Introduction to Criminology

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A Canadian Open Education Resource

DR. SHEREEN HASSAN AND DAN LETT, MA

DR. SEAN ASHLEY; DR. JON HEIDT; DR. GAIL ANDERSON; DR. JENNIFER MERVYN; STACY ASHTON, M.A.; DR. ZACHARY ROWAN; MICHAELA MCGUIRE, M.A.; DR. ROCHELLE STEVENSON; DR. JENNIFER KUSZ; DR. TARA LYONS; DR. SHERI FABIAN; DR. STEVEN KOHM; DR. GREGORY SIMMONS; DR. MARK VARDY; DR. JORDANA K. NORGAARD; DR. BENJAMIN ROEBUCK; MICHAEL BRANDT, MA; ANTONIO ROBERT VERBORA; DR. ALANA MARIE ABRAMSON; MELISSA LEANNE ROBERTS, M.A.; KELLY GORKOFF; AND KEVIN WALBY

KWANTLEN POLYTECHNIC UNIVERSITY

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Acknowledgements

Introduction

DR. ALANA MARIE ABRAMSON; DR. SHEREEN HASSAN; AND DAN LETT, MA

This Open Education Resource (OER) project was conceived and led by a team of instructors from the Criminology Department of Kwantlen Polytechnic University (KPU), namely Shereen Hassan and Dan Lett. KPU is named after the Kwantlen First Nation, with permission from the late Grand Chief Joe Gabriel. KPU's motto, "Through tireless effort, knowledge, and understanding," derives from the word "Kwantlen," which means "tireless runner." As members of the KPU community, we respectfully acknowledge that our campuses stand in a region south of the Fraser River which overlaps with the unceded traditional and ancestral lands of the Kwantlen, Musqueam, Katzie, Semiahmoo, Tsawwassen, Qayqayt and Kwikwetlem peoples.

In the process of producing this OER, our team sought the guidance of KPU's Elder in Residence, Lekeyten of the Kwantlen First Nation. Lekeyten impressed upon us that educators have a responsibility to acknowledge and respect the geographic and historical context of our knowledge. As academics, our data are derived from the lived experiences of people who have intimate relationships with land and nature; abstract theories are the culmination of ideas, labour, and conversations, passed from lip to ear. Our role as educators is to make these connections apparent. Lekeyten reminds us that a book will never be able to communicate in the ways that Indigenous knowledge was passed down and that we need to connect to nature and the world around us in our search for *justice*.

Objectives of this OER

In our view, a *just* society is one that strives to make education as accessible as possible. Textbook costs contribute to the significant financial strain on students, who face many other challenges, including familial expectations and responsibilities, employment pressures, mental and physical health, living away from home, discrimination, and accessibility needs. Surveys of students at KPU and other universities suggest that textbook costs lead many students to avoid classes with expensive books, to take courses without purchasing the required texts, or even to drop out of their studies altogether. As instructors, we see how these challenges can impede students' progress, and how some students experience more structural barriers than others. We hope that this OER will, in a modest way, relieve some of the stress that students face and contribute to the accessibility of education.

Although this open education resource (OER) is written with the needs and abilities of first-year undergraduate criminology students in mind, it is designed to be flexible. As a whole, the OER is amply broad to serve as the main textbook for an introductory course, yet each chapter is deep enough to be useful as a supplement for subject-area courses; authors use plain

and accessible language as much as possible, but introduce more advanced, technical concepts where appropriate; the text gives due attention to the historical "canon" of mainstream criminological thought, but it also challenges many of these ideas by exploring alternative, critical, and marginalized perspectives. After all, criminology is more than just the study of crime and criminal law; it is an examination of the ways human societies construct, contest, and defend ideas about right and wrong, the meaning of justice, the purpose and power of laws, and the practical methods of responding to broken rules and of mending relationships

Criminology as a Colonized Discipline

Like the rest of the social sciences, criminology is dominated by Western scholars, literature and perspectives. This Westerncentrism of criminology means that non-Western criminological scholarship has largely been marginalised or ignored. (Moosavi, 2019, p. 229)

Education systems are intertwined with colonialism. Cote-Meek (2014) notes that Canada's longstanding history of colonialism, oppression, and racism informs the dynamics of educational spaces and is inherent in the structures that hold the academy together, shaping what is taught, how it is taught, and who teaches it (p. 63).

Much of the scholarship in criminology is indeed embedded in a European worldview based on notions of individualized blame, professionalized decision making, and punishment. According to Moosavi (2019), the Western centrism of criminology is problematic not only because it is discriminatory, but also because it unnecessarily excludes alternative accounts that may be useful for informing criminological research (p. 229). All too often, non-European individuals and groups are problematized in criminology rather than looked upon as a source of knowledge and resilience. This textbook aims to shift from this approach to highlight the resistance strategies, strengths, and cultural and traditional practices that have contributed to the survival and well-being of Indigenous peoples in Canada.

Criminology has also been a highly gendered field. Prior to the mid-1970s, almost all criminological theory was authored by *men* theorizing about crime committed by *men.* Moosvi (2019) notes that "the most frequently cited criminologists are overwhelmingly white men from the USA and the UK" (p. 230). Chesney-Lind & Chagnon (2016) contend that feminist criminologists have pushed back against this problematic legacy with some success, and theoretical traditions have emerged to reshape criminological thought regarding gender and crime (p. 314).

Inherently interdisciplinary, the study of criminology cannot be separated from considerations of gender, power, class, economics, geography, sociology, religion, psychology, and biology. This textbook helps readers understand theory beyond the Western, colonial lens to provide holistic and critical insights and applications. Authors representing many gender and cultural identities

present criminological theories of the past and present and discuss how these theories shape our understanding of and engagement with our world. In fact, a guiding principle of this OER project has been to prioritize Indigenous authorship and collaboration between Indigenous and non-Indigenous scholars, to the extent of our team's capacity. While this is not an attempt at the monumental—and necessary—task of decolonizing criminology, considerable efforts were made to connect Indigenous ways of knowing and being with criminological theory.

Each chapter begins with the author's Positionality Statement. We asked the authors of this text to carefully consider and articulate how their identity and privilege impacts their understanding of the criminology theory they were writing about. We are grateful to the authors for taking on this additional task and providing thoughtful and practical contributions to the study of criminological theory.

We now invite you, the reader, to begin or continue your own personal process of critical thinking and decolonization. As you read through the chapters of this textbook, you might ask yourself:

1. Where are your ancestors from? How has your upbringing and environment affected your views? How does knowing your history and culture inform and influence your life?
2. How is Indigenous history and contemporary culture taught in your school or community? Based on what you've learned, whose perspective is emphasized? Is the settling of Canada referred to as colonization in your school's curriculum? If not, how is it described?
3. If you live in Canada, you're living on colonized land. Do you know whose land you are living on?

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1. WHAT IS CRIME?

Dr. Sean Ashley, Capilano University

Positionality Statement

All human lives are both constrained and enabled by social context. My own family history is situated within the Maritimes of Canada. I was born in Moncton, New Brunswick, on the territory of Mi'kma'ki. My parents, Ron and Nancy Ashley, lived their entire lives in New Brunswick, close to where their ancestors had settled generations before. My maternal grandfather's ancestors migrated from Ireland to New Brunswick in 1830. My maternal grandmother's family were Acadians who arrived at Fort St. John, Acadia, in 1657. My paternal grandparents' ancestors were English Loyalists who settled in what is today southwestern New Brunswick on the territory of the Passamaquoddy and Wolastoqiyik people, after the American Revolution.

As a young man I benefited from the privilege that came from being an English speaking, white settler. I attended Mount Allison University, a school that many members of my family had previously attended. I don't recall ever making a choice to go to university; it was simply always expected given our family's social position. Despite this privilege, Atlantic Canada is a poor region, and after graduation I found it difficult to find work, so like many young people I headed west in search of economic opportunities. I enrolled in Simon Fraser University for my graduate studies, where I completed my Master of Arts and PhD. I have remained in British Columbia ever since, settling on the unceded territories of the Tsleil-Waututh, Musqueum, Stó:lō, Stz'uminus, and Qayqayt nations.

Each of us comes to criminology with our own understanding of what constitutes crime. In this chapter, you will learn how criminologists define crime and the different ways societies respond to criminal behaviour. We will first consider how crime was explained in the classical period of criminology and compare these ideas with Indigenous views of law and justice. We will also consider the tension between legalistic and social constructionist approaches to crime, and how criminological theories can be classified into consensus versus conflict-based perspectives.

The term "crime" derives from the Latin word crīmen, which means judgement or offence (OED, 2022). Many people take crime to mean a violation of criminal and codified law, but in English the term has always carried broader meanings and has never been restricted to legal codes

(Quinney & Wildeman, 1991). Early Christian writers, for example, frequently used the word crime as a synonym for sin regardless of secular laws, and English speakers commonly use the term to talk about any offense or shameful act, such committing a fashion crime (OED, 2022). While criminologists do not typically concern themselves with fashion, the types of behaviours studied can range from minor acts of deviance to serious violations of criminal law.

Criminology, the discipline that takes crime as its object of study, first emerged within Europe in the late 19th century (Boyd, 2015). Of course, people had been dealing with crime and deviance long before this time, including within Indigenous societies around the world. Criminology as an academic discipline, however, was the product of something new–the scientific revolution. Science provided a powerful tool for understanding the nature of criminal behaviour and new methods for studying crime in society. However, it also encouraged the view that the distinct ways Europeans thought about crime were universal and objective, rather than the ideas of people living in a particular place and time.

We can see the Eurocentric nature of these views in the way criminologists applied the new idea of evolution during the classical period. Early European criminologists, including the followers of Cesare Lombroso, believed crime was something rooted in our evolution, or more specifically, in the failure of criminals to develop adaptive traits like empathy and honesty (Garofalo, 1914). The Lombrosians saw crime as something abnormal–something that could be tracked down and rooted out, with the help of criminologists, of course. By identifying and eliminating enough criminals, these pioneering criminologists believed we might be able to get rid of crime altogether.

This biological approach provided a new way for thinking about crime, yet critics were quick to point out that the Lombrosians misunderstood both the roots of criminal activity (i.e., why people engage in criminalized behaviour) and its function (i.e., what crime does for society) (De Cleyre, 2020; Durkheim, 1982; Tarde, 1886). The French sociologist Émile Durkheim was one such critic (see chapter 8.1 Crime and Social Norms). He argued that crime in fact is a normal part of every society and something that can never really be eliminated (Durkheim, 1982). He also tells us that crime performs an important function for society in that it establishes the norms for what is acceptable behaviour. Durkheim recognised that all societies develop their own moral boundaries and that the resultant norms are important for both personal and social well-being.

While crime is a universal social phenomenon, what counts as crime is particular to each society. What makes something a crime for Durkheim (1933) is that it "offends certain collective feelings which are especially strong" (p. 99). Crimes are not, however, just anything that offends a person's sense of proper behaviour. Crime represents a form of deviance that calls forth a strong reaction from society; a reaction that can include a punishment or other forms of social censure.

Understanding crime in this way helps us avoid some of the mistakes people make when they think of crime as something that can be permanently eliminated from a society, like impurities from water. Such a view of crime has led to some rather horrific social experiments,

including the **eugenics** movement (see chapter 6 Biological Influences on Criminal Behaviour) which saw the sterilisation of thousands of people during the early part of the 20th century, a disproportionate number of whom were Indigenous women (Stote, 2015).

Acknowledging crime as normal is not the same as saying it is good. Nor does this view indicate why a particular person might commit a crime (e.g., it could well be the psychology of the individual). Understanding crime as normal means that what comes to be seen as crime is a product of the society in question, rather than something that resides within an individual; in that regard, it constitutes a normal part of social dynamics.

1.1 Crime in Context

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If crime is the product of a society's moral boundaries, how are we to understand crime in a complex, multicultural settler-state like Canada? Specifically, how can we understand crime in a place where significant differences exist between settler and Indigenous understandings regarding how to best respond to it?

Like everyone, my own views of crime were shaped by the society I grew up in. I was born in Mi'kmaqi, the traditional territory of the Mi'kmaw nation. My ancestors were English, French, and Irish settlers who brought with them their own systems of law and their own understanding of what counted as crime. The forceful imposition of a foreign legal system on the people of Mi'kmaqi was one of the reasons I call my ancestors settlers rather than immigrants; immigrants adapt to the Indigenous legal system of the place they relocate to, while settlers impose their own system on the colonised population (Carlson-Manathara, 2021).

Crime and law existed across what came to be known as Canada long before any Europeans migrated to its shores. It is impossible to capture in a short piece the richness and variety of Indigenous approaches to justice and law that have existed across this vast territory (Borrows, 2005), but as Monchalin (2016) tells us, some broad characteristics that can be observed, and these can be compared with some of the shared understandings observable in European criminal justice systems.

For one, Indigenous justice systems tend to be rooted in "respect, harmony, and the maintenance of balance" (Monchalin, 2016, p. 530). This does not mean they were historically soft on crime (McGuire, 2019); corporal punishment was not uncommon, and some nations imposed the death penalty. The orientation of Indigenous justice systems, however, is towards restitution rather than retribution (see chapter 17.3 The Aims of Restorative Justice), with the goal being to restore harmony rather than inflict pain on the individual offender (Hansen, 2012; Paul, 1993). Contrary to the emphasis on carceral systems that Canada uses today, no Indigenous justice system practiced incarceration as a response to crime (Monchalin, 2016).

As Harold Johnson (2019) explains:

> "The fundamental difference between how First Nations would maintain peace and good order and how Canada has administered it is that First Nations would apply principles of redemption, whereas Canada relies upon deterrence. We know that punishment as deterrence does not work to reduce criminal behaviour… Redemption, on the other hand, is focused on solving the problem and making things right again" (Johnson, 2019, p. 107).

Early European settlers were too naïve to see the methods for dealing with crime within Indigenous societies as complex justice systems, in part because they understood law as

something written down and justice as a form of vengeance enacted upon individual perpetrators.

Today, the Canadian criminal justice system recognises that restitutive practices are often better suited to dealing effectively with crime, as can be seen in the case of **restorative justice**. Nevertheless, Canada still refuses to recognise sovereign Indigenous justice systems, a right spelled out in Article 5 of the United Nations Declaration of Rights of Indigenous Peoples (United Nations, 2007)[1].

1. Scan the QR Code to access https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/ sites/19/2018/11/UNDRIP_E_web.pdf

1.2 Crime in Canada

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Crimes are transgressions that violate the **laws** a society holds dear. These laws may be formally written down, held by knowledge keepers, or commonly known to all members of the group. To commit a crime is to break the rules a society views as the moral limits of acceptable behaviour. Crimes are an offence against society, not just an individual. In Canada, one can see this in the way crimes are prosecuted; it is the Crown (denoted as R. for *rex* or *regina* within legal citations) that charges a person, not the victim of the alleged crime.

Canadian criminal law is mainly codified within the *Criminal Code of Canada* (CCC) which sets out the various offences a person might commit and the range of punishments that they might receive. Criminal lawyers in Canada define crime largely in relation to these laws, and some criminologists (such as Edwin Sutherland, 1949) have argued that the criminological study of crime should be restricted to violations of state criminal codes like the CCC. This view is known as a **legalistic** approach to crime because it focuses strictly on violations of the legal code.

Under Canadian criminal law, a person may be charged with two main types of criminal offences: **summary** and **indictable**. A summary offence is the less serious of the two and therefore carries a lesser punishment. An example of a summary offence is causing a disturbance or theft under $5,000. In the United States these types of offences are known as **misdemeanors**. More serious offences in Canada are known as indictable offences. These include crimes such as murder or piracy (on the sea, that is) and can carry stiffer penalties, including life in prison. In the United States these types of offences are known as **felonies** and are commonly the focus of crime dramas like *CSI* and *Law and Order*.

In legal terms, to be found guilty of a criminal offence in Canada, a person must have committed a guilty act (i.e., ***actus reus***) and be of a guilty frame of mind at the time of the offence (i.e., ***mens rea***). It is not enough that a person commits an act that contravenes the CCC; they must also be of a certain state of mind, such as intending to commit the act or behaving with recklessness, negligence, or being willfully blind to the outcome (McElman, 2000).

For many offences, the state of mind and the action naturally occur together. Someone might want an item that belongs to another person (e.g., a car) and takes that object without having the right. The person, therefore, violated the law and intended to do so to satisfy their desire. In some cases, however, the lines are not so clear, such as when someone is sold a stolen car without knowing the car was stolen. Furthermore, some people, such as young children and people suffering from certain forms of mental illness, are thought to not possess the frame of mind necessary for *mens rea* and therefore may receive treatment rather than punishment for their actions.

Codified laws are no doubt important for understanding what crime is and they can be found as far back as 4000 years ago, with the codes of Ur-Nammu and Hammurabi representing some

of the oldest surviving examples of codified laws (Fairlie, 2019) (see image below). Thinking of crime in terms of the violation of codified laws is useful as it provides an objective standard for knowing crime when we see it. Reported crime rates, such as those generated by the Uniform Crime Reporting Program (see chapter 5.6 Sampling), capture this legalistic definition of crime, and treat crime as something real that can be classified and counted.

