comes to be embodied in 'spatial' symbolic and material practices, which challenge hegemonic ideas of the use and distribution of urban space; for example through tactics of squatting, occupations, or creative interventions. They are as such inherently transgressive. However, as the research shows, due to issues of class and race in a predominantly white and middle class activist community, resistant endeavors often paradoxically reinforce the structural conditions they oppose.

Jonathan Peyton (Manitoba) and Matt Dyce (Winnipeg), We Have Vegetables. We also have Taxidermy. Imperial Geographies of Vancouver's Restaurant Frontier

Vancouver's 'revitalization' has been characterized by the remarkable influx of condominiums and their service trappings. We argue that some of these establishments code Vancouver's complex racial and colonial past as a benevolent remembrance of things past. Mamie Taylor's in Chinatown references not only the matronly slaves who cared for children, but also the historic African-Canadian community of Hogan's Alley cleared in the 1960s to build a freeway. Colony on Main and The Imperial sanitize the city's recent colonial past, The Mackenzie Room casually volunteers multiple inadvertent references to the uprooting of Japanese Canadians during WWII from its location in the heart of "Japantown", while Sai Woo, the Rickshaw and others mobilize Chinatown's hybrid identities. We draw from Stoler's notion of "imperial debris" and the historical notion of the frontier to argue that these places are literally the detritus of empire revitalized as the material markings of nostalgia. We show how these businesses co-opt dispossessed peoples and space for the purposes of revitalization. Though ostensibly benign, we suggest that these gentrification encounters herald a new mode of ahistorical forgetting, a colonial amnesia that codes the race and class histories of Vancouver as quaint, arcane and of-the-past. We question this historical exchange rate to ask how we have arrived at a point where colonial history, the material history of dispossession, has become a marker of authenticity? And how this new vision of Vancouver's history, purged of its violence and menace, adds economic and epistemological weight to the 'revitalization' project erasing the city's historical and contemporary geographies.

Oppression and Place: The Spaces of Resistance and Exclusion 2M73

Chair: Vicki Chartrand (Bishop's)

Valentina Capurri (Ryerson), Armed Resistance: Not a Crime But A Right

In this presentation, I raise the question of whether forms of armed resistance to oppression are crimes as mainstream discourse seems to imply or have instead legal legitimacy and are part of an historical tradition. Focusing on African-Americans' resistance to oppression from the late 1950s to the early 1970s and Palestinians' resistance in the Gaza Strip during the summer of 2014, I argue that armed struggle should indeed be considered a legitimate expression of resistance whose goal is to counteract the violence of the oppressor, a violence that is seldom questioned in mainstream discourse. In particular, I question why the resistance of the oppressed is only accepted as valid when it is manifested nonviolently. I question "who" is permitted to use violence, in what contexts and spaces, and to protect whose interests. I argue that, despite the rhetoric around the equality of all human beings, there is a system at play that automatically assesses some individuals as possessing more rights than others based on race. White violence is seldom questioned, while the racialized "others" are considered potential threats whose cause can only be embraced when appealing to the principles of nonviolence. I use the term 'armed resistance' to indicate, "individual and collective use of force for protection, protest, or other goals of insurgent political action and in defense of human rights. Armed resistance includes armed self-defense, retaliatory violence, spontaneous rebellion, guerilla warfare, armed vigilance/enforcement, and armed struggle" (Umoja 2013: 7).

Devin Clancy (York), Policing Settler Colonialism: An analysis of policing Indigenous land reclamations from Ipperwash to Caledonia

In this paper I highlight how the Canadian nation-state is implicated in processes of dispossessing Indigenous peoples and nations for the benefit of the settler population and their interests in the expropriation of

Indigenous lands and resources. Indigenous peoples have continuously resisted these colonial processes and have engaged in multiple strategies of resistance, one of which being the material reclamation of Indigenous territory. However, the act of reclamation is often criminalized and met with police violence. It is imperative, then, to analyze processes of policing in conversation with settler colonialism as both mutually reinforce each other in the maintenance of settler colonial social order and the reproduction of capitalist social relations. I analyze the policing of settler colonialism through two specific land reclamations, Ipperwash (1995) and Caledonia (2006), and the Ipperwash Inquiry (2003-2007) that links them together. While the two cases are often contrasted, Ipperwash being a case of 'escalated force' and Caledonia a progressive example of 'measured response,' I argue that this dichotomy disguises the continuous and underlying function of the police: the fabrication and maintenance of settler colonial social order. Although police operations may have shifted in response to public outcry over the death of Dudley George in 1995 and in the face of the Ipperwash Inquiry, the case of Caledonia shows that the police remain deeply wedded to the goal of reproducing order and eliminating (or regulating) Indigenous resistance to settler colonial dispossession.

Vanessa Iafolla (Alberta), "This branch isn't like other branches": Money Laundering and Terrorist Financing Detection across the City

This research examines the application of the Proceeds of Crime (Money Laundering) and Terrorist Financing Act in branches across the City of Toronto. Under the legislation, individuals in banking must examine all transactions for money laundering or terrorist financing in light of the best practices of their industry and their knowledge of client activity. This suggests that reporting should be uniform across the bank. However, while bound by the policies of the same financial institution, conventional wisdom holds that the particularities of the local client base interact with the legal and institutional wisdom that informs the process of reporting suspicious financial transactions. My findings suggest that contingencies of place—the socioeconomic status of the neighbourhood in which the branch is located, its geographic location in the city, its relationship to other branches in the network—influence the reporting process in ways not foreseen by the financial institution or legislators. Employee understandings of place inform their suspicions and influence decisions about the legitimacy of a customer's transaction in light of what branch employees understand to be normative. What is unusual at one branch may not be so at another. In the words of one teller: "it's a fact of life, it's a fact of this branch compared to other branches. This branch isn't like other branches." The location of a branch, its clientele, and its interactions with other branches in the network can have unforeseen impacts on the reporting process, leading to an unequal deployment of suspicion across the city.

*12:45-1:30 PM – Lunch (Room 2M74)

1:30 PM-2:30 PM – Paper Sessions – 2 PANELS

Legal Displacements: Socio-legal Spaces of Exclusion/Collusion 2M73

Chair: Elizabeth Comack (Manitoba)

Amar Khoday (Manitoba), Re-Thinking Article 1F(a) and the Exclusion of Imperfect Soldiers

Soldiers are instrumental in the prosecution of armed conflicts. However, they are also ordered at times to commit serious international crimes. While some refuse to obey orders and desert as forms of resistance, this

may only transpire after initially committing such crimes. Deserters typically face punishment for their conduct and seek political asylum in another state. Article 1F(a) of the 1951 Refugee Convention mandates that its provisions shall not apply to anyone who commits crimes against peace, war crimes and crimes against humanity. These terms suggest an unforgiving standard that fails to account for mitigating circumstances surrounding the commission of such crimes. Rather than a mandatory exclusion, contracting states should retain the discretion to grant refugee status. This change may be effected through a protocol amending article 1F(a). The paper discusses several reasons justifying such change. First, the paper will examine the history and context of article 1F(a). Second, it will explore the mandatory nature of the language of the provision and its potential impact on soldiers. Third, drawing from Hathaway, it will examine utilitarian reasons for not automatically excluding deserters who have committed article 1F(a) crimes. Fourth, given the quasi-criminal nature of the proceedings, the paper will argue that because of the harsh nature of deportations and the potential for persecution, states should be able to weigh mitigating circumstances against aggravating factors. The fifth and lastly, where a mitigating circumstance includes evidence of duress this should provide an even more compelling reason that a mandatory exclusion is unwarranted.

Sandra Le Halle (Ottawa), From detention to security certificates: State's practices of moral differentiation and exclusion of migrants

State's practices of detention epitomize strategies of social and spatial differentiation but, more pointedly, strategies of moral differentiation. Detention, which ever form it takes – from the internment camps during the two wars to the immigration prevention centers or the security certificates – create zones of exclusion that separate the public from those constituted as threats (or more accurately, potential threats). They tangibly contain migrants' body in an actual physical structure while simultaneously placing their personhood (self, essence) in moral limbo. In this presentation I analyse the justifications of these detentions through the concept of moral economy. I demonstrate how at the core of these justifications of national security is the production and circulation of emotions, values and moral sentiments that render legitimate the deprivation of liberty of migrants.

Lauren Menzies (Winnipeg), Precautionary Logics and Punishment of the Pre-Criminal: An Examination of Canada's Criminal Justice System and Use of Civil Forfeiture