Figure 1.2 The Law Code Stele of King Hammurabi

We need to be careful, however, about limiting our understanding of crime to a set of codified rules. For one, it is likely that many of the earliest known legal codes, such as the codes of Ur-Nammu and Hammurabi, were more akin to visions of stately order (i.e., the way the rulers would like things to be) rather than codes used for adjudicating cases (i.e., the practical settling of disputes). In early history, the latter would likely be determined according to local custom rather than the rules set by a distant ruler (Pririe, 2021). Of course, once the rules are set down in stone (quite literally in some cases), they can be used by the weak to press claims against the strong. This is what we mean when we talk about the rule of law; it applies to all.

Thinking about written law as visions of stately order is useful for understanding the role it has played in the expansion of colonialism in Canada. Indigenous peoples were subjected to laws they often had no knowledge of while continuing to deal with crime in their own communities using local systems well after the territories were claimed by European colonists. Was the function of law in such cases to solve local disputes? Or was it more like the stately visions of ancient rulers?

While a legalistic approach to crime (i.e., one based on codified laws) is important, many contemporary criminologists find this way of thinking about crime problematic in that it limits our ability to engage with the subject of crime in a critical way (Quinney & Wildeman, 1991). Law

is an historical and cultural product; that is to say, it is a **social construct**. Legalism, however, encourages us to think of crime in a reified way–as a "thing-in-itself"–rather than in terms of its social nature. While some laws do emerge from **consensus** (with all or most members of a group feeling the same way), the **conflict perspective** proposes that laws may serve the interests of one group over those of another.

The significance of the conflict perspective can be seen in the case of the *Indian Act*, a piece of Canadian legislation that clearly serves the interests of settlers over those of Indigenous people. An amendment in 1927 to the *Indian Act*, for example, made it illegal for anyone to assist Indigenous peoples in asserting their legal rights (Monchalin, 2016). While it might be interesting to know how many people were charged for violating this law, the figure would hardly seem sufficient for understanding the position of law within the context of settler-Indigenous relations, or for getting at the issue of why Indigenous peoples were being denied legal representation in the first place.

As the example above also demonstrates, a limit imposed by a purely legalistic understanding of crime is that it gives the dominant group the power to define what constitutes crime and, by extension, the scope of criminology as an academic discipline (Quinney, 1970). Criminologists have recognised this problem for decades, particularly in the case of corporate crime (Chambliss, 2001) (see chapter 15.3 Corporate Crime), where corporations have the power to lobby governments to change laws in their favour, and crimes related to the environment (see chapter 13 Green Criminology), where we see laws being changed to allow corporations to threaten the flow of rivers (Graveline, 2012). Therefore, we should recognise that the term crime is not limited to criminal law, and that thinking about "crime" broadly in terms of harm and injustice continues to shape contemporary discussions around human (and non-human) rights.

A legalistic approach to defining crime risks privileging the perspective of the state over that of society. It also fails to adequately capture the power dynamics at play when the law is applied unevenly, as is frequently the case for Black, Indigenous, and People of Colour living in white settler-colonial states like Canada (Maynard, 2017). The focus remains instead on the criminalised individual, rather than why the rule exists or the effects that being labeled a "criminal" might have on a person or entire group of people.

Some criminologists have therefore advocated for the need to *decriminalise criminology* by expanding the scope of study to include a broader range of harms, such as racism, sexism, classism, and ableism (Shearing, 1989). Focusing on harm, rather than the letter of the law, allows us to understand the process through which some harms are criminalised while other social harms remain unaddressed (Ferguson, 2020).

Media Attributions

- Law Code Stele of King Hammurabi (https://www.flickr.com/photos/profzucker/34528463920) © Steven Zucker, Smarthistory co-founder (https://www.flickr.com/

1.3 Colonialism as Crime

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Colonialism is responsible for many harms that evade criminalisation. Nielsen and Robyn (2019) explain that "[c]olonialism is a classic state crime that relies on violence and the threat of violence to achieve political and economics ends" (p. 1). As Paul (1993) points out, the means through which colonialism was initially pursued was often illegal within the context of its day, such as in the case of white settlers seizing land from Indigenous peoples being contrary to the settlers' own laws. Other crimes of colonialism remain unpunished and unpursued, such as the deaths of thousands of Indigenous children within Canada's residential school system (Milloy, 1999; Radio Canada International, 2021), and the Canadian state's attempted and actual **genocide** of Indigenous peoples (Palmater, 2020). Viewing colonialism as a crime is not simply about recognising that the land was stolen and the original inhabitants harmed; it is about law's power to define who is to be considered a worthy victim (Christie, 1986), and who can get away with murder.

Such examples demonstrate that law is not simply a matter of consensus, wherein a society's norms become codified into a formal set of rules. Law is also an arena of conflict, and the outcome of this conflict determines who gets framed as a criminal. W.E.B. Du Bois recognised this fact over a century ago in his work on crime and race in the American South. He explains that "the police system of the South was originally designed to keep track" of all Black people, not only criminals, and when Black people were "freed, the first and almost universal device was to use the courts" to re-enslave the Black population (Du Bois, 2018, pp. 135-35). Du Bois understood that the power to define what was criminal could be used as a weapon against an entire group of people, a lesson the Black Lives Matter movement has once again brought to the forefront of public consciousness.

1.4 Framing Crime

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A key social institution that constructs our idea of what is crime today is the media (Surette, 2011) (see chapter 3 Media and Crime). The media is effective in amplifying particular threats, sometimes to the point of generating moral panics and constructing representations of groups (e.g., youth, the working class, and racialised communities) as posing a threat to public well-being. As the media is largely privately owned, crimes of the upper classes (e.g., insider trading, fraud, and environmental crimes) are often filtered out. The media also plays a role in establishing a distance between "us" and "them" through a process of Othering, in which criminals are depicted as fundamentally different from the rest of the population and therefore deserving, if not requiring, incarceration.

Throughout this textbook, you will see crime approached in both a legalistic way and as a social construction (Berger & Luckmann, 1966). These two views are not mutually exclusive. Criminal law itself is a social construct, and the process of creating crime and criminals is dependent on law for its legitimation. But as you will see, the two ways of thinking about crime (i.e., legalistic vs. social constructionist) come into play in different ways depending on the topic or theory you are learning. If you can hold this tension in mind while you read this book, you will be well on your way to thinking like a criminologist.

1.5 Discussion Questions

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1. What does it mean to say that crime is normal?
2. What are some of the differences that exist between the way the Canadian criminal justice system and Indigenous justice systems approach crime?
3. What are some of the limits of thinking about crime using only a legalistic perspective?
4. What does it mean to say that crime is a product of consensus or a product of conflict?

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2. TYPOLOGIES AND PATTERNS OF CRIME

Dr. Jon Heidt, University of the Fraser Valley

Positionality Statement

Social context and history are important to understanding anyone's background. I am originally from Bismarck, North Dakota in the United States. My ancestors arrived in the United States in the early 1900s and came from a variety of European countries including Germany, Russia, Norway, and Sweden. Many of my ancestors were farmers and were granted access to land through the Homestead Act—an option that was unavailable to the Dakota, Lakota, Arikara, Assiniboine, Chippewa, Hidatsa, and Mandan tribes of Indigenous people who were originally living in Dakota Territory. This is another example of how governments in the United States (through the Dawes Act and the Bureau of Indian Affairs) and Canada (through the Indian Act) used the law to ensure that European settlers would have access to opportunities to be successful. I have benefited greatly throughout my life from this unfair situation. I also am aware that many more educational and economic opportunities were afforded to me due to my status as a White male and because of the institutional racism present in North American society.

Introduction: Thinking critically about crime patterns

This chapter reviews patterns of various types of crime in different contexts of time and place. But before we examine these patterns, we must first consider the social nature of crime and the law. While many people take definitions of crime for granted, it is important to remember that crime is essentially a social construction (Berger & Luckmann, 1966; Quinney, 1970). In other words, through various social processes—such as voting, political action, cultural practices, and media debates—society collectively decides which types of behaviour are considered harmful or criminal. Definitions of crime and criminal law change over time in response to things like shifting cultural attitudes, significant events, and even technological progress. For example, in Canada there have been several changes in the past decade affecting the legality of same-sex marriage, cannabis use, cyberbullying, and hate speech. Finally, criminal law is also influenced by politics and ideology (Taylor et al., 1973; Quinney, 1974). Given this, some acts that are quite

harmful to society (e.g., the default credit swaps that caused the 2008 financial crisis) are perfectly legal, while other acts that cause minor harm (e.g., occasional drug use) are considered criminal offences.

Although there are disagreements and changing public attitudes about some laws, most people agree that certain acts should be illegal. For example, murder is viewed as a crime with a few exceptions—no one wants to live in a world where people can randomly kill each other and get away with it. Similarly, most agree that there should be laws that protect against theft of property and assault. Agreement about these values is referred to as **consensus**. Given that criminal law is a socially constructed political entity, it is wise to take a critical thinking approach when examining patterns of crime. We must always consider how forms of behaviour become defined as a crime, and how the frequency and severity of crime are measured when we are studying phenomena such as the changing rates, seriousness, or nature of criminal activity in a society.

2.1 A Note on Indigenous Peoples and Criminal Justice: Overrepresentation and Criminalisation

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It is no secret that Indigenous peoples are overrepresented in the criminal justice system as both victims and offenders (Monchalin, 2016); in fact, the Truth and Reconciliation Commission of Canada includes several calls to action[1] to work toward eliminating this overrepresentation and to provide proper funding for alternatives to incarceration for Indigenous offenders. Research also indicates that Indigenous youth receive longer sentences compared to non-Indigenous youth, even when criminal history and offence history are considered. Unfortunately, many of the measures meant to divert youth away from the criminal justice system have not been effective for Indigenous youth (Corrado & Cohen, 2011; Corrado et al., 2014).

When reviewing these statistics, it is important to think critically, and consider the context and experiences of Indigenous peoples. If one considers the horrors of colonisation legislated under the *Indian Act* (e.g., loss of land, forced displacement, residential schools, forced assimilation repetitive human rights violations including genocide and cultural genocide, the general criminalisation of a wide range of cultural activities, and institutionaliszed racism), the reasons why Indigenous peoples are overrepresented as both offenders and victims become apparent. Residential schools caused a breakdown in the family that affected all generations. It is difficult to have a healthy family life if the children are taken from the home and abused by those who are supposed to care for them (Monchalin, 2016). These family factors are central to the control theories that are some of the most well-supported explanations of criminal behaviour (Gottfredson & Hirschi, 1990) (see chapter 10 Critical Criminology).These situations cause stress and strain that might drive a person to commit crime. For example, there is a clear connection between trauma and both drug use and associated offending behaviour (Maté, 2008). Also, exposure to noxious stimuli or negative situations (e.g., sexual abuse, poverty, or a lack of opportunity) or a loss of positive stimuli (e.g., family, culture, sense of self) may exacerbate strain and raise the likelihood of involvement with a variety of crimes (Agnew, 1992).

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1. Scan the QR code to access https://ehprnh2mwo3.exactdn.com/wp-content/uploads/2021/01/ Calls_to_Action_English2.pdf

It is also important to understand that the overrepresentation of Indigenous peoples in criminal justice statistics is connected to a history of criminalising Indigenous culture. For example, in 1867 under the *Indian Act*, the federal government of Canada criminalised mobility over traditional territories and the use of language and cultural activities, including the ceremony of **potlatch**. This ceremony consisted of feasting and gift-giving. Still, the Canadian government viewed it as a challenge to assimilating Indigenous peoples and were suspicious of it because it went against capitalist values that emphasised wealth accumulation and property ownership (Monchalin, 2016). Learn more about potlatches[2].

Now that some of the basics have been covered, it is time for a discussion of how criminologists structure their thinking about crime. The next section will explore some ways of thinking about and classifying crime that are helpful to criminologists when they are attempting to understand and explain patterns of crime.

2. Scan to QR code to access https://umistapotlatch.ca/potlatch-eng.php

2.2 Thinking about Crime: Classification and Typologies

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Crime can be conceptualised in several ways. The most common way people view crime is as harmful acts that are "against the law." However, many criminologists take a more complex view of the matter and caution that it is unwise to simply see crime as a violation of the law (Beirne & Messerschmidt, 2011; Agnew, 2011). As explained above, the law is technically a social construction, and many acts that cause significant harm are legal while other acts that cause minimal harm are criminalised. If criminologists only focus on acts that are violations of criminal law, they miss harms that fall outside of the law, and risk viewing relatively harmless behaviour as a problem simply because it is illegal.

To address these gaps, some criminologists suggest that we view crime as a violation of conduct norms (Sellin, 1938) (see chapter 8 Sociological Theories of Crime). In other words, it is important to consider what a culture or group deems to be normal or deviant behaviour as this may vary based on geographic location, history, and a variety of other factors. **Deviance** refers to behaviours that depart from or violates social norms. These behaviours are not necessarily deviant and may not even be criminalised, but these acts may be criminalised in the future due to cultural changes. For example, adultery (or "cheating on someone") is considered a deviant act in cultures where monogamy is the norm, but it is rarely criminalised. Thinking about the relationship between crime and deviance can shed light on why some acts were criminalised in the first place. We can see, then, that the definitions of crime and deviance change over time and differ from culture to culture. In an effort to apply a more systematic and objective (i.e., "scientific") approach to the study of crime, criminologists have developed typologies and other classification systems to organise their thinking about criminal acts.

What is a Typology?

The Uniform Crime Report (discussed in greater length in the Methods chapter of this text) has a **typology**, or special system for classifying different types of crime: violent crime, property crime, other crime, traffic offences, federal drug offences, and other federal law violations. Another common approach is to divide criminal acts into victimless crimes (e.g., drug use, prostitution, and illegal gambling) and crimes where there is a clear victim (e.g., robberies and physical assaults). Alternatively, criminologists and other commentators may use the categories of street crime or blue-collar crime (e.g., more common types of property and minor violent crime) and suite crime or white-collar crime (e.g., financial and occupational forms of crime

committed by those with status or power in society, such as politicians, legal officials, corporate executives, celebrities, and famous athletes).

While these classification systems are clearly useful, most typologies fail to capture all types of crime and conceptualise them in a way that is helpful to students new to criminology. To address these concerns, this reading will review crimes that receive the most attention from criminologists. We will use the following system of classification:

Violent crime: homicide, sexual assault, assault, and robbery

Property crime: breaking and entering, theft, identity fraud, and identity theft

Crimes of morality/public order: drug use and prostitution

Organised crime: serious crimes committed by groups of at least three people with the underlying purpose of reaping material or financial benefits

Hate crime and terrorism

White-collar crime: crimes committed by a person of respectability and high social status in the course of their occupation for their own benefit

Corporate crime: crimes committed by a person of respectability and high social status in the course of their occupation for the benefit of their business or corporation

The following section will review the definitions of the types of crime listed above (with the exception of white-collar and corporate crime, which are discussed in chapter 15 Crimes of the Powerful) and the ways they are considered to have different levels of severity. In addition, some observations will be made about the situations in which these types of crimes occur and any patterns that can be identified.

2.3 Violent Crimes: Definitions and Patterns

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Homicide

Homicides tend to be among the most well-reported types of crime (Nivette, 2011). After all, at least one person will usually notice and care if someone vanishes. Because homicides are usually reported, they are less likely than other types of crime to be susceptible to the **dark figure of crime** (Tonry, 2004). The dark figure of crime refers to the number of crimes that are uncounted because nobody notices or reports them. For example, a stroll through downtown Vancouver at any time of the day will reveal a great deal of unreported drug crime—there are obviously many cases of drug possession and trafficking that go unnoticed and unreported because both participants in the crime are willing parties. In other words, a "criminal" act is not necessarily a "deviant" act if it is typical, "normal" behaviour among the local population.

Homicide is usually associated with murder in everyday conversation and in television and movies. However, it is important to remember that homicide is an umbrella term that refers to one human killing another, while murder is a specific type of intentional homicide. The *Criminal Code of Canada* identifies several levels of murder that are sorted according to the offender's culpability and intention to do harm. **First degree murder** is planned and deliberate, whereas **second degree murder** may be intentional, but it lacks the element of pre-planning and may occur in the heat of the moment. **Manslaughter** is non-intentional homicide resulting from intoxication, recklessness, or negligence (e.g., two people in a bar get in a fight and one kills the other by accident).

In 2019, the homicide rate in Canada was 1.8 per 100,000 population (Moreau et al., 2020), an increase from 1.78 in the previous year; however, it is worth noting that this rate is still relatively low if rates over 30 years are examined. In 1993, the homicide rate was about 3.75 per 100,000 population (Roy & Marcellus, 2018). The overall homicide rate reveals little about trends among types of victims. In 2019, police reported 174 Indigenous victims of homicide, an increase from 141 in 2018. This represents a rate approximately six-and-a-half times higher than the rate for non-Indigenous homicide victims (8.82 homicides per 100,000 compared to 1.34 per 100,000 population) (Moreau et al., 2020).

In Canada, the Western provinces tend to have higher rates of violent crime and homicides compared to Eastern and Maritime provinces (Trussler, 2010). There are no conclusive explanations for why crime rates are higher in the West, and little research has been done in this area (Andresen, 2009). A mundane factor may simply be the weather—as one goes

west, temperatures become milder, and winters are less harsh, enabling more opportunities to commit crime (e.g., more people leave their homes unoccupied in warmer weather, increasing opportunities for burglary). Some scholars argue that these variances may in fact be an illusion caused by differences in reporting and recording crime amongst the provinces (Andresen, 2009).

The offending behaviour of people who commit intentional homicides can fall into certain well-known patterns, such as serial murder and mass murder. **Serial murder** refers to when a person kills several victims in three or more separate events, as seen in the case of Missing and Murdered Indigenous Women and Girls discussed in the chapter on Feminist Criminology (see chapter 11 Feminist Criminology) and Cultural Criminology (see chapter 12 Cultural Criminology). **Mass murder** involves the killing of more than three people in a single event. Public perceptions about the frequency of these types of murder are often inflated, because these events receive a great deal of attention from news outlets and other mass media (Schildkraut, 2016). For example, consider the variety of murder documentaries on Netflix: true crime documentaries and series like *The Jinx: The Life and Deaths of Robert Durst*, *Don't F**k With Cats: Hunting an Internet Killer*, and *Night Stalker: Hunt for a Serial Killer*. However, these high-profile cases tend to be statistically rare, and it is important to realise that serial homicide accounts for less than 1% of all murders (Bonn, 2014). Further, as of 2019 there have been 12 mass shootings in Canada in the last 30 years (Saminather, 2018). Finally, Canada has convicted 106 serial killers since it was founded; however, it ranks fairly high when compared to other countries in the world. It is worth noting that the U.S. has produced 3,204 serial killers over its history (Sheth, 2020).

Sexual Assault

Prior to 1983, the *Criminal Code of Canada* defined "rape" as occurring when "a male has intercourse with a female person who is not his wife." This definition will seem quite strange to a person living in modern society. First, it implies that a husband cannot legally rape his wife after the couple are married. Second, this law overlooks the fact that men are also victims of rape, or that women can rape other women. It is worth noting that while Canada's rape law was clearly archaic even in 1983, it was not until 1993 that all 50 states in the United States had changed their rape laws to include married couples.

The *Criminal Code of Canada* currently uses the term "sexual assault" and identifies three levels. Level-one sexual assault is the least serious and involves unwanted touching and/or fondling. Level two involves the use of weapons or some type of bodily harm (e.g., penetration). Level three is the most serious and involves long-term physical injuries, such as maiming, wounding, or disfigurement.

In 2019, the rate of police-reported sexual assault was 82 incidents per 100,000 population, an increase of 7% from 2018 (Moreau et al., 2020). It is important to note that while this trend is

concerning, the rate is still well below where it was in the mid-1990s. For example, at the 1993 peak, police-reported sexual assaults were at 120 incidents per 100,000 population (Moreau et al., 2020). Further, some speculate that this recent increase may be a result of initiatives and improvements in laws that encourage women to come forward and speak about their experiences of sexual assault (Beitsch, 2018; Levy and Mattson, 2019). In other words, while sexual assaults have traditionally been a heavily underreported crime, the dark figure of crime for sexual assault may be dropping (Moreau et al., 2020). Reasons for the underreporting of sexual assault include guilt, shame, hesitancy to have one's past made public in a court case, and the fact that in 70% to 80% of cases, the victim knows the offender as an acquaintance, friend, or family member (Schmalleger & Volk, 2014). In some cases, victims may blame themselves because they were drinking or see the incident as a result of cultural, peer- pressure or mental health-related issues.

Recently, much attention has been paid to rates of sexual assault on college campuses and their association with athletics, particularly football (Wiersma-Mosley & Jozkowski, 2019). An example of this disturbing trend occurred at the University of Montana in Missoula. John Krakauer's (2015) book *Missoula: Rape and The Justice System in a College Town* chronicles widespread cases of non-stranger sexual assault on campus and explains how some of these cases were mishandled by the university and the criminal justice system. Victims were treated with indifference and disrespect by the local police, claims were not believed or taken seriously, and there is also evidence that accused players on the high-profile football team were allowed to flee the state (Montana) before charges could be filed against them. Fortunately, the university has taken steps in recent years to address these issues; however, it is disturbing that a well-known author had to write an exposé to draw attention to this issue to create change. Moreover, this story demonstrates how the reporting and prosecution of crimes can be affected by the interests of powerful institutions.

Assault

The Criminal Code of Canada identifies three levels of assault. Level one (sometimes called "simple assault") is the least serious and involves punching, pushing, shoving, or threats by act or gesture; there is no bodily harm required. Level two (sometimes called "assault with a weapon" or "assault causing bodily harm") requires that the offender either use a weapon or cause some type of harm (e.g., a black eye from a punch). Level three (sometimes called "aggravated assault") is the most serious and occurs when the offender seriously wounds, maims, or disfigures the victim.

In 2019, the rate of level-one assault in Canada was 500 per 100,000 population; the level-two rate was 158 per 100,000 population; and the level-three assault rate was 10 per 100,000 population. Until increases in 2019, overall rates of major assaults (level 2 and 3) had decreased steadily from a peak of approximately 180 per 100,000 population in 2008 (Moreau, 2019).

Moreau (2019) speculates that part of the recent increases can be attributed to changes in how assaults were classified and counted during this period. More specifically, the revised definition of assault includes events where is there is no evidence to confirm the incident or reports from third parties that match these criteria. Assaults often occur at night and in the presence of alcohol or in and around establishments that serve alcohol (see chapter 13 Green Criminology). Most assaults are also highly emotional, impulsive events and tend to be unplanned or involve little planning (Felson & Eckert, 2018).

Robbery

Robbery refers to when an offender uses force or violence (or threats) during the commission of a theft. People seem to confuse robbery with breaking and entering or other forms of property theft. This may arise from the colloquialism "my house or car was robbed"; however, it is important to remember that, legally, one robs a person, not an object. This leads to the misconception amongst people that robbery is a property crime, when it is in fact a violent crime due to the use of or threatened use of force.

In Canada, there were about 62 robberies per 100,000 population in 2019, a rate that was relatively unchanged from 2018 (Moreau, Jaffray, & Armstrong, 2020). Like most other crimes, robberies tend to occur later at night and are much more common in urban settings (see chapter 16 Environmental Criminology). Research has revealed that commercial and street robberies are committed by two different types of offenders. Commercial robbers (who commit the robbery in a place of business, such as a bank or a convenience store) tend to do more planning and research and are less impulsive, whereas street robbers are more likely to use force and act based on opportunity (Wright & Decker, 1997).

2.4 Non-Violent Crimes: Definitions and Patterns

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Breaking and Entering

Breaking and entering (formerly referred to as burglary) involves entering someone else's property with the intention of committing an indictable offence (e.g., theft or destruction of property). In 2019, the rate of break-and-enter violations was 429 per 100,000 population, which is a 1% reduction from the previous year (Moreau et al., 2020). Burglars tend to look for homes that are unoccupied for long periods of time. While they prefer to work at night, burglars will target homes during the day if they know many of the people in the area are at work (Felson & Eckert, 2018).

Police departments often see spikes in break and enters during the summer months when people are away on vacation and because they are more likely to leave windows and doors open (Lauritsen, 2014). Research indicates that these offenders do not necessarily target wealthy homes—in fact, they may see these as targets with too much security that would attract unwanted attention from police. Instead, they tend to look for homes in middle upper-class neighbourhoods that may lack security but still contain valuable items, such as money, jewelry, or electronics (Wright & Decker, 1994).

Theft

There are two levels of theft identified by the *Criminal Code of Canada*. There is minor theft, which includes theft of property up to $5,000, and major theft, which occurs when an offender steals over $5,000 in property. Finally, there is a special category of theft for motor vehicles. In 2019, rates of theft per 100,000 population were 1,129 for theft under $5,000, 57 for theft over $5,000, and 232 for motor vehicle theft; these rates are virtually unchanged from 2018 (Moreau et al., 2020). When compared to other forms of crime, women tend to make up a large proportion (but still the vast minority) of theft cases at 33% (Schmalleger & Volk, 2014). Most theft, especially minor theft, is based on easy opportunities and can often be remedied through crime prevention tactics, such as installing alarms or lights (Felson & Eckert, 2018).

Fraud is a special category of theft that involves some sort of deception or trickery to gain material benefits. For example, using someone's credit card without their permission is a form

of fraud and many examples of telephone scams involve fraudulent activities (Boyd, 2015). Incidents of fraud in Canada increased in 2019, up to 378 from 351 incidents per 100,000 population in 2018.

Identity Theft

Identity fraud occurs when an offender takes a person's personal information (e.g., credit card information) and uses it to make purchases in that person's name or evade law enforcement through use of their identity. **Identity theft** occurs when a person steals another person's identity with the intention of committing an indictable offence that includes fraud or falsehood. This form of theft can range from mail theft to database breaches. The rate of identity theft stayed about the same in 2019 compared to 2018 (Moreau et al., 2020). Because these crimes often go undetected, are difficult to prosecute when detected, are relatively low risk, and have the potential for a large payout, they have become increasingly common in the last ten years, especially amongst organised crime groups.

2.5 Crimes of Morality and Public Order: Definitions and Patterns

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Prostitution

The history of prostitution laws in Canada and their enforcement is confusing to say the least. For many years, the act of exchanging sex for money was technically legal in Canada, but it was illegal to communicate about this intention. Then, in 2014, *The Protection of Communities and Exploited Persons Act* officially made it illegal to buy sexual services; most public aspects of prostitution (e.g., brothels, communicating about transactions in public) remain illegal under the *Act*. However, independent sex workers can communicate privately with a client through phone, email, text, or social media without violating any laws. Given that prostitution laws are rarely enforced consistently anywhere in Canada, that prostitution is rarely reported, and that arrest rates of sex workers are highly dependent on local variances in law enforcement practices, reliable statistics are difficult to acquire. We do know that there were 135 police-reported incidents of prostitution in 2019, which is an increase from 115 in 2018, as shown in the Statistics Canada table of police-reported crime for selected offences (Moreau et al., 2020)[1].

Drug use

The correlation between drug use and crime is well-known, well-documented, and real (Bennett et al., 2008). However, it is important to remember that **correlation** does not necessarily mean **causation**, and there are numerous variables at play when trying to understand either criminal or drug-using behaviour, let alone how the two relate to each other.

Drug criminalisation has been shown to be an ineffective method for controlling or preventing drug use (Miron, 2004; Reinarman et al., 2004; Reinarman, 2009). In fact, evidence indicates

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1. Scan the QR code to access https://www150.statcan.gc.ca/n1/pub/85-002-x/2020001/article/00010/tbl/tbl01-eng.htm

that prohibition has exacerbated problems associated with drug use and addiction (Baum, 1996; MacCoun & Reuter, 2001; Alexander, 2008; Maté, 2008; Robinson & Scherlen, 2014). Criminal justice data seem to support these findings. First, statistics indicate that under prohibition, drug use has become much more widespread and that young people are using drugs at younger ages. Second, drugs have steadily become more potent under prohibition (Robinson & Scherlen, 2014). For example, the proliferation of fentanyl and other potent opioids is driving the overdose epidemic in Canada. **Designer drugs** refer to drugs created in underground or secret labs by changing the chemical properties of other pre-existing drugs – examples include MDMA ("ecstasy"), MDA ("molly"), GHB, and synthetic stimulants (e.g., bath salts and flakka) and cannabinoids (e.g., Spice and K2) (NIDA, 2011). Most concerning is the fact that these drugs become increasingly potent with each generation. Even natural cannabis has increased in potency over time with the emergence of increasingly stronger strains and the advent of butane hash oil and other concentrates such as wax and shatter (Cowan, 1986; Beletsky & Davis, 2017). The documentary *Flood: The Overdose Epidemic in Canada*[2] explores the causes and effects of this trend by examining increasingly powerful opioids like fentanyl.

Finally, prohibition may also be aggravating problems some communities have with police. When drug possession is treated as a criminal offence, both users and dealers take steps to hide what they are doing. In this situation, the demand for potent and concealable substances will be high and there will be less interest in weaker versions of the drug. This was also true during alcohol prohibition. For example, beer and ciders became less common during prohibition, while high-proof hard alcohol became more readily available (Heidt & Wheeldon, 2021). There is also evidence to indicate that drug laws are enforced against Black and Indigenous minorities at much higher rates and with more severe consequences (Mitchell & Caudy, 2014; Owusu-Bempeh & Luscombe, 2020).

Decriminalisation of drug possession is poised to become a major issue in the future. Portugal and several other countries have had success with decriminalisation, and both Vancouver and Montreal have requested the federal government to support their municipal shifts toward drug decriminalisation (Canadian Press, 2021; Crockett, 2021). Contrary to opponents of drug policy reform, cannabis legalisation and decriminalisation of drug possession do not appear to contribute to increases in drug use, overdoses, mental illness, or crime (Heidt & Wheeldon, 2021). Somewhat surprisingly, areas that have decriminalised drug possession have seen addiction and overdose rates fall (Greenwald, 2009; Hughes & Stevens, 2010, 2014). There is also no indication that young people are using more cannabis in jurisdictions that have legalised recreational cannabis. In fact, the greatest increases in use have occurred amongst older people (Heidt et al., 2018; Heidt, 2021). It is interesting to note that, in the last decade, rates of drug

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use as recorded in official statistics have plummeted, though this may be due to reduced of enforcement rather than a true drop in drug use. In 2019, the rate of drug offences per 100,000 population was 187, which was a decrease from 229 in 2018 (Moreau et al., 2020).

2.6 Organised Crime

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The *Criminal Code of Canada* defines organised crime as a group of three or more people whose purpose is the commission of one or more serious offences that would "likely result in the direct or indirect receipt of a material benefit, including a financial benefit, by the group" (Canadian Criminal Code, 1985). Organised crime groups may be involved in any number of illegal activities, but they are most commonly involved in drug and gun trafficking; however, human trafficking and computer-based crime have become increasingly common amongst these groups in recent years. There are a variety of organised crime groups operating in Canada and the U.S., some of which are based on race or ethnicity; however, there is a new trend towards multi-ethnic or more diverse organised crime groups (Beare, 2018). It is important to keep in mind that organised crime groups exhibit a high level of internal organisation and structure, and they should not be confused with street gangs and "wanna-be" youth gangs that are more loosely structured and focus less on profit-making activities (Gordon, 2000).

2.7 Hate Crime, Extremism, and Terrorism

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Section 319(2) of the *Criminal Code of Canada* states that it is a crime to promote hatred against any group by making a public statement (this does not extend to private conversations). These statements are usually directed at the race or ethnicity, religion, or sexual orientation of a person or group. Hate crimes are not easily classified as violent or non-violent because, in some cases, hate crimes are statements, while in other cases judges may decide that hateful statements that precede physically violent incidents are in fact **aggravating factors**, thus increasing the severity of the statements in the eyes of the criminal justice system. Canada had a rate of 1,946 hate crimes per 100,000 population in 2019. In total, 876 of these were directed at race or ethnicity, 608 involved religion, and 263 targeted the victim's sexual orientation (Statistics Canada, 2020). The overall rate of hate crimes has held steady for the past few years, though there was a significant spike from 2016 to 2017 when the rate increased from 1,409 to 2,073, an increase of 47% (Moreau et al., 2020). This begs the question: Why did hate crimes spike a few years ago?

One possible explanation is the recent proliferation of right-wing extremist groups in North America. Partly in response to 9/11, terror threats from abroad were given a great deal of attention by law enforcement agencies during the early 2000s. However, in more recent years, law enforcement organisations such as the Federal Bureau of Investigation have expressed increasing concern about the threat of homegrown terrorist groups. Most of these groups are associated with forms of right-Wing extremism (e.g., Boogaloo Movement, Blood and Honor, Oathkeepers, and QAnon).

A great deal of this surge in right-wing extremism can be attributed to highly inflammatory rhetoric from politicians such as former President Donald Trump directed at immigrants and African-Americans. It is also worth noting that during the writing of this chapter, there were increasing reports of violence directed at Asians in both the United States and Canada, presumably because of links to the COVID-19 pandemic conjured up by President Trump and other politicians. Such incendiary statements from Trump include the following:

> When Mexico sends its people, they're not sending their best. They're not sending you. They're not sending you. They're sending people that have lots of problems, and they're bringing those problems with them. They're bringing drugs. They're bringing crime. They're rapists. And some, I assume, are good people (June 16, 2015 as quoted in Ye Hee Lee, 2015)

> Why are we having all these people from shithole countries come here...We should have

more people from places like Norway. (July 11, 2018 as quoted in O'Connor and Marans, 2017)

By the way, it's a disease, without question, [that] has more names, than any disease in history…I can name kung flu, I can name 19 different versions of names. (June 20, 2020)

It should be noted that Canada has also seen an increase in political extremism in recent years (Perry & Scrivens, 2016, 2018). In February 2021, the Canadian government labeled the far-right extremist group, the Proud Boys and two other Neo-Nazi organisations as terrorist groups for their role in the assault on the United States Capitol on January 6, 2021 (Tasker, 2021).

The next section will examine broader changes in crime patterns over time. In the last 30 years, the crime rate has changed significantly and in surprising ways, and many of these changes were not anticipated by criminologists who have spent their professional careers studying crime.