Canadian law is intended to reflect social interests, and as social ideologies evolve, so too does legislation and crime control instruments. The ideological move from welfarist to neoliberal politics has informed the approach taken by the state in governing criminal and pre-criminal conduct. Neoliberal conceptions of risk and precautionary logics inform state governance, resulting in intervention with civil liberties through a rationale of preventing social harm and risk of harm. This can be observed through the emergence of provincial forfeiture legislation. When forfeiture legislation is considered in literature, the focus is limited to due process concerns and a critique of legal actors (Gallant, 2009; Gallant and King, 2013; Krane, 2010). However, broader implications of this shift towards legislative precaution are overlooked within Canadian literature. This paper addresses these gaps by examining the legislative creep towards precaution as an overextension of criminal law powers into the civil courts. This form of administrative crime control allows for a wider range governance by delegating power to ancillary governmental apparatuses. Utilizing Garland's understanding of governmentality within neoliberalism, provincial forfeiture legislation can also be linked to economic rationalities, allowing for state profit and further growth of powers (Garland, 1997). The implications of forfeiture legislation will be critiqued and subsequently examined through existing knowledge of codified provincial legislation as well as judicial decisions in forfeiture cases post Chatterjee versus Ontario (2009). The intention

is to supplement extant literature on legislative precaution by examining civil forfeiture as a novel instrument of state control, allowing for criminal punishment outside of criminal law.

Troubling Media and Social Science: the Spaces of Oppression and Social Regulation 2M70

Chair: Jennifer Kilty (Ottawa)

Ranju Upadhyaya (Manitoba), Ferguson: locating the movement in the mainstream media

This study focuses on protest policing of the Ferguson protest events to examine justice, place, and space. The objectives of this study were to examine the policing of the first month of Ferguson protests and to identify factors that influence how the media framed the Ferguson protests. The methodologies employed in the research were: (1) review of the literature to determine whether pacification took place in Ferguson and (2) qualitative content analysis on 75 newspaper articles reporting on Ferguson. The main findings determined through the research course were (1) pacification did occur in Ferguson, and (2) examination of themes established in the articles showed that media was influenced by the pacification of the protesters. In this paper, I will argue that pacification of the Ferguson protesters resulted in a skewed framing of the protesters in the media and further marginalized them and de-legitimizes the protest movement.

Wanda Hounslow (Manitoba), In the Name of Progress and Power: A Critical Discourse Analysis of Settler-Colonial Regulation and Discipline in Print Media

In this presentation, I provide a critical archival discourse analysis of the newspaper, The Indian Record: Oblates of Mary Immaculate, 1953 – 1968. I argue that the newspaper discursively reinforced and validated the residential schools system as a disciplinary, regulating and assimilative agent. The analysis is grounded in the work of Michel Foucault, which is used to elaborate on the intimate connection between discipline, knowledge, surveillance, discourse and power. Utilizing such a theoretical framework, I argue that print media discourses are enmeshed with social context and power relations. Thus, I conclude that settler-colonial discourses have historically been utilized to produce subjectivities that required discipline and surveillance and served to validate settler-colonial domination and genocide through nation-building and forced assimilation projects such as the residential schools system. Furthermore, I propose that continued de-colonizing efforts must include critical interrogation of the social and institutional practices that contribute to, perpetuate and reinforce settler-colonial oppression.

Peter Morin and Jesse Carlson (Brandon), Wheat City: a back to front(ier) thesis

This paper critiques the recent publication Settler (Battell Lowman and Barker 2016), instigating and troubling its reading of space, place, and indigenous knowledge. Considering Ahmed's Queer Phenomenology (2006) as an approach to the inhabitation of space, along with Rebecca Belmore's 1991 performance installation work "Ayum-ee-aawach Oomama-mowan: Speaking to Their Mother," the paper turns to tackle points of intersection between sociology, performance art, and recent dialogues concerning settler narratives and decolonization. It then investigates and intermittently endorses and explores the validity of individual experience and its links to the performance of the Canadian Nation. Through a set of interdisciplinary research methods from our respective disciplines, the authors ask questions about positions of privilege. The paper concludes by discussing strategies for interrupting white privilege and space.

2:45 PM-4:00 PM – Paper Sessions – 2 PANELS

Unjust Legal Spaces: Comparative Regulation and Injustice 2M73

Chair: Anita Grace (Carleton)

Jason Twede (North Dakota), The Transition to Public Prosecution in the Southern United States

The United States transitioned from private prosecution to public prosecution primarily in the eighteenth and nineteenth centuries. Private prosecution disadvantaged the poor as they did not have the resources to pursue prosecutions. While one might expect that public prosecution would have remedied this situation, public prosecution is also accused of disadvantaging the poor. Assuming the Marxist position that the law is designed to benefit the wealthy, there must have been some threat to the interests of the wealthy under a system of private prosecution that necessitated the transition to public prosecution. The research that exists concerning this transition focuses on northern states. My research focuses on Georgia - a southern state. It appears that slavery abolition societies' willingness and financial ability to prosecute slaveholders posed a threat to slaveholders that a system of private prosecution was not adequate to protect against. Public prosecution appears to have been initiated in Georgia – at least in part – to safeguard those slaveholder interests by taking the ability of private parties to prosecute away and vesting that authority in an appointed government official – the public prosecutor. The method of appointing public prosecutors in Georgia from its inception in the late-eighteenth century to the mid-nineteenth century appears to have been designed to create a corps of public prosecutors that were sympathetic to slaveholder interests. There is evidence to show that public prosecutors in Georgia during this time were in fact sympathetic to slaveholder interests and that they enforced the law in a way that favored slaveholders.