2.8 Crime Patterns Over Time

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In the 1950s, crime rates were relatively low, and people felt relatively safe; economic opportunities were easily accessible and there was new-found wealth in North American society. Starting in the 1960s, crime rates started to climb along with levels of social and political unrest (Tonry, 2004). During this time, crime patterns changed significantly; specifically, household theft and burglaries dramatically increased for two main reasons. First, more homes were left unattended during the day because more women were working away from home and going to school. Second, there was a proliferation of high-value, lightweight household appliances and other smaller electronic items because of technological innovation. Theft became easier, more profitable, and more attractive to people (Cohen & Felson, 1979).

Rates of most crimes increased throughout the 1980s, and then rather suddenly, in the 1990s, they started to decrease significantly. Numerous explanations for these decreases were provided, including obvious ones like stricter gun-control laws, more jobs, and economic opportunities. However, some others such as increases in access to abortion and the reduction of lead in the environment, may not be so obvious. Some have argued that greater access to abortions and other forms of birth control have led to a drop in unwanted and neglected children who are at greater risk for involvement in gangs and other criminal activities. Regular exposure to and ingestion of lead is known to cause developmental and cognitive issues, especially at early ages—these issues can result in a higher number of individuals at risk for criminal activities. Consequently, some believe that policies such as the widespread adoption of unleaded gasoline across the automobile industry, which significantly reduced the amount of lead commonly found in the environment, may contribute to lower rates of criminal behaviour (Blumstein & Wallman, 2006; Farrell, 2013).

A significant part of this crime rate drop was due to a massive shift in crime patterns. For example, during the 1990s, the internet grew at a staggering pace, and this created many new opportunities for crime and changed how people committed crime (Byrne & Kimball, 2017). Face-to-face robberies to obtain money and items were replaced with more low-risk activities that involved cons and scams that were much more difficult to detect and prosecute. Some argue that the internet and other technological shifts (e.g., the proliferation of cellphones) have increased the dark figure of crime while driving official crime rates down (Hall, 2012). To illustrate: Why would someone steal a DVD from Wal-Mart when they can illegally download it with much less risk of getting caught?

In recent years, both Canada and the United States have seen some increases in certain types of crime (mostly property-related), which may be partly attributable to growing political and social unrest. This is illustrated by considering the numerous social movements that have emerged in the last decade (e.g., Occupy Wall Street, Black Lives Matter, protests against logging and pipelines, conspiracy groups such as QAnon, and the proliferation of Right-Wing militia groups).

Similar trends were seen in the 1960s and this era too was a time of great conflict and social change that saw increases in certain forms of crime and violence. The parallels between these two eras lend credence to the principle suggesting that crime occurs in cycles over long periods of time (Zimring, 2007).

COVID-19 and Crime Patterns

Few events will happen in our lifetimes that will have the monumental impact of the emergence of COVID-19. Because our response to the pandemic required lockdown orders in many Western countries, this pandemic affected almost every aspect of daily life and our routine activities on a societal level, which has had a huge effect on patterns of crime. Indeed, some have referred to this as "the largest criminological experiment in history" (Stickle & Felson, 2020). Initial data suggested there was little change in serious violent crimes, while a small reduction in residential break and enter and motor vehicle thefts in some cities was found (Ashby, 2020). Bowman and Gallupe (2020) argue that these decreases in certain crime rates were driven by drops in crimes typically committed in groups. At the same time, rates of violent offences committed alone, such as homicide and sexual and domestic assault, remained largely unchanged during the pandemic. Many speculate that rates of drug use (including alcohol consumption) also spiked during this period, and these changes could have affected crime rates and patterns. It is too early to understand the overall effect that the pandemic has had on crime patterns, but this will surely be a period that receives a great deal of attention from researchers.

2.9 Conclusion

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This chapter opened by suggesting that while there are many crimes that many people agree upon, several crimes are criminalised for moral and political reasons rather than out of concern for public safety. Therefore, it is important to be skeptical of the ways used to define and classify crime and the official statistics that flow from them, especially when considering offence disparities that sometimes emerge in minority and Indigenous populations. Patterns and rates of several types of crime were reviewed. The chapter ended with a discussion of how crime patterns are shaped over time and how certain events, such as environmental changes, technological advances, social unrest, and global pandemics, can affect these patterns.

2.10 Discussion Questions

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1. Why do criminologists refer to law as a social construction?
2. Can you think of any examples of laws not mentioned in the reading that are NOT based on a clear consensus in society?
3. Identify another aspect of Indigenous culture that has been criminalised under the *Indian Act* beyond potlatches.
4. Can you think of examples of how your heritage may have granted or denied you privileges that others did not have access to?
5. Provide an example of how COVID-19 could affect crime patterns that was not discussed in the reading.
6. Devise a list of possible explanations as to why the crime rate has dropped since the 1990s. Consider changes in technology and the law.
7. Aside from weather, list a few hypothetical explanations for higher violent crime rates in Western Canada. How does your local crime rate differ from neighbouring cities or provinces?

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3. MEDIA AND CRIME

Dr. Chantal Faucher, Langara College

Positionality Statement

I am a white, middle-class, cisgender female educator teaching criminology and criminal justice at snəẃeyəɬ leləm̓ Langara College, Vancouver, BC, which is situated on the unceded traditional territory of the Musqueam First Nation. I grew up in the traditional and unceded territory of the Abenaki people and the Wabenaki confederacy in an almost exclusively white family and community, several generations removed from my French ancestors who settled in that area. I had the privilege of being fluently bilingual (French/English), which opened up a broader range of books and television options to me than most people in Québec could access at that time. My main early exposure to people different than myself, particularly in terms of race, ethnicity, and culture, was in fact through the television screen. It was mesmerising! My uncritical acceptance of the images on the screen was an uncomfortable realisation when I moved away and continued my formal and informal education. My principal research interests have been in critical examinations of media representations of young offenders, women and the law as well as cyberbullying.

Introduction: Why should criminologists study media content?

You may wonder why criminologists would bother studying crime and justice in the media since their work consists of studying these phenomena "in real life." Although media may not offer a thorough or accurate depiction of crime and justice (as is discussed in this chapter), it is important to examine the ideas and images they produce. Most of us do not have direct, ongoing experience with crime (Carter, 2013; Henry & Tator, 2002; Jewkes, 2015). We rely on other sources of knowledge, such as things we hear from family, friends, and acquaintances or things we learn about from our government, school, religious institutions, and especially from the media (Surette, 2015). Most people, when asked about their main source of knowledge about crime and justice, will cite various forms of traditional and/or social media.

In this chapter, the term "media" is used in the broad sense to include the range of mass communication products people use: 1) to find out what is happening in their community and in the world, 2) for entertainment purposes, and 3) to share their ideas, news, photos, etc. with others, all of which are not mutually exclusive. However, the focus is on news media, whether in the form of newspapers, radio, television, Internet or other, as most of the research on media representations of crime have focused on news content.

The ways media represent crime and justice may leave us with a skewed perception. Nonetheless, it is important to study media images because, for most people, these images represent most of the information they receive about crime and justice. This reality makes media messages powerful vehicles for influencing public perceptions of crime and justice. Further, even though the public may be misinformed about crime and justice, it is rare to find a person who does not have an opinion about what should be done about crime, how it should be handled, whether we need more police or longer sentences, etc. Public opinions, regardless of how they are informed, have an impact on politicians, law, and policy. Criminologists have access to detailed and empirically based information about crime, which can enable a critical stance and, hopefully, help educate the public about crime and justice.

This chapter examines the ways in which media content shapes, and is shaped by, public understandings of crime and justice. Media portrayals are very consequential, as they are the public's main source of knowledge about crime and justice issues. The chapter pays particular attention to the ways crime stories are filtered to become crime news as well as whose interests are served by those choices. To this end, to start, five theoretical perspectives and some of their key concepts related to media content are examined: the market model, the social responsibility model, the propaganda model, the organizational model, and the cultural studies perspective. The chapter then turns to the process of framing and examines examples of the ways crime, criminal offenders, crime victims and law enforcement personnel are framed in media representations. While this chapter is primarily concerned with news media portrayals, it ends with a brief consideration of the ways new media, such as social media, may disrupt some long-held media theories and allow a more diverse set of voices and perspectives to be considered.

3.1 Theoretical Perspectives on the Relationship Between Crime, Media, and the Public

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It is not possible for the media to tell us about everything that happens in the world, the details of every crime committed, the harm done to every victim, the behaviour of every law enforcement officer, the decisions of every court, or the rehabilitation of every offender. There is necessarily a selection process, a filtering of the range of stories available to determine which ones are "news." Theorists from different perspectives argue that the stories that become news normally carry one or more features called **news values or newsworthiness criteria** (see Figure 3.1).

(https://kpu.pressbooks.pub/app/uploads/sites/199/2022/08/Figure-1-red-version-
e1661459196776.jpeg)
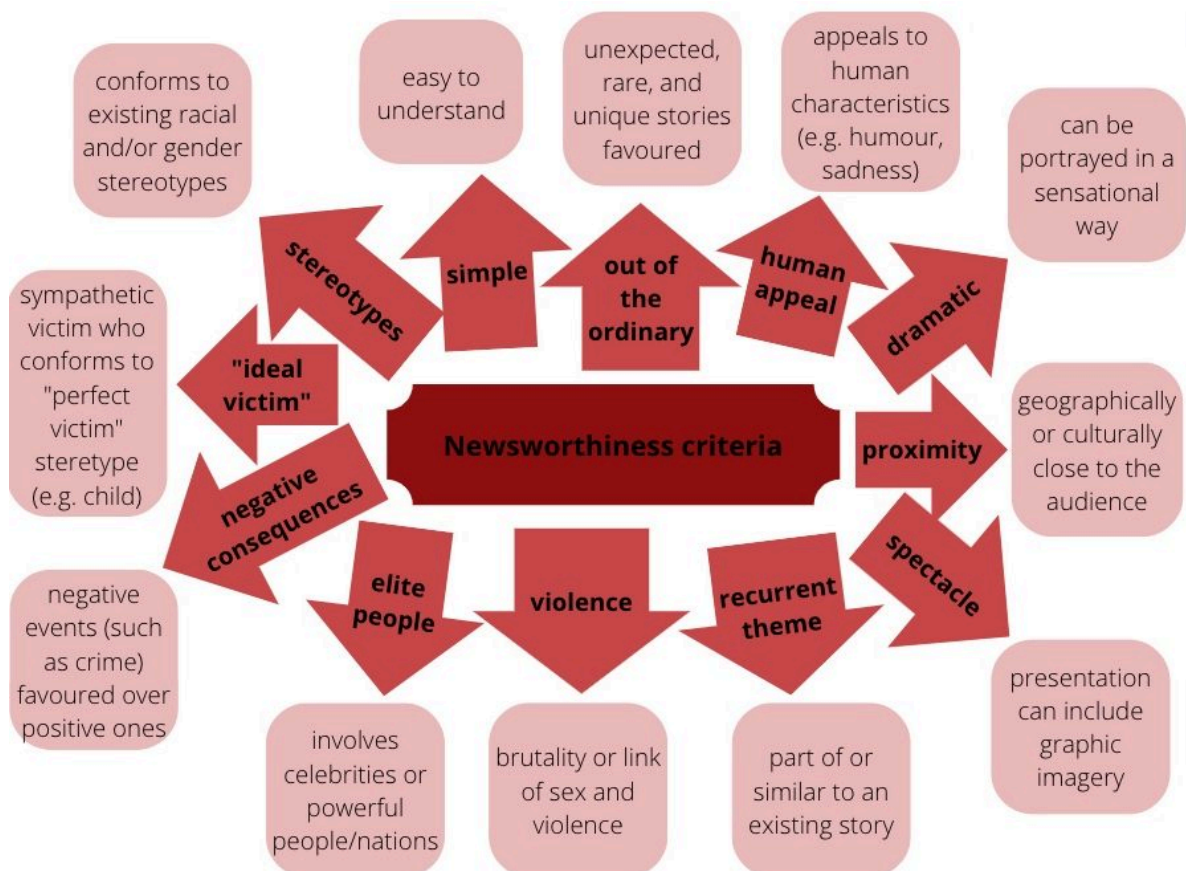
Figure 3.1: Newsworthiness Criteria (Sources: Buckler, 2015; Gushue et al., 2018; Hall et al., 1978; Intravia et al., 2017; Jewkes, 2015; Lee & Wong, 2019; Surette, 2015; Wong & Harraway, 2020)

Therefore, even if we adhere to the belief that news reporters are impartial and objective truth-tellers, we must still accept that there will always be parts of the story that are left out and some stories that are never told. The question here is: Who decides on which stories to tell and how to tell them? The theoretical perspectives discussed in this section offer different views of the filtering process that leads to the creation of crime news content.

Market Model

The **market model** suggests that the basis for deciding which stories become crime news is market demand. What does the public want to see/hear/read about? What interests them? This model is premised on the idea that media are a business, and their focus is on profitability. For media to be profitable in a competitive marketplace, they must publish the stories that will attract the largest audience to maximise advertising revenue (Buckler, 2015; Manning, 2001; Surette, 2015). Proponents of this theory suggest that if media content is dominated by stories about violence, sex, money, and celebrities, it is due to audience preference. There is, therefore, no need for media regulation that requires media businesses to report information that may be less entertaining, but serves public interests.

Public Sphere/ Social Responsibility Model

While the market model suggests the media give the public what it *wants*, the related **social responsibility model** argues that the media should give the public what it *needs*. Media are one of the main pedagogical tools through which the population can become informed about the events and issues taking place in society. In the public sphere/social responsibility model, the media have a responsibility to serve the interests of democracy (Manning, 2001). The media benefit from certain protections in carrying out their duties; for instance, the *Canadian Charter of Rights and Freedoms* guarantees the freedom of the press and other communication media (section 2. (b)). However, because the media are also seen as a public resource, media industry regulations and codes of ethics (such as those set out by the Canadian Broadcast Standards Council) are in place to ensure a diversity of content that is not necessarily solely based on popularity (as the market model suggests) (Buckler, 2015).

Within this model, news media are viewed as playing a key role in keeping the public informed about what is happening in society and, in particular, holding authorities accountable for their decisions and actions. For instance, the media raise awareness about political and judicial decisions that may otherwise go unnoticed by most members of the public.

Propaganda model

The **propaganda model** (also called the manipulative model) suggests that media content is determined by those who own the media. It is their prerogative, as owners, to determine the editorial line, the types of stories reported, and the perspectives used. Further, this model argues that the media owners will select stories according to what serves their best interests (Herman & Chomsky, 1988; Manning, 2001; Surette, 2015). They will present a distorted version of reality to shape public views. However, there is a need to avoid the overt appearance of bias as the audience will question the credibility of the media if the bias is too obvious. Nevertheless, according to this model, powerful elites can use the media to filter out certain events and perspectives in favour of those that the government and powerful elites wish to disseminate (Hackett & Gruneau, 2000). In doing so, they divert the public's attention away from certain issues, such as political maneuvering and corporate wrongdoing, and onto stereotypical street crimes, for example.

For instance, the media can be described as a colonial tool and source of narrative control that can represent stereotypes and misrepresentations of Indigenous peoples (and other minority groups) (Anderson & Robertson, 2011; Baker & Verrelli, 2017; Beckermann, 2020; Clark, 2014; Fleras & Kunz, 2001; Henry & Tator, 2002; Monchalin & Marques, 2014). The propaganda model reflects the balance of power in the media, and Indigenous peoples are not in control of mainstream media content (Walker et al., 2019). In the mainstream media, protests against the development and extension of pipelines have tended to receive minimal coverage until the protests turn into physical confrontations (Crosby, 2021). Focusing on the protests only once they turn into violent clashes tends to legitimise the authorities and cast the protesters in a negative light, thus leading to a lack of serious consideration of the reasons for protesting in the first place (Corrigall-Brown & Wilkes, 2012). Also, the media often portray these protesters as "environmentalists" while overlooking that many of the protesters are Indigenous peoples (Clark, 2014). By neglecting to emphasise the Indigenous peoples' actions when upholding their rights, the media also fail to provide reasons, other than environmental motivations, for why these events are happening. The media may generally overlook the destruction and damage to territories and waterways that are relied upon by Indigenous peoples in the exercise of their rights to a way of life that includes hunting, fishing, trapping, and other cultural ceremonial and traditional practices; the violation of treaty rights and other agreements; unsettled land claims; and self-determination (Clark, 2014; Crosby, 2021; Monchalin & Marques, 2014; Walker et al., 2019). This failure of the mainstream media to provide decolonising context for Indigenous peoples' assertion of rights and awareness-raising efforts in attempts to protect lands and waters serves to perpetuate and reinforce stereotypes that have been in place for more than a century (Anderson & Robertson, 2011) and prevent Indigenous voices from controlling the

narrative (The truth behind First Nations pipeline protests video[1] is an example of media coverage that fails to incorporate Indigenous voices in contrast, see Get Off Our Territory: Wet'suwet'en Land Defenders Condemn Canadian Police Raid on Pipeline Protest[2] for how some sources do incorporate Indigenous voices).

Organisational model

Another model suggests that neither market demand, nor social responsibility, nor media ownership can have as much influence on the content of news as the routines of day-to-day news production. The **organisational model** is more pragmatic in pointing out that the constant need for news material and the pressure of deadlines in the news cycle lead to certain media practices that shape news content. News media will favour stories that have been previously reported upon and have an established background, such that they do not need to be constantly starting from zero in shaping a story the audience can understand.

This habit of favouring stories that have already been reported upon is connected to the use of **simplification**, **personalisation**, and stereotyping (Buckler, 2015; Ericson et al., 1991). Simplification stems from the inability of media institutions to do extensive research before producing a news story due to deadlines. The tendency in news stories is to stay away from explanations, particularly ones that may be complex. For example, stories about homelessness will rarely examine the structural causes of homelessness but rather focus on individual factors (Calder et al., 2011; Schneider, 2014; Truong, 2012). Personalisation relates to the dramatisation of news: How did people feel when this event happened? How would you feel if it happened to you? Making a story relatable makes it easier for the audience to understand. Canadian journalists reporting on homelessness indicate that they try to bring individual stories to light to help readers understand the types of challenges underhoused people experience (Schneider, 2013). **Stereotypes** are also easily understood by audiences. For example, the stereotypes of homeless people as mentally ill, drug-addicted, unwilling to work, and engaged in criminal behaviour are

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1. Scan the QR code to access https://www.youtube.com/watch?v=TiP2S9-4g-c

2. Scan the QR code to access https://www.youtube.com/watch?v=Tl53FklgkyI

commonly circulated in society (Calder et al., 2011; Schneider, 2014; Truong, 2012). Media stories that resonate with these stereotypes are easy for the audience to understand as they do not challenge their views.

Not everyone will necessarily interpret a news story the way the media producer intended. The media may suggest an interpretation that many will accept, but the audience retains autonomy in terms of interpreting content. For example, a story about police use of force may be interpreted by different segments of the population as:

1. a legitimate exercise of force required in the course of police carrying out their duties;
2. an instance of a "bad apple" police officer who abused their authority, that is not reflective of how most officers would have handled the situation; or
3. an example of the corrupting influence of power in the hands of an institution that routinely abuses its authority.

This example of various possible interpretations based on a single story points to the fact that the media do not dictate how we are to think. The media "leave space for different moral readings by diverse audiences" (Ericson, 1991, p. 231). They provide us with information that allows us to form our own interpretations based on our own beliefs, sensibilities, and perspectives shaped by our personal and social experience. Thus, individuals or groups who have had negative interactions with police may lean more towards the third interpretation above, whereas those who have not may favour one of the first two interpretations.

The reason the dominant meanings may be more in line with those of the authorities can be found in the voices selected for defining news stories. Becker (1967) describes a **hierarchy of credibility**, whereby certain individuals are more readily accepted as being "in the know" and more readily given a voice in news coverage (e.g., government officials, police, academic experts). Ironically, the more widespread reporting of what these sources have to say lends them even greater credibility, and it legitimises and reinforces their views as the ones most likely to be relevant for further reporting. While the propaganda model might view the over-accessing of people in positions of authority as an indication that the news is purposely trying to have these voices influence the public, the organisational model views the preference for these sources from a different perspective.

Here, again, it is the routines of news production that contribute to the over-accessing of these sources (Corrigall-Brown & Wilkes, 2012; Hall et al., 1978). Firstly, journalists report on various topics about which they may have little expertise. For their reports to appear legitimate, they must cite people who are or appear to be credible and legitimate sources. Secondly, journalists must *appear* to be unbiased and objective in their reporting. They can do so by reporting on what these ostensibly knowledgeable sources have to say about the topic, instead of sharing their own thoughts. Thirdly, the authorities are more organised and available to reporters. When reporters are working with a deadline, they will rely on sources who take their calls/ emails, who answer their questions in a direct way, and who are prepared with a sound bite on the topic in question. Many organisations, such as police departments, have developed

media relations strategies with specific personnel dedicated for that purpose (Schulenberg & Chenier, 2014). Police are a steady source of crime news stories, so the media have an interest in maintaining a good relationship with them to continue to have access to this source. Police also have an interest in building good relationships with the media, as media representations can contribute to the public image of police. In this way, we can see a **symbiotic relationship** that exists between media and police (Barak, 1996; Gushue et al., 2018).

The over-use of authorities as sources does not mean that other sources cannot be included. Becker (1967) describes the authorities as **primary definers** of the news. Other sources (e.g., community organisations, protesters, victims' rights advocates, criminal offenders) may be **secondary definers**, meaning that their voices can be included but usually as a response to the ways the primary definers have established the parameters of the issue at hand. Secondary definers are not given the status of being able to set the tone or construct the issue. They can merely argue against or offer an alternate interpretation of the problem as defined by the primary definers.

Cultural studies perspective

The **cultural studies perspective** (see chapter 12 Cultural Criminology) views media production as a cultural practice imbued with meaning. Theorists from this perspective are particularly focused on the work of **representation** that takes place within the sphere of media and how this meaning can be deconstructed and resisted. They examine the ways in which individuals and groups are portrayed and the impacts these portrayals have on the individuals and groups themselves as well as on the media audience. They are interested in how some people come to be constructed as dangerous or risky and how some issues come to be constructed as one type of problem (e.g., a crime problem) rather than another (e.g., a health problem).

One major contribution to our understanding of media representations of crime and other social problems is moral panics theory (see New Media and Moral Panics[3] for more on moral panics). The term **moral panics** was originally used by Jock Young but is more often attributed to Stanley Cohen who most significantly developed it in his work *Folk Devils and Moral Panics: The Creation of the Mods and Rockers* (1972). He examined the frenzied news coverage of fights that had taken place between two youth groups, the "mods" and the "rockers," identified through their stylistic choices. Cohen (1972, p. 9) defined a moral panic as when "a condition,

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3. Scan the QR code to access https://www.youtube.com/watch?v=jjg–Ln9pLlI

episode, person or group of persons emerges to become defined as a threat to societal values and interests." Moral panics occur when there is a gap between people's perceptions of a problem and the reality of the problem, and the difference can be explained ideologically (Hall et al., 1978). Goode and Ben-Yehuda (1994, p. 156-159) further clarified that an episode can be defined as a moral panic based on five crucial elements: heightened concern about an issue or group, increased hostility toward those portrayed as responsible for the problem, a rapidly emerging consensus about the problem, the disproportionality between the perceived threat and actual threat posed, and a volatility in that the panic subsides quickly without any necessary resolution.

Folk devils was the term used within this theory to refer to people or groups presented in media as deviant outsiders and the cause of social problems. As was the case in the moral panic described by Cohen, youth often find themselves cast in the role of folk devils. Moral panics around youth are nothing new; many researchers have documented such panics revolving around youth over several decades (Chibnall, 1977; Cohen, 1972; Faucher, 2007; Gilbert, 1986; Killingbeck, 2001; Schissel, 2006; Silcox, 2022). Other groups have also been constructed as folk devils at different times. Following the terrorist attacks on 9/11, Muslim people in general came to be targeted as folk devils, despite the attacks being the work of a small group of extremists (Morgan & Poynting, 2012). More recently, during the COVID-19 pandemic, people from China and Asia faced hate crimes and xenophobic attitudes in reportedly greater numbers and "covidiots" were also targeted as threats to society more broadly (Capurro et al., 2022; Gover et al., 2020).

Another key concept within moral panic theory is the **moral entrepreneur**, a term used to refer to individuals or groups who attempt to draw attention to and impose their moral perspective on behaviours they deem deviant or criminal in order to advance their own interests or political agendas. Becker (1963) divided moral entrepreneurs into two groups: rule creators who advocate for legal change to have their moral views reflected in law and rule enforcers who work to ensure the new laws are followed, such as police and enforcement agencies. To the extent that moral entrepreneurs can access the media, their position is reinforced and legitimised. Mothers Against Drunk Driving is a classic example of moral entrepreneurs engaging in awareness-raising campaigns about the harms of driving while drunk and advocating for legal changes to reflect more serious punishments for those who engage in such behaviours. The Pro-Choice, Pro-Life, Black Lives Matter, and LGBTQ+ movements can also be viewed as moral entrepreneurship.

In terms of the timing of moral panics, Cohen (1972) suggested that they can arise at any time if there is nothing of greater interest going on at a particular moment. In other words, the timing has more to do with a slump in the news than with any objective reality of the threat posed by the folk devils. Schissel (2006) suggested that timing, particularly in regard to moral panics about youth crime, had more to do with the economic and political context, diverting public attention onto these ready-made targets at strategic moments.

Table 3.1 – Key points of the five models

Market	Social responsibility	Propaganda	Organizational	Cultural studies
Media is a business	Media as a tool for developing an informed citizenry	Media content reflects the interests of the powerful	Content of news is dictated by the routines of news production	Media content is a cultural product that serves to socially construct meaning
Crime news is a product that meets market demand	People should be aware of crime in their community and what is being done about it	Street crime news serves to divert attention away from other more serious matters	Reliance on established sources and story lines	Media representation may produce and reproduce social constructions and may be contested
No need to regulate media	Media requires regulation			

3.2 How Media Frame Portrayals of Offenders, Victims, and Police

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In this section, we examine some of the ways in which crime and justice are constructed in media representations. A key concept in media studies, framing, is explained first. It is followed by a summary of some examples of ways in which criminal offending and offenders, victims of crime, and criminal justice personnel and their actions are framed in media coverage.

Framing

Think of a picture in a frame. The frame sets the limits of what you can see, and you do not necessarily know the context outside of what appears in the image within the frame. You do not have access to the broader background. For example, you do not know if there were more people present than those you see within the frame. You rely on the facial expressions of those in the picture to understand how it felt. Likewise, in media **framing**, the media offer the audience a snapshot of events and there is always something left out of the frame. As Entman (1993, p. 52) states,

To frame is to select some aspects of a perceived reality and make them more salient in a communicating text, in such a way as to promote a particular problem definition, causal interpretation, moral evaluation, and/or treatment recommendation for the item described.

Altheide (1997, p. 651 – emphasis in original) further clarifies: "*Frames* are the focus, a parameter or boundary, for discussing a particular event. Frames focus on what will be discussed, how it will be discussed, and above all, how it will not be discussed." Fleras (2011, pp. 36-37 – emphasis in original) adds that framing is not neutral:

More specifically, a media gaze reflects a tendency by a mainstream media to frame the social reality from an institutional point of view (i.e., predominantly straight, white, middle-aged, middle-class, male) as natural and normal, while dismissing other aspects as inferior and irrelevant, *in the process drawing audiences into seeing like the media as if this seeing did not involve any perspective or bias.*

Some of the ways in which stories can be framed to give them greater salience in newspapers is to cover them in the first place; to cover them intensely/repeatedly; to place them on the front page, at the top of the page; to use bold headlines; to include colour, photographs or other visuals; to have longer articles; and to use language that evokes emotion. (Carter, 2013; Conlin & Davie, 2015; Gilchrist, 2010; Sommers, 2017; Wong & Harraway, 2020; Wortley, 2002).

Framing can also be episodic or thematic (Carter, 2013; Clark, 2014; Lee & Wong, 2019; Schulenberg & Chenier, 2014; Surette, 2015). Episodic frames discuss crimes as individual events generally unrelated to other events or any broader context. Episodic frames are the most commonly used type of framing in crime reporting. They are simple and easy to understand. For example, a man killed his wife. He was upset about their impending divorce. He used this weapon. The police have arrested him. In contrast, thematic frames discuss events in their broader context. An instance of a man killing his wife could be discussed as part of a broader pattern of violence against women in society or, at the very least, as the culmination of a pattern of abuse within their relationship. Such a story is more complex and meaningful in terms of understanding why such events take place in our society (Fairbairn & Dawson, 2013; Lee & Wong, 2019). Research on media coverage of domestic homicides suggests that the media rely on episodic formats, blame victims for the incident (e.g., arguments they had with the perpetrator, what the victim did to provoke the attack, promiscuous behaviour, why the victim did not leave), provide excuses for perpetrators' behaviour (e.g., mental state, financial problems, intoxication, unable to control their emotions), but fail to convey the broader context (Fairbairn & Dawson, 2013; Lee & Wong, 2019). Domestic homicides are generally deemed less newsworthy and tend to receive less coverage and less salient coverage than non-domestic homicides (Wong & Lee, 2018). Fairbairn and Dawson (2013) compared Canadian news coverage from the late 1970s to coverage at the turn of the 21st century and found some improvements over time in the frequency of reporting on a history of intimate partner violence preceding domestic homicides. However, only 18% of stories reported on this background factor. The authors contrasted that number with Statistics Canada figures suggesting that 56% of male-perpetrated homicides followed a known history of abuse (Fairbairn & Dawson, 2013, pp. 165-166).

Crime, Criminal Offenders, and Deviant "Others"

Following the idea that news stories are selected based on the newsworthiness criteria stated above (see Figure 1), a clear tendency emerges with respect to crime news: the rarest crimes receive the most coverage, while the most common crimes rarely receive coverage. As such, violent crimes, and especially murders or violent crimes committed by women, are vastly overrepresented in crime coverage as well as in entertainment media, whereas the much more prevalent property crimes are underrepresented. In addition, crimes that are particularly dramatic, sensational, or bizarre are more likely to be covered in the media. This situation leaves the audience (who rely on media for information) with a distorted picture of crime that is practically the opposite of the reality of crime occurring in our society—Surette (2015) calls this the "**backwards law**."

Not only is the crime portrayed in the media out of proportion to its actual occurrence in society, but there is also an emphasis on particular groups of offenders and victims. Visible minorities are more likely to be portrayed as offenders than White people; however, they are

less likely than White people to be portrayed as victims or as law enforcement personnel (Intravia & Pickett, 2019; Jiwani, 1993; Schissel, 2006; Wortley, 2002). Also, the concept of the **racialisation of crime** raises the idea that when racial minorities are responsible for crimes, the cause of their criminality is linked to their cultural origins, whereas White people's crimes are not blamed on their Whiteness (Chan & Mirchandani, 2002; Wortley, 2002). Race, in fact, is rarely explicitly stated in media coverage; therefore, it may be more noticeable when it is mentioned, particularly in contexts where the racial identification matches racial stereotypes (Coogan, 2012; Faucher, 2008; Freng 2007).

For example, Carver and Harrie's (2017) comparative analysis of two shooting events that occurred in 2014 demonstrates that similar incidents may be framed differently in media coverage due to the racial and/or ethnic backgrounds of those involved. Justin Bourque shot at RCMP officers in Moncton, killing three, as retaliation against the government. Michael Zehaf-Bibeau, who disapproved of Canadian military actions in Afghanistan and Iraq, killed a guard at the War Memorial in Ottawa, then stormed Parliament and shot a police officer. Although both incidents meet the legal definition of terrorism, only the actions of Zehaf-Bibeau were described as terrorism in media coverage. Bourque was described as a "criminal," a "gun-nut," and "anti-establishment," and his religious affiliation was only mentioned as a means of humanising him by discussing his childhood (Carver & Harrie, 2017). On the other hand, Zehaf-Bibeau's conversion to Islam was repeatedly emphasised, and words such as "radicalised," "jihadist," and "extremist" were used (Carver & Harrie, 2017). In this case, his religion was used to portray him as a criminal "other" within the pre-existing framing in the media linking terrorism to Islam and the Middle East.

Another common media frame is the gangster. Media tend to portray gangs as having well-established leaders and being highly organised and hierarchical, violent, and sophisticated in the drug trade, all of which is at odds with what is known about most gangs (Gushue et al., 2018). It may serve police interests, however, to portray gangs as more organised than they actually are when it comes to seeking more resources in their fight against gangs. Gushue et al. (2018) examined the Vancouver Sun's coverage pertaining to Jamie, Jonathan, and Jarrod Bacon from 2004 to 2015. The coverage generally portrayed them as sophisticated and powerful gang members who posed a significant public safety risk due to their dangerous enemies. The most commonly occurring keyword in the coverage was "brother," and the coverage portrayed the brothers as a family, not as individuals. Information about different brothers was mentioned in articles about a single brother, even when this information was irrelevant. Shows of family support were also emphasised, creating the image of a Sopranos-like crime family (Gushue et al., 2018). Almost all the coverage of the Bacon Brothers came after the October 2007 "Surrey Six" slaying, although almost all of Jarrod and Jonathan's charges occurred before 2008 and Jamie's role in the 2007 slaying was comparatively minor (he pleaded guilty to being involved in the planning, but not in carrying out the murders). They may have been considered more newsworthy due to a lack of fit with the stereotype of ethnic minority youth gangs than due to their actual criminality: they were from a homegrown "normal" family, and they fit into the popular narrative of "crime families."

The framing of issues along lines of race can also be observed in the media coverage of opioid overdose deaths, as can the framing of issues along lines of class. Webster et al. (2020) argue that White and middle-class people who become addicted are portrayed as innocent victims, and efforts are made within the coverage to distinguish these users from "street users." According to Johnston (2020), the focus of the coverage is on "normal," White, middle-class young people from "good families" who overdose. These stories include photographs and interviews with family and friends. These young people are portrayed as innocent victims of evil drug dealers and foreign drug manufacturers. On the other hand, such coverage ignores the severity of the problem among the Indigenous and middle-aged population. Opioid addiction in Indigenous communities is presented as a chronic community issue, and few personal stories or photos are used. Such coverage reinforces the colonial narrative of the "degeneracy of Indigenous peoples" (Johnston, 2020, p. 123) and positions government responses as superior to those suggested by the Indigenous community.