Rosemond Akpene Hiadzi (Ghana), Assisted Reproductive Technologies in Ghana: Socio-cultural and Legal Dimensions

Recent statistics show that Ghana's infertility rate stands at about 15% (Donkor and Sandall, 2009). However, the protonalist orientation of the Ghanaian results in negative social experiences of involuntary childlessness. Such affected members adopt various treatment-seeking strategies including assisted reproductive technologies in order to avoid the stigma associated with childlessness. Being a developing country with its associated problems of inadequate health care delivery, infertility care and treatment via the use of assisted reproductive technologies is in the hands of private hospitals and clinics. Using qualitative in-depth interview data, the study explored the legal considerations involved in infertility treatment with specific reference to the use of donor material and surrogates and other aspects of the treatment that require full disclosure and consent of clients who seek to use artificial insemination to engender childbirth. First, socio-cultural (including religious) norms, values and beliefs have been found to play a role in the acceptability of infertility treatments that are artificial in nature. At the same time, they also function as a means through which both patients and practitioners navigate their way around treatments and the successes and failures of these treatments. In addition, the existing legal regulations in the country do not cover the use of such treatments. Clients are also more anxious to solve their infertility and only raise concerns when treatments are not successful. These various nuances form the basis of this paper.

Regina Licarte (Winnipeg), The criminalization of homelessness and contemporary law and order policies – panhandling and obstructive solicitation bylaws in Winnipeg

Homelessness is a serious, ongoing problem in Canada. Although being homeless is not a crime in itself nor is there a law which explicitly criminalizes homelessness, particular behaviours are sanctioned through the enactment of anti-begging provisions in numerous cities in Canada. The present paper explores the relevant theoretical debates in the literature, as well as emerging critiques and responses which hold implications for the current analysis. In light of this, I argue that the criminalization of the poor and the homeless, as a (by)product of a prevailing law and order, neo-liberal agenda, obscures and hinders overall efforts to effective policy changes and developments which seek to address the underlying social problems of homelessness and poverty. In this paper, I engage in a discourse analysis of the by-laws in Winnipeg as well as secondary data gathered from a 2007 local report on panhandling. By examining interviews with panhandlers, study findings indicate that the local by-laws have a significant effect on panhandlers' lives, experiences, and daily interactions with the community, including the police, business organizations, and the general public. In conclusion, it is argued that panhandling by-laws are a form of contemporary law and order policy which criminalizes and stigmatizes homeless people. Despite the availability of alternative, more effective approaches, by-laws and similar legislation still persist as a key response to issues of homelessness and poverty. Within a broader context, panhandling laws are emblematic of a neoliberal, law and order agenda which emphasizes individual responsibility and notions of risk, security, and safety.

Jared Miller (Winnipeg), Judicial Bias: Sentencing of Indigenous Offenders in Canada Post *R. v. Gladue*

Indigenous peoples in Canada make up only a small fraction of the Canadian population, close to 4% overall, but overwhelmingly as offenders they compose a massive population, nearly 24% of the Canadian federal prison population (Office of the Correctional Investigator). In looking to critically analyze Indigenous overrepresentation in the Canadian criminal justice system this study look to the process of sentencing as an area of the justice system where this can be explained. This study has reviewed 50 recent cases which cite R. v. Gladue at the appellate level, specifically identifying Gladue factors, and noting what factors justices most often focus on in their sentencing decisions. Using critical legal analysis of Gladue this study further seeks to interpret potential judicial bias stemming from appellate level review of Gladue reports. Now approaching 2 decades of use, R. v. Gladue was intended to address Indigenous overrepresentation. But these reports have not adequately alleviated Indigenous overrepresentation. As such this piece argues these reports are not being utilized to their full potential, and this may be the result of what factors justices are most often referring to in their review of Gladue reports. Justices at the appellate level, in their review of Gladue reports, are ultimately disregarding certain Gladue Factors in favor of others. In turn this is ultimately disadvantageous to Indigenous offenders, we can see then that macro level historical issues often are not properly considered. In turn this ultimately defeats the purpose of the Gladue legislation, and nullifies its intended value as equity cannot be achieved through surface level review alone.