Crime Victims

Just as media portrayals of offenders rely on stereotypes, so too do portrayals of victims. Nils Christie (1986, p. 18) argued that there are certain types of people who "when hit by crime – most readily are given the complete and legitimate status of being a victim." He was referring to being given this status at the societal level, but we certainly see the ideal victim stereotype play out in media as well. He described an **ideal victim** as one who would be perceived as weak, was confronted by a "big and bad" offender, was engaged in respectable activities, could not possibly be blamed for their victimisation, was unacquainted with the person who harmed them, and has sufficient social power to have their victim status recognised and to receive sympathy.

Kilty and Frigon (2016) examined the extensive media coverage of Canadian serial killers Karla Homolka and Paul Bernardo's three known victims: Tammy Homolka, Leslie Mahaffy, and Kristen French. Although all three victims were young White women, Kristen French, who was kidnapped while walking home from school, most closely conformed to the ideal victim stereotype. During the period they studied, the authors found over five times more articles about the murder of Kristen French than about the murder of Tammy Homolka, who was related to her attackers. There were also about 20% more stories about Kristen French than about Leslie Mahaffy, who was coming home past curfew on the night she was abducted by Homolka and Bernardo.

In contrast to these young White victims, some victims do not receive nearly as much, if any, media coverage of their assaults, sexual assaults, disappearances, and murders. A shameful number of Indigenous women and girls have gone missing and been murdered in Canada over the last several decades, which led to the Missing and Murdered Indigenous Women and Girls

Inquiry and subsequent report[1] (see also the case study in chapter 11.7 Feminist Criminology). The media have been slow to cover these cases, and the coverage has been underwhelming (Cripps, 2021; Gilchrist, 2010; Hugill, 2010; Jiwani & Young, 2006; McDiarmid, 2019). In examining the coverage of the missing and murdered women from Vancouver's Downtown Eastside, in particular those linked to the Pickton farm, Jiwani and Young (2006) explained that these victims did not conform to the ideal victim stereotype: they were minority women in the wrong place at the wrong time and engaged in activities that would not be considered "respectable." The authors' examination of the limited news coverage (128 stories) of these cases found that the framing of these stories told viewers that these are stories about: 1) missing women who were mostly Indigenous drug-addicted sex trade workers, 2) one deviant man's (Pickton's) actions, 3) inadequate and ineffective police action, and 4) a horror story about a pig farm and contaminated meat. Such frames offer very little understanding of what happened and why. The authors describe what was virtually absent from the coverage: the larger structural context of these women's lives, colonialism, racism, sexism, residential school trauma, the condition of the women's homes and communities, and the broader issue of violence against women (see also Hugill, 2010).

Gilchrist (2010) examined press coverage of six missing and murdered women, none of whom were known to be involved in the sex trade, and none of whose families believed had run away. Three of them were Indigenous women from Saskatchewan, and three were White women from Ontario. There were 3.5 times fewer stories about the disappearances and deaths of the Indigenous women. The White women's cases were not only mentioned much more often, but they also included lengthier articles, were more likely to appear on the front page and in the front sections of the newspaper, the headlines referred to them by name, they included emotional messages from family and friends, and they were accompanied by more and larger photographs.

Cripps (2021) examined the media attention given to two cases of sexual homicide: one in Australia (Lynette Daley) and one in Canada (Cindy Gladue), both involving Indigenous women. Neither case initially received much media attention, but when the cases went to trial, the media began to cover the stories of these two women's deaths. In particular, the presentation in court of Cindy Gladue's preserved torn vaginal tissue as evidence elevated the media sensationalism surrounding the case while reducing this victim's humanity by focusing on the size of the tear rather than the loss of her life. The way in which the media framed these deaths was in line with dominant racist, sexist, and colonial discourses about Indigenous women and dangerous lifestyles that include violence. **Victim-blaming discourses** were included in the coverage, such that any empathy the public may have felt for the women was somehow muted.

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1. Scan the QR code to access https://www.mmiwg-ffada.ca/final-report/

In the case of Cindy Gladue, the media were much more likely to include information from the perspective of the offender than from Gladue's family. Including information from victims (or in the case of homicide victims, from their family and friends) contributes to the social construction of victims as "grievable" (Cripps, 2021, p. 317).

The term "**Missing White Woman Syndrome**" has been specifically examined in American research, though not in Canadian research to our knowledge, to refer to the phenomena described above (Conlin & Davie, 2015; Moss, 2019; Sommers, 2017; Stillman, 2007). Certain people who go missing are more likely to have their cases reported in the media and more likely to receive extensive coverage. The intersectionality of race, gender, and class appears to enter into the differential valuation of various victims (see also the Feminist Criminology chapter). The message the media send with such discrepancies in coverage is that some lives are more valuable than others and the audience will care more about certain victims than others. It also signals to perpetrators which targets are easier (Sommers, 2017) and that some victims are more deserving of our collective sympathy and (search/police) resources (Stillman, 2007). These signals were also evident in the Bruce McArthur case, where relatively little coverage was given to his first seven victims (male victims, all of whom were linked to Toronto's Gay Village and of South Asian or Middle Eastern origins), but the increased coverage of his eighth victim (who was White) led to McArthur's arrest (Bouchard et al., 2020).

Law Enforcement

As noted above, the police and media have a mutually beneficial relationship that allows the police to be primary definers of crime news. Their views will be presented first, more regularly, and with authority. Those who come into conflict with the police may have a difficult time having their views represented in mainstream media.

However, in recent years we have seen instances in which the hierarchy of credibility shifts away from the police, particularly when police misbehaviour is captured by "citizen journalists" and disseminated to the public. Images and video of the taser death of Robert Dziekanski at the Vancouver airport, for example, came from cellphone camera footage recorded by bystanders (Goldsmith, 2010). Similarly, research on media coverage of the G20 protests in Toronto in 2010 found that, prior to and during the Summit, the police were the primary definers and were successful in defining the protesters as the problem (Schulenberg & Chenier, 2014). However, "Post-summit, the pendulum dramatically shifts to protesters as victims and police officers as villains. No citizens are quoted by the media, who suggest the police did a good job or provided assistance" (p. 278). Police came to be defined as the problem. This shift resulted from several individuals posting videos to YouTube in which police behaviours were depicted as "brutality"

and in violation of civil rights. See this link for an example of coverage of these protests and the portrayal of protesters and the police.[2]

Such shifts in representations of police mis/behaviour may also depend on the political orientation of the news outlets publishing the information. For example, Chama (2019) compared the views of readers of two New York tabloids on their representation of instances of police brutality and the Black Lives Matter (BLM) movement more generally. The New York Post, criticised for being highly sensational and displaying conservative bias, was felt by readers to offer a generally more unfavourable portrayal of BLM. The newspaper blamed the movement for confrontations with the police and tended to portray Black people as criminals, White people as victims, and police as good people who were justified in their actions against Black people. The New York Daily News, while also quite sensational, was seen by readers as offering more positive representations of African Americans and a more positive view of BLM while portraying police as racist and dysfunctional and questioning police behaviour.

We can also see negative and distorted images of police in entertainment media, where police have little influence over media content. Surette (2015) describes three main stereotypes of police that have been developed in crime films over time: "lampooned police" (satirical representations of police as bumbling and incompetent), "G-men" (professional and efficient crime fighters), and "cops" (hypermasculine aggressive crime-fighting soldiers, with sub-types emerging as time moves forward). As with most stereotypes, these representations fail to capture all or even most police officers' realities and come with negative consequences such as discrediting police as incompetent or creating a restrictive image of policing that excludes women. Huey and Broll (2015) interviewed 31 Canadian police investigators about the ways in which certain aspects of their job were portrayed in television crime shows. While some acknowledged that the media portrayals of police work did contribute to their career choice, they also admitted that the reality of their work had little to do with the sanitised, glamorous, exciting, or "sexy" image of police investigations seen in shows such as CSI. The officers interviewed talked about bad smells, maggots, combing through trash, being sleep deprived, being covered in grime from blood and fingerprinting dust, having to wear masks and other protective equipment, and being sweaty and uncomfortable. These behind-the-scenes aspects of the reality of police work may not be as appealing to the media audience without first being "cleaned up" by the media producers.

2. Scan the QR code to access https://www.youtube.com/watch?v=3sI8p0gH9QQ

3.3 Future directions

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This chapter has mainly focused on news media representations of crime and criminal justice, but it is clear that entertainment media similarly distort the image of crime in their portrayals. Media scholars distinguish **traditional or legacy media**, which encapsulate newspapers, magazines, radio, television, films, as well as books and music recordings, from **new media**, which includes Internet, video games, and social media (Surette, 2015). New media have transformed the landscape and shaken the foundations of some of the theories discussed in this chapter. Media organisations no longer hold a monopoly on news, and the version of the world they present is subject to far greater challenges and counter-narratives than they were in the past (Fleras, 2011). New media shift the role of the audience from passive consumers to active participants and producers of media content. Internet news and social media operate differently than traditional news, as they encourage engagement. They offer an oppositional gaze to the dominant **media gaze** (Fleras, 2011). Research has found that engagement in social media can contribute to changing opinions and increasing activism as well as impacting the fear of crime (Grant & Smith, 2021; Intravia et al., 2017; Intravia & Pickett, 2019).

The shift is not complete, however, as "looping" between the legacy and new media is apparent. **Looping** refers to the recycling of media content in different formats, different contexts, and different outlets (Surette, 2015; see also chapter 12 Cultural Criminology). It is not uncommon to see social media posts linking to traditional media reports. Likewise, traditional media include quotes of what people have said on social media posts on the topic of their reports.

The advent of social media has also allowed groups whose voices have often been silenced in mainstream media to have a platform for sharing their views, shining light on injustice, keeping authorities in check, and advocating for social justice. Cellphone footage of police use-of-force incidents shared online have contributed to challenging the dominant discourses whereby police were the only ones defining what happened in particular incidents. The power of movements such as #MeToo has led to the push for the removal of high-status individuals from their roles in public life with unprecedented frequency (see, for example, the case of former judge Robin Camp in chapter 11.4 Sexualised Violence).

Several social movements have also been able to harness the power of social media to some extent in advancing their economic and political concerns (e.g., Arab Spring, BLM). The Idle No More movement, which is a grassroots Indigenous movement started in 2012, has gone even further than merely raising concerns about Indigenous and treaty rights. The #IdleNoMore hashtag allowed organisers to not only disseminate information and frame it to help the public understand the stakes, mobilise people and resources, unite geographically dispersed people, share opinions, and criticise policy, but also to reflect Indigenous culture more broadly through discussions of group membership, land, epistemologies, cultural production, resistance, and language (Raynauld et al., 2017; Richez et al., 2020).

3.4 Conclusion

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In this chapter, we examined the importance of media representations of crime. We considered how crime stories are selected and shaped for coverage from different theoretical perspectives, and we discussed whose interests are served in that process. We acknowledged that not all voices are heard in news coverage and that some voices are, in fact, privileged in constructing narratives around crime and justice. We examined the process of framing and how some crimes, criminal offenders, crime victims, and law enforcement officers are framed through media depictions. We highlighted examples of stereotyped portrayals that create, perpetuate and reinforce racist, sexist, classist, and colonialist discourses and ideas. Lastly, we examined the contrast between traditional and new media and the ways in which new media may shift the power dynamics that have governed traditional media and silenced certain voices. Criminologists are beginning to recognise social media platforms as perhaps more conducive to bringing criminology to the public in ways that have not been possible in traditional media formats.

3.5 Discussion questions

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1. In this chapter, five models are described to account for media content on crime and justice issues (the market model, social responsibility model, propaganda model, organisational model, and cultural studies perspective). Which model do you believe best accounts for the media content you have observed? What evidence have you seen that aligns with this model? Provide examples.
2. Watch the evening news and consider the crime stories that are reported. Which newsworthiness criteria do you believe led to each story being included in the newscast? What are the problems associated with the filtering of crime news in this way?
3. Pick an example of an event or issue that you believe may constitute a moral panic. Identify the folk devils, moral entrepreneurs, and Goode and Ben-Yehuda's (1994) five crucial elements for this moral panic.
4. What are the advantages and disadvantages of media framing when it comes to crime reporting? For offenders? For victims? For law enforcement personnel? For journalists?
5. In what ways, if any, do new media alter our understanding of crime and justice issues?
6. Provide an example of a crime you learned about on social media and reflect on how learning about it on social media might differ from how it was represented in traditional news media formats.

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4. RACE AND CRIME

Dr. Michael Ma, Kwantlen Polytechnic University

Positionality Statement

When I immigrated to Canada, I became a hyphenated Chinese-Canadian. As a young child, I had little agency or control over how I came to be an immigrant-settler subject living on treaty land in Quebec. Since I was born in Hong Kong, I just swapped one post-colonial identity for another. As someone growing up in Quebec, I was an immigrant Chinese-Canadian Muslim anglophone living in a predominantly Jewish neighbourhood in a francophone province. That experience gave me some unique insights. As an adult, I am trying to make sense of and reconcile my presence on the unceded territories of British Columbia. This chapter is written—in part—as a reflection on the way I have experienced and thought about race, racism, and racialisation in Canada.

Dr. Shereen Hassan's Vignette:

It was May 1997. I had just finished the Spring semester of my second year at Simon Fraser University. I was 19 years old and planning my first trip out of the country without family. My parents, both immigrants from Egypt, were hesitant to allow their daughter to travel without them, as this sort of independence was not typical of young women "back home."

Upon arriving in Toronto to catch a connecting flight, my two White friends passed through customs without issue. However, when I walked up to have my passport scanned, the U.S. customs official stopped, looked at me, swiped my passport again, and then asked me to come into their customs office area. At first, I thought it was a simple error and that I would be on my way shortly. I had no idea that this would be a life-changing moment.

Two hours had passed, and my flight had already left. My friends were on the plane, and I was stuck in what I now know was an interrogation room. It had a one-way mirror in it; people were able to see me, but I couldn't see who was watching me. I had a few different customs officials come in and question me over the course of four hours, asking where I was from, what the purpose of my trip was, and who I was traveling with. They asked about my family, which mosque they were

members of, where they were born and what they did for a living. At first, it was interesting; I was, after all, an undergraduate in Criminology and had an interest in justice. In fact, when they asked what I was studying at SFU, I told them, and their reaction was priceless: "Ironic." It most certainly was.

After some time, one of the customs officials began to empathise with me. I had become quite emotional when the departure time had passed and my friends were no longer in the waiting area. I was now all alone and sensed that this was no longer a "random" search, as was initially suggested. He told me what was in fact going on: They believed that I looked like or was related to someone who was a wanted terrorist. You can imagine my horror. The name Hassan in the Arab world is really as common as Smith. Almost everyone I knew had Hassan as a first, middle, or last name! Naturally, I rejected the notion that I was in any way connected to a terrorist organisation, and I cooperated with the ongoing questions and subsequent fingerprints and photographs.

Eventually, I was released from the interrogation room and allowed to board the next flight to New York City. There was no explanation, no apology. At this point, I thought it was all a terrible mistake and my name had been cleared. I wrote to the Department of Homeland Security, seeking some sort of explanation. Within weeks, I received a response stating that this was merely a random search, justified under the guise of national security.

This was just the beginning. Each time I tried to cross the border for a day trip, I was interrogated; for each flight I took, I was held and interrogated, each time with the same result after hours of questions, fingerprints, and photographs.

Two years later, at the age of 21, I went to Cairo, Egypt, where my mother's family still live, to visit family I hadn't seen in over 15 years. This is where I learned my experience was not unique to U.S. travel. This time, I was being interrogated in Arabic, in a room that looked like it was part of the set of the show Homeland. There were guards in the hallways armed with rifles, the cement walls were significantly damaged, and the interrogator was smoking a cigar and speaking exclusively in Arabic. Thankfully, my mother was with me and is fluent, whereas I hadn't spoken Arabic fluently since I was a young child.

When she began crying, I knew that this was not a "random" stop. Suddenly, without warning, the interrogator turned to me and began speaking in English. I was shocked—if he was bilingual, why had he not been speaking to me in English the entire time? Again, I was asked about my family connections, where I work, what I study, the mosque where my parents prayed. I was photographed and fingerprinted. It was an entirely different experience from when I was held in U.S. Customs. Here, the language was different, the laws were different, and the overall tone of the customs officials was different. I was terrified. I spent the next 21 days on edge, sleepless and eager to be back on Canadian soil. I have not been back since.

At the age of 25, I got married. For our honeymoon, I booked a Mexican vacation and made sure we had a direct flight to avoid any stops or transfers in the U.S. I quickly learned that would not suffice; simply flying over the United States was cause for concern, and I was held and interrogated

yet again, this time with my husband. He was photographed, fingerprinted, and interrogated. We missed our flight and a day of our honeymoon.

Shortly upon our return, it was suggested to me that I change my legal name to my husband's name on my passport as perhaps that would solve the problem. I thought it was worth a try, and shockingly it worked. My husband is of Dutch descent. It turns out a Dutch, White last name did not raise the red flags that my maiden name did. For the next five years, I travelled to and from the United States without issue.

It was then suggested to me that I apply for NEXUS. My husband began traveling to the U.S. for work, and he was granted a NEXUS so it would just make things much easier if I too had one. As I waited for this process to commence, I continued to cross the border for shopping trips, without issue, until October of 2013. I was traveling with a childhood friend and her newborn son. We were both interrogated, fingerprinted, and photographed. We were there for seven very long hours. This was much different than previous "random" stops. They were concerned that I, Shereen Hassan, had been traveling for years without issue under my married name. In their eyes, as I was told, I had tried to "cheat" the system. At the end of the seven hours, I was denied access, and I was given paperwork indicating that I was deemed permanently inadmissible. It hit me—I couldn't take my young children to Disneyland, I couldn't travel for conferences, and I worried my children would later be denied access as well and that this would impact them in their future educational and career goals. All this, and I had been a law-abiding citizen and faculty member for 13 years with no criminal record. It was time to hire a lawyer.

Many steps were taken to try to get to the bottom of what in fact was the cause of these "random" stops and the eventual denied access. Through a freedom of information request, I received a 45-page document, all of which was redacted, but the following words in the cover letter confirmed my lawyer's suspicions: "We have reason to believe that Shereen Hassan has or will become involved in terrorist activity." I was left without words.

After my claim that this was a case of mistaken identity, my request was still denied. My last resort was to apply for a U.S. travel visa. This application would be sent to various other U.S. government agencies. This was sent in April of 2014, 18 months after being deemed permanently inadmissible to the United States. All I could do now was sit and wait.

Finally, in June of 2016, I received a package in the mail indicating that my travel visa was ready for pick up. I was elated. I was granted a 10-year travel visa. The nightmare was over. I could now plan a trip to Disneyland and travel to watch my husband in his competitions in the United States.

Then, Trump was elected that same year in November. Muslim bans were imposed, and it was abundantly clear that racial profiling was alive and well. On my next trip, my travel visa was cancelled and my husband's NEXUS was revoked, all again without explanation or apology. And so the saga continues.

I am hopeful now that Biden has been elected that things will change. My lawyer plans to initiate an inquiry into my case. At the time of writing, Biden has been in office for just over a month,

and things are changing quickly. One can only hope that by the time my now 10-year-old children graduate from high school, they will be able to apply to U.S. universities and I will be able to move them into their dorms. One can only hope.

Introduction

This chapter explains how race and racialisation are socially integrated and naturalised in existing Canadian systems of criminal justice and law. We explore how social-legal and historical structures, in combination with institutions such as policing, correctional facilities, and border control, act in unequal and discriminatory ways toward Indigenous, Black and people of colour as compared to people who are White, of a certain class, and able-bodied. We explore a framework of the colonial process through which race and racism were historically produced. We examine how racism is an act that is produced in a systemic manner and manifests itself socially, culturally, and politically in the unequal treatment of people. Finally, we analyse race and its operation by breaking it down into the categories of overt, institutional, and systemic racism.

4.1 The Origins of Race and Racism

DR. MICHAEL MA

Race is a social invention, also referred to as a social construct (see chapter 1 What is Crime?) that is, in part, a historical product of Western European **colonisation** and the systems of Trans-Atlantic slavery. Through a process of discovery, dispossession and colonisation, practices of race and **racialisation**, which persist in the 21st century, developed through a Western European encounter with non-Western people as early as the 15th century. The encounter created a conceptual and practical framework of Western European versus non-Western "others" and what the Europeans considered uncivilised new worlds. The framework was later expanded and adopted worldwide. The encounter with non-Western societies also gave rise to flawed ideas about human variety, which then became attached to notions of biology, helping cement race as a biological, common-sense belief.

An important component of race and racism is the scholarly pursuit to hierarchise and categorise the physical differences and appearance of human beings. During the 18th century, many European scholars attempted to categorise humans into distinct biological groups. The German physician and anthropologist Johann Friedrich Blumenbach imagined there were different races of human beings, including the "Caucasian variety"—named after an area in the Caucasus mountains that he believed produced the "most beautiful race of men" (Blumenbach, 1865, p. 269). In this regard, Blumenbach's thesis was more of an aesthetic judgment than a scientific investigation of the human race. However, his work was instrumental in establishing "Caucasian" as a privileged category. Blumenbach and others began to measure skulls, the height of foreheads, the angle of jawbones, the shape of teeth, eye sockets, and nasal bones to differentiate the "races." Blumenbach concluded that humankind was split into five categories: Caucasians, Mongolians, Ethiopians, Americans, and Malays. Today, biologists and geneticists no longer believe in the physical existence of races, and Blumenbach's scientific method and theories have been discredited as pseudo-science and **scientific racism** (see chapter 6 Biological Influences on Criminal Behaviour).

A critical perspective on race rejects the idea that race is a natural category reflecting real human differences but rather understands race as a social construct used to artificially sort and divide humans. The question that needs to be asked is, "If race is a flawed social construction, why do we not simply change, alter, or erase the idea of race?" The reason we cannot simply do this is because race has become a naturalised part of the way society understands and sorts people, and it is deeply embedded in common sense and institutions.

This chapter proposes that race is important to criminology because it is a powerful way people are identified, categorised, judged, and treated differently in modern societies. We can infer that the criminal justice system must also use race to interpret the world—that is, police, courts, and corrections leverage and use race as part of their everyday operations. Race not only influences the actions of individuals (e.g., police officers) but also organisations and institutions who

racialise the populations they encounter. We can observe how race is a factor in interpersonal interactions, in institutional settings, and on a systemic level. To understand how race became such a systemic organising idea, it is necessary to examine the history of colonialism.

4.2 Colonialism and Criminal Justice

DR. MICHAEL MA

As a term of reference, "**colonialism**" often refers to how European expansionism moved throughout the world beginning in the 15th century. The "new world" of the Americas was "discovered" by European explorers who understood their colonial expansion as a way to claim territory and riches and tame "savages" through the introduction of European logic, science, rule of law, government, trade and religion (Said, 1978). This "**doctrine of discovery**" is based on the legal concept *terra nullius*—meaning that the "newly discovered" territories belonged to nobody and could therefore be claimed by occupation (see Why Pope Francis faces calls to revoke the Doctrine of Discovery[1]).

The European colonisation of the "new worlds" took different forms. In Canada, colonisation and settlement followed a process of agreements or treaties that were allegedly settled between Indigenous nations and colonial forces of Britain and France. However, these agreements and treaties were also wilfully ignored by the colonial powers. The emergence of the Canadian confederation (1867) fundamentally altered the relationship between Indigenous peoples and the newly formed Canadian government (Coyle & Borrows, 2017; Kirkby, 2019).

Coinciding with European expansionism was the rise of **nationhood**—the idea that the world is divided into distinct nations made up of peoples with inherent **ethnic**, cultural, and even biological characteristics (Calhoun, 1997). During colonial expansion, however, European notions of difference began to focus on categorising human groups based on skin pigmentation and facial/bodily features associated with emerging scientific notions of human evolutionary development. Scientific racism proved to be a useful tool for colonialism. Studies like Blumenbach's seemed to provide an objective confirmation of a hierarchy of racial order and helped generate a myth of Western European racial superiority that allowed for the colonisation of the Americas (Painter, 2010). Our contemporary everyday use of the term "Caucasian" is an illustration of the long-lasting and ongoing power of this discredited scholarship. It was the scholar W.E.B. du Bois who pointed out that the 19th and 20th centuries were organised by a "color line", whereby society is organised by a logic of "the darker to the lighter races of men in Asia and Africa, in America and the islands of the sea" (Du Bois, 1996, p. 7).

Colonisation is the implementation of a political, legal, and economic system that is controlled

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1. Scan the QR code to access https://www.theglobeandmail.com/canada/article-pope-visit-doctrine-of-discovery/

through a foreign sovereign authority. Therefore, under the British Empire, a common flag represented all colonies that were part of the nation. The colonising force views the relationship between the "metropole" (or "motherland") and its colonies as paternalistic, whereby the metropolitan centre of the Empire led a civilising mission that extended throughout the colonies. Part of this mission involved the maintenance of order and the assertion of authority over the new territories via criminal justice systems based on European models.

English criminal law, which applied to the early colonies, became the basis for the first Canadian criminal code after the confederation of Canada in 1867. In 1873, Sir John A. MacDonald deployed the Royal Canadian Mounted Police (RCMP)—originally named the "Royal Northwest Mounted Police"—which was modelled on existing British police forces. The British criminal justice system developed as part of a tradition of governance based on Western European notions of property, **ontology**, and religion. The British tradition of maintaining order was radically different from Indigenous practices, and its practices were often deployed against the interests of the Indigenous population.

Canadian colonialism was based on resource extraction and trade. Earlier treaty agreements between Britain/France and Indigenous peoples put limits on the colonial appetites for expanding the lucrative fur trade and exploiting the land and natural resources. Eventually, treaties stripped Indigenous peoples of title to land and **sovereignty** and restricted their movement and freedom on the land (Asch, 2014; Borrows, 1997). The RCMP was an important party to this history of dispossession because they were used to enforce the *Indian Act* (1876) that controlled and disciplined Indigenous peoples without their consent (see Historical events in RCMP-Indigenous relations for more information on the role of RCMP[2]). **Indian** agents working in conjunction with the RCMP enforced a repressive pass system that denied entry and exit from a reserve without the permission of the state agent. As a system of border control, which led to the criminalisation of Indigenous life, the reserve became a central part of Canada's system of colonial control.

The RCMP played a key institutional role in ensuring the cooperation and subjugation of Indigenous peoples. For example, to protect and expand **settler-colonial** interests, the RCMP helped remove the legitimate Métis government established in Manitoba in 1870 through military engagement. It fought Indigenous peoples to help expand the Canadian Pacific Railway that allowed settler-corporate expansion over **unceded** Indigenous territory. It was instrumental in relocating Indigenous peoples who were dispossessed of their lands and territory. They enforced the illegal pass system, suppressed cultural practices (e.g., the **sun**

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2. Scan the QR code to access https://www.rcmp-grc.gc.ca/en/historical-events-rcmp-indigenous-relations

dance and potlatch, see About Potlatch 67–67[3]) and helped distribute lands to settlers that were illegally acquired and in breach of Numbered Treaties. As truant officers, the RCMP captured and returned children who ran away from residential schools.

3. Scan the QR code to access https://potlatch6767.com/about-potlatch-67-67/

4.3 The Practices of Race in Colonialism

DR. MICHAEL MA

Scholars argue that colonialism is a system of governance that relies upon institutional forms of racism that develop over three stages (Fanon, 1968). First, the colonising power invents a distinction that is used to separate themselves from the population they seek to control. Second, the colonial power uses the idea that colonised peoples are different types of humans to justify its control over territorial space. Thirdly, the colonising power understands its own civilisation as superior to that of the people who are being colonised. This unequal power relationship between people is legitimated through legal, moral, religious, and later scientific forms of justification.

During the intensification of European colonial expansion in the 17th and 18th centuries, the process of categorising the Indigenous "other" as racially distinct from and inferior to the coloniser simultaneously produced a "superior" racial category that applied to Western European colonisers. That is, a species distinction grew out of the practice of colonisation that assumed the Indigenous "other" to be a product of an inferior race, nation, and ethnicity. Viewing Indigenous peoples as primitive and backwards permitted Europeans to present their hostile incursions as paternalistic efforts to "civilise" the land and its inhabitants.

The civilising mission was a moral and religious mission of purification (Valverde, 2008). Part of the civilising mission in Canada involved the establishment of the residential school system designed to "Kill the Indian in him, and save the man" (The Truth and Reconciliation Commission, 2015, p. 137). Through this state- and church-mandated residential school system, all "Indian" children were systematically rounded up with the support of the RCMP and placed in the care of institutions. Familial and tribal bonds were broken; children were taken away for many months or years and in many cases were unable to return to their homes. During their time in residential schools, children were forbidden to speak their native languages; European food, religion, customs and styles of clothing were imposed upon them; and many were starved and malnourished. Furthermore, the school system had a history of physical and sexual abuse that has been well documented (see chapter 6 Biological Influences on Criminal Behaviour). The system of colonial civilisational structures remained in place well into the 20th century, with the last school in Punnichy, Saskatchewan, closing in 1996.

One way that racism becomes systemic is through law. The British system of criminal law was imposed through the Empire to establish that various cultural practices were deemed barbaric and uncivilised. For example, in India, the British established laws against social and religious practices (e.g., the criminalisation of dowry (Khanal & Sen, 2020)), and in Canada, Parliament passed legislation that banned Indigenous practices deemed uncivilised (e.g., potlach, sun dance, and systems of trade) and laws that segregated First Nations Peoples into reserves and prohibited their mobility with a "pass" system regulated by an Indian agent. Legal processes

were also introduced that determined and restricted non-White Canadians' status, rights, democratic representation, citizenship, and belonging (Roy, 2004).

4.4 Race and Racialisation Today

DR. MICHAEL MA

In addition to the history and practice of colonialism, we can also examine race as an everyday operation or as a common mental shortcut whereby a person's physical appearance becomes a stand-in for appraising how they act, think, feel or exist in society. We can understand such mental shortcuts as stereotypes or unconscious biases that are used to arrive at an assessment based on appearance (e.g., skin colour, facial features, and/or hair texture). We can understand these judgments, opinions, and actions as things that people "do" to others.

Race as an Action

First, we can understand "race" as a verb or an act that is "done" to someone in that people or subjects can be "**racialised**" by a person, an act, or a system. This act assigns an individual, based on observed or assumed **somatic**, **phenotypical** differences, to a particular racial category that operates in a society. In this regard, race is a practice. For example, in the context of Shereen Hassan's experience of being denied entry into the United States, we can understand that she was racialised by a system of border control (e.g., post-911 Homeland Security or the United Nations' no-fly list) that uses race as a form of identification. Although Hassan's first problematic encounter with border officials was before the events of 911 and before the establishment of heightened American security and border control, we can still understand her ongoing identification as a person of interest as being related to her racialised identity; the post-911 environment just increased the scrutiny. Her name and description are forms of identification that match another name and description of a person of interest to American border security services. In this regard, her matching name and description are not racist in nature because they are simply a match. However, we can understand that the reason for the production of such lists and databases is the outcome of a racialised post-911 heightened security and border control culture that specifically targets names that have a Middle Eastern, non-Western, and/or Islamic religious connection. "Hassan" as a proper noun racialises a person because of its non-Western linguistic origins. It is in this regard that Shereen Hassan was racialised. She was not denied entry because she was not White, but rather because she has a specific kind of non-Western name that was of interest to border security in the context of heightened post-911 securitisation. She was denied entry because border officials were now using a race-based system of screening. It should be noted that the Canadian passport has no specific racial identification except for the photograph and place of birth. In this regard, the passport is not specifically racist nor racialising, but it does provide information that allows for negative or harmful racialisation on the part of post-911 border security operations and practices (Amery, 2013; Chebel, 2012; Cole, 2005; Nagra, 2017; Dua et al., 2005).

Secondly, people get racialised not because of desire, want or intention, but rather in spite of their own agency. Individual people become racialised because race and racial identity is such a strong component of contemporary society. People are born into conditions not of their own choosing, and "race" is one of those conditions. Shereen Hassan did not choose her conditions of birth, while history chose to racialise her as non-Western and non-White. Other seemingly benign institutions also participate in systems of racialisation. For example, Statistics Canada's surveys of Canadians always include a question regarding race. The word "race" is not included in the question, but the categories cannot be understood as anything but race based. The Statistics Canada National Household Survey (Long Form) asks the respondent to self-identify as these possible choices: (1) White, (2) South Asian (e.g., East Indian, Pakistani, Sri Lankan, etc.), (3) Chinese, (4) Black, (5) Filipino, (6) Latin American, (7) Arab, (8) Southeast Asian (e.g., Vietnamese, Cambodian, Laotian, Thai, etc.), (9) West Asian (e.g., Iranian, Afghan, etc.), (10) Korean, (11) Japanese, (12) Other — specify. Some scholars would point out that the offered category and choice of "White" is not a racial category at all in so far as the other non-White categories are biologically and racially coded. That is, few White people would self-declare they belong to the White "race" because of negative White supremacy overtones, whereas it is accepted to understand non-White identities as legitimate races or ethnicities.

The survey asks participants to self-declare their race or racial identity. It does not ask for proof, but merely asks you to examine yourself and declare. Sometimes the question is posed with the terms "ethnic or cultural identity" instead of the word "race." In this regard, the terms "ethnic," "cultural identity," and "race" can be understood to be somewhat interchangeable. This is further complicated by other studies that state the top three self-identified ethnic groups in Canada are Scottish (13.9%), English (18.3%), and Canadian (32.3%). The concepts of race and ethnicity in this regard are interchangeable, and yet we can acknowledge that to be ethnically English or Canadian is a radically different self-identification than Black, Chinese or South Asian because "English" or "Canadian" are not actual denotations of race. Herein lies the beginnings of the problematic definition and use of the term "race."

In the context of the Canadian Police Information Centre (CPIC), the RCMP helps maintain a central database whose information is served and used by municipal and provincial police services across Canada. The CPIC specifically requests users (e.g., police officers) to enter racial information into the database. Any entry regarding a wanted person or an accused must include racial information. Municipal police services may also maintain their own racialised databases. For example, the Vancouver Police Department uses the categories of Asian, Black, Caucasian, Hispanic, Indigenous, Middle Eastern, South Asian, Other and Unknown (see the Street Checks Report to the Vancouver Police Board[1]).