<u>Indigenous Justice: Colonial Spaces and Settler-imposed Places 2M70</u>

<u>Chair: Jane Barter (Winnipeg)</u>

Andrew Woolford (Manitoba), Decriminalizing Settler Colonialism: Entryways to Genocide Accusation and Canadian Absolution

This paper traces the criminalization of genocide and its lore of accusation through the "engaged scholarship" of Raphael Lemkin and the United Nations discussions that led to the codification of the United Nations Conventions on the Prevention and Punishment of the Crime of Genocide (1948). Through this overview, the restrictions placed on genocide accusation are noted, in particular how the drafters of the convention sought to defend their national sovereignty and protect themselves from accusation. Special attention is given to Canada's involvement in the lore-formation activities related to the creation of the UNGC, with emphasis on how Canada contributed to the marginalization of cultural modalities of group destruction from this lore and thereby sought to guarantee its own absolution for its policies of Indigenous elimination.

Vicki Chartrand (Bishop's), Unsettled Times: Tracing Colonial and Penal Logics in Canada

The high rates of incarceration of Indigenous peoples in prisons is a well-documented problem in Canada. Within the literature, this issue is often framed as the legacy of colonialism and the subsequent cultural and socio-economic deprivation experienced by Indigenous populations. Although important, these explanations do not fully capture the complex relations between colonial and penal systems into the present. For this paper, I trace some of the historical links between colonial and penal practices to reveal some of the more hidden logics between the two apparatuses that facilitate an ongoing colonial exercise over Indigenous peoples today. This research is part of a broader project to problematize current penal practices by making some of the more hidden and unexplored aspects of penality and its operations more visible.

Dianne Fay Baumann (Washington), Broken Spirit: The Role of the Catholic Church in the Deculturization of the Blackfeet Nation

This thesis examines the role of the Catholic Church, via the Holy Family Mission School (1888-1940), in the deculturization of the Blackfeet Nation. Beginning in the 1800's and continuing through the 1960's, the Bureau of Indian Affairs established Indian boarding schools under the theory that assimilation through education would accomplish the colonialist-governmental goal of "kill the Indian and save the man." Some schools were contracted to, and administered by, the Catholic Church. The Holy Family Mission School (HFMS) was established on the Blackfeet Reservation in 1888 to replace the traditional upbringing of Blackfeet children with an assimilation curriculum focused on reading/writing English and Catholic doctrine. Children were removed from their families to live year-round at the mission, with the priests and sisters usurping the role of parent. No longer were children trained by family members in the traditional ways of their people. They were prohibited from traditional dress, speaking Blackfoot, and practicing Blackfeet customs and religious beliefs. When the Church forbid students to speak their traditional language, removed them from their families, denied cultural dress, and vilified Blackfeet religion, they perpetrated horrendous acts of deculturazation. The Blackfeet Nation

experienced a significant loss of language and culture during the HFMS period, which continues to facilitate the on-going silence and erasure of the Blackfeet identity today. Through the use of historical analysis, informal interviews, indigenous authored literature, and settler-colonialism theory, this thesis documents and argues that the Catholic Church maintains culpability in the dark legacy of the Indian boarding school system.

Michelle Stewart (Regina), FASD in the Justice System: Countering the Settler-State and the Criminalization of Disabled and Racialized Peoples

This paper focuses on a central social justice issue in Canada: the over-representation of marginalized peoples in the justice system. The paper will draw from interviews with nearly 100 justice professionals about how they understand Fetal Alcohol Spectrum Disorder (FASD) as it presents itself in courts and so-called "frontline" encounters. From these interviews, and an array of applied research projects, this paper will analyze how the racialization of FASD is at once naturalized while the present settler-colonial context is effaced. In these discussions, place is central as the research took place in a prairie province in a settler-state. While FASD is said to be the result of maternal drinking, this paper draws attention to the critical contexts that must be part of a discussion about FASD in a settler-state—and yet are not. Instead, trainings about FASD are quick (and accurate) to indicate that FASD is not isolated to indigenous peoples. Yet, this paper offers police officers in Northern communities who matter-of-factly state that they treat everyone like they have FASD. These and other comments serve as stark reminders of the settler-colonial footprint and deeply troubled history between Indigenous peoples and police. Accordingly, this paper focuses on FASD when it is presenting itself in the lives of Indigenous peoples and communities. In so doing, the paper argues the settler-state continues to create the conditions upon colonial practices that fuel intergenerational trauma blended with ongoing structural violence that fill the justice and child welfare systems with disabled and racialized bodies.

4:15-5:15 (Room 2M70) Open Roundtable discussion on the future of critical criminal justice studies and criminology in Canada followed by a closed organizers meeting.