1. Scan the QR code to access https://vpd.ca/wp-content/uploads/2021/06/understanding-street-checks.pdf

Practices that force participants and users of a survey/database to assign race to subjects constitute systemic racialisation because they compel the user to understand that society is racially divided and that people are members of distinct and separate races. Systems of racialisation (e.g., police databases) can also become amplified when they combine with other actions and practices—institutional or individual—that can be negative or harmful towards racialised persons. Forms of racialisation that have negative or harmful effects are what many scholars are referring to when they speak about "racism."

4.5 Police Racial Profiling

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Racial profiling is the use of race by police and border security to select subjects for surveillance, detention, and/or arrest. Studies have shown that racialised people—especially Black people—are ticketed for motor vehicle violations, charged for possession of controlled substances, brought to a police station, and given overnight stays in police detention at a rate greater than that of White people (Rankin, 2002; Alexander, 2010). Racial profiling has come under scrutiny as a police tool because it is understood that police use stereotypes and bias to conduct the business of public safety.

Canadian research regarding police and race is overwhelmingly focused on the issue of racial profiling and the use/abuse of racialisation as a policing tool. Within this body of research, tension exists between two polarities: 1) scholarship that reveals the presence and practice of bias in racial profiling and 2) scholarship that disputes racial profiling as a racist practice or as a practice embedded within racial bias (Gabor, 2004; Gold, 2003; Stenning, 2011; Wortley & Tanner, 2003; Wortley & Tanner, 2005). The former involves research demonstrating that particular ethno-racial groups are subject to greater surveillance and policing than non-racialised groups (i.e., "White"), while the latter defends practices of profiling as valid tools of police work that are not premised on racial bias. Some criminologists, like Thomas Gabor, argue that race or ethnicity is part of a criminal profile and that race-based selection is a legitimate policing tool. In this regard, Gabor would support the profiling and detention of Shereen Hassan because the identification of her ethnicity or race is a legitimate use of race as a tool of criminal investigation and/or border control.

A common problem with studies of racial profiling is that the research seldom differentiates between different racial minorities (e.g., African-Canadians, Chinese-Canadians, Japanese-Canadians, South Asian-Canadians) and in so doing suggests that non-White people are merely a single homogeneous "other." The study of racial profiling often does not present a clear or consistent reference point regarding who or what constitutes a race or a racialised person (i.e., a "Black" person). For example, in many Canadian studies that focus on the way African-Canadians are treated differently by police services, they do not define who and/or why someone is "Black" (Mosher, 1996; Henry & Tator, 2005; Satzewich & Shaffir, 2009; Tanovich, 2002). In so doing, the research unwittingly creates methodological ambiguity regarding the—Black—subject/object of racialisation. Although we can agree that Shereen Hassan was racially profiled at border crossings, studies of racial profiling at borders seldom explain how that process of racial profiling actually occurs through the profiling of name, race, religion, nationality, skin colour, facial features, language and/or accent. For a recent examination

of discriminatory practices at the border, see 1 in 4 border officers witnessed colleagues discriminate against travellers: internal report[1].

1. Scan the QR code to access https://www.cbc.ca/news/politics/one-quarter-border-officers-witness-discrimination-1.6552453

4.6 Intersectionality

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Race is also often understood in the context of a multi-dimensional structure of race, class and gender, sexuality, and (dis)ability. **Intersectionality** —as a concept of analysis (see chapter 11.7 Treatment in the Criminal Justice System)—is designed to show how these categories and their social effects are interlinked or interlocked in a way that makes them difficult to pull apart and analyse as separate entities. That is, race, class and gender, sexuality, and (dis)ability are understood to act together to produce social effects such as social division, oppression, and entitlement. Critical legal theorists like Kimberlé Crenshaw and others have used the concept of "intersectionality" to describe how race intersects with social and economic class, gender and sexual expression, nationality, and other institutional markers of identity (Crenshaw, 1989).

Intersectionality research attempts to reveal that racial bias is not just a feeling or belief held by a single person, as racism and racist practices exist in symbiotic relationships with other social factors. Intersectionality—as a concept—allows us to see that people do not just act alone in their bias or that racial bias simply exists by itself; rather, race is intersected with other social institutions, practices, and actions. It is interlocked and interdependent on other social traits and/or social conditions. For example, in the case of Shereen Hassan, the way she is understood at the border is not just as a non-White person, as she may be also interpreted or judged as a middle-class, non-White, cis-gendered, female Muslim immigrant. Her race does not exist nor act alone.

Through a lens of intersectionality, it is possible to examine race and how it is jointly expressed as economic wage disparity, housing disparity, health disparity, education disparity, and/or as overt acts of violence and aggression. Race is intersected and interlocked with other forms of oppression to such a degree that it may be a misnomer to simply name it and reify it as something called "race." Maybe it should be renamed something like "race-class-gender-sexuality-(dis)ability and how they are interlocked in their social operation and history." The framework of intersectionality reminds us that the concept of race or racism should only be used as a term of analysis and investigation and not as a "thing" in itself. That is, when we use the term "race", it only serves to allow us to focus on the specific ways racialisation operates (i.e., racial bias or racism). Scholarly use of the term "race" does not imply that racial categorisation is a correct or natural way to understand people; rather, it recognises that it is a significant mode of categorisation that, along with others, can produce social effects for individuals and groups. For example, the class of a person and whether they are rich or poor has a powerful modifying effect on how a person is understood, judged, rewarded, and/or damaged by their racialisation. It cannot simply be "colour" that causes racist harm by itself. Using a chemical analogy, we might understand race to be an agent that works in a catalytic manner with other agents that are present in the chemical reaction. Race and other factors (e.g., class and gender) are intermingled to such a degree that they cannot be descriptively extricated from each other except for the purposes of analysis. This is the meaning and analytic power of the term "intersectionality."

Racial theory that interrogates race (i.e., critical race theory) and how it exists in its institutional forms and expressions is useful for a student of criminology because it allows the student to understand how this unpacked notion of "race" could have an effect on crime and criminalisation (Delgado & Stefancic, 2007). Interrogating race allows for an understanding of how ideas about deviant behaviour might be associated with race or specific groups of racialised subjects (e.g., Indigenous or Black). Intersectionality—as a framework of analysis—demands that "race" as a social determinant must be linked with other social determinants or causes such as education, family, neighbourhood, policing, or sexuality.

Critical race theory allows us to understand that "race" is a human invention, or a social construct, that does not pre-exist humanity outside of time or social structure. It does not exist in the natural world, nor does it happen outside of human organisation. Humans or society invented the idea and practice of "race." If "race" is a social construct, then how should we begin to understand its features and effects? For the purpose of analysis, one way is to break down the idea and practice of race into separate categories of effects, actions, or practices. For the purposes of examination and analysis, we can usefully unpack the practice of race or racism into three categories that help reveal how they are applied or deployed in real social practice: overt racism, institutional racism, and systemic racism.

What is Overt Racism?

Overt racism can be understood as the kind of racism individuals experience as direct interpersonal experiences. It is a kind of racial bias encounter experienced subjectively by individuals. For example, if someone is overtly racist towards you, it has immediate emotional and subjective effects. If you are treated unfairly due to race/racism, you experience it as a direct personal insult or injustice. If a person insults you with a verbal insult that mocks your racial background, then that can be understood as an overt act of racist speech. It is overt racist speech because it is using the framework of "race" as the main vehicle of insult. If that speech act is followed by an assault, then it can be argued that the assault was motivated by hate or bias. In both cases, racism or racial motivation is linked to the insult and/or assault. In this regard, such acts can be understood as acts of overt racism (see London police arrest 2 teenagers linked

to Covid-19 racist assault on Singaporean student[1] and East Asian student assaulted in 'racist' coronavirus attack in London[2]).

According to s. 718.2 of the *Canadian Criminal Code*, the courts can consider motivation as it pertains to sentencing. If the motivation for the crime is "hate/bias", then this "prejudice" can be understood as motivating the crime (e.g., assault). If "hate/bias" is the motivation behind the crime, then the motivation alters the sentencing. The motivation of "hate/bias" does not affect the verdict; it only affects sentencing. In this regard, one limitation to the way this law responds to overt acts of racism is that there are no adequate guidelines for judges to follow when administering a guilty verdict in cases motivated by "hate/bias." Specifically, the language of the law states:

A court that imposes a sentence shall also take into consideration the following principles:

(a) a sentence should be increased or reduced to account for any relevant aggravating or mitigating circumstances relating to the offence or the offender, and, without limiting the generality of the foregoing,

(b) evidence that the offence was motivated by bias, prejudice or hate based on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, or any other similar factor.

The second limitation to this law is that there are no detailed guidelines for judges to follow when delivering a sentence that involves a crime motivated by "hate/bias."

What is Institutional Racism?

Institutional racism can be understood as "racism without racists". An institution may have

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1. Scan the QR code to access https://www.straitstimes.com/singapore/london-police-arrest-2-teenagers-linked-to-covid-19-racist-assault-on-singaporean-student

2. Scan the QR code to access https://www.ctvnews.ca/health/east-asian-student-assaulted-in-racist-coronavirus-attack-in-london-1.4838325

racist policies or practices that do not necessarily require racist beliefs on behalf of the workers tasked with enacting them. To give an example from Canadian history, in 1946, Viola Desmond was denied a downstairs seat in a cinema in New Glasgow, Nova Scotia (Reynolds & Robson, 2016, 2018). The cinema's owner had established a rule prohibiting patrons who were not White from sitting downstairs. In this regard, the movie theatre was a racist institution because the prohibition produced negative effects (non-White people faced limitations that Whites did not) based on racial categorisation. Once a racist rule is institutionalised in this way, an employee tasked with enforcing this prohibition does not need to be racist themselves in order for the prohibition to produce a racist effect—they just need to fulfil their work duties. As an intellectual exercise, we could imagine the ticket seller refusing to sell Viola Desmond a downstairs ticket, stating: "Sorry, I cannot sell a downstairs ticket to you. I've got no problems with your kind, but the rules are the rules. Sorry." From this perspective, the ticket seller can be understood to be lawfully following "the rules" and not acting in an overtly racist manner.

Another Canadian example of institutional racism can be found in its history of Chinese exclusion, where government enacted specific laws to disadvantage both Chinese migrants and Canadian-born Chinese (note: we can retroactively name these types of people as "Chinese-Canadians"; however, most Chinese-Canadians were not granted citizenship until the 1960s and in this sense were not part of the national fold). Institutional bias against Chinese was marked by several legislative acts that banned Chinese migration, Chinese voting, Chinese purchase of land, and the hiring of Chinese men (Prkachin, 2007). For more details, see the Discriminatory Legislation in British Columbia 1872-1948[3].

Legislative acts that deploy racist restrictions are enacted through institutions of municipal, provincial and federal assembly. By enforcing and obeying these laws, a Canadian citizen employed in such an institution is simply complying with law. Their compliance is not an act of "overt" racism or bias because compliance is an act of lawfulness. And yet, there are complications to compliance. On the one hand, compliance is not an overtly racist act, but silence is also an act of complicity and endorsement. On the other hand, the act of compliance raises the spectre of tacit approval of racism by continued employment in an institution that clearly has harmful racist effects. Is an employee—who stays at a job against their conscience—making an overt decision to perpetuate racism?

Similarly, in the case of Shereen Hassan's border refusal, we can understand the border guards' actions not as individual racism or the active discretion of a specific agent but as institutional

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3. Scan the QR code to access https://www2.gov.bc.ca/assets/gov/british-columbians-our-governments/our-history/historic-places/documents/heritage/chinese-legacy/discriminatory_legislation_in_bc_1872_1948.pdf

in nature because an external system of biased selection alerted the agent to detain and reject Shereen's application to travel to the United States. Her refusal was not based on any unlawful act or behaviour on her part, nor the specific actions of a particular officer—any agent would have done the same; rather, a system of race—combined with a bias against previously identified non-Western names and nationalities—was adopted by Homeland security and border control. In so doing, a race-based system of bias and selection was "institutionalised." The system exists outside of the behaviour or thinking of individual officers. The officer does not need to be biased themselves to carry out biased selection; the officer need only follow the system that flags Shereen Hassan's name and profile. The officer does not act in a biased manner; the officer only follows what the system instructs. The officer is innocent of bias or racial profiling. The institution and its rules produce the racist effect, not the border control agent. This is the very definition of "institutional racism."

What is Systemic Racism?

Systemic racism is different from the other two forms of racism. It is not a form of racism experienced as an interaction between two individuals, and it may not be an institutional prohibition. Rather, it is bias or difference experienced as an effect of social structures. It may not even be immediately recognised as racism. It can also be understood as how race intersects with economic achievement and labour market disparity between those who are raced and those who are not raced (i.e., White).

The term "systemic" refers to the phenomenon of how non-racial aspects of society such as employment or housing affect a person's life course. Lower labour market performance or lower salaries and wages can have an important effect on a person's life. If you have low socio-economic status (SES), this low status might affect your life course. Some authors have argued that non-White people are more likely to be caught in a cycle of low SES and that status is inter-locked with non-White status. Sheila Block and Edward-Grace Galabuzi argue that "[T]he racialization of poverty refers to a phenomenon where poverty becomes disproportionately concentrated and reproduced among racialized group members, in some cases inter-generationally" (Block & Galabuzi, 2011, p. 15). In this regard, poor economic performance can intersect with race to produce "systemic" forms of oppression, bias, and disadvantage. This is what is meant by Kimberlé Crenshaw's notion of "intersectionality." These disadvantages are not directly driven and maintained by overt or institutional forms of racism; rather, the racial disparity can be understood as a third product of the way race interlocks with economic performance as argued by Block and Galabuzi. A series of conditions (e.g., worker preference, lower wages, types of work) work together to create the condition of racialised economic impoverishment. It is an accumulation of social practices that overlap and work together without a single guiding logic. In the context of policing, the racial profiling and targeted policing of racialised subjects may be one of those social practices. Police racial profiling is both

a product of systemic racism and an agent that helps produce it, and it is interlocked with other social determinants that cannot be easily separated as objects of analysis.

In this sense, some authors have named "systemic racism" as a form of multi-dimensional disparity or racial inequality that reveals itself in education, incarceration, and health, where Indigenous or Black students have less chance of achieving their high school education, more chance of being incarcerated, and lower average life expectancies. These multi-dimensional forms of disparity are correlated with people of colour who are more represented in the areas of less longevity, more incarceration, and less education (Rohde & Guest, 2013). Indigenous and Black Canadians specifically are over-represented in the categories of less life, more prison, and less education. It is these forms of inter-locking disadvantages and social harms that help explain the meaning of "systemic racism." As DiAngelo (2018) so eloquently states in her text White Fragility: Why it's so Hard for White People to Talk About Racism, "[R]ace will influence whether we survive our birth, where we are most likely to live, which school we will attend, who our friends and partners will be, what careers we will have, how much money we will earn, how healthy we will be and even how long we expect to live" (p. 5).

People of colour are overrepresented in both their interaction with the system of justice and the system of incarceration (Ontario Human Rights Commission, 2017, 2018). But before police can exert race-based policing, the Black Canadian has already experienced various social injuries and harms that may expose them to more criminalisation. For example, in the area of schooling, Black high school students in Toronto have a higher drop-out rate and are more likely to live with a single parent. Black male students are more likely to be streamed into special classes and vocation programs rather than university preparation programs (Tator et al., 2006). Dominant social stereotypes regarding blackness are widespread in schools. Stereotypes and bias affect a child's "youth identity development and relationship to schooling and the larger society" (Daniels, 2016, p. 103). Black males are also suspended at twice the rate of White males and expelled at four times the rate (Sanders, 2022). Higher school exclusion rates create delays in learning, which in turn creates increased academic challenges and poorer life outcomes.

In the context of Toronto, school prepares Black students to not graduate and not attend university (Tator et al., 2006). In so doing, the public school system—as a societal institution—is treating students in a way that harms their chances for educational and professional excellence. School teaches Black students that they are academic failures. Thus, school is a central social institution that helps limit the horizons of possibility for Black students and is a strong contributor to the way "race" acts in a multi-dimensional or "systemic" manner in society. It is no surprise that Black youth who perform poorly in Toronto then end up having more contact with police services. Outside of school, the over-policing of Black neighbourhoods and the increased chances of street checks and traffic stops all contribute to the experiences of many racialised youth (Sewell, 2021). The multi-dimensional racism in which Black students have been steeped has prepared and brought them these conditions not of their own choosing. And this returns us to the beginning of this chapter, where we began by asking: If race is a flawed social construction, why don't we simply change, alter or erase the idea of race?

4.7 Conclusion

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This chapter has sought to demonstrate how race and racism is a multi-dimensional problem arising from a complex set of historical conditions into which people are born. These conditions are not of our choosing, and therefore they are also not within our power to simply change or erase through a force of will.

We can understand overt racism as expressing itself in the form of interpersonal bias or stereotyping that occurs between unique individuals. And we can understand institutional racism as a form of racism that arises because an institution adopts a set of rules that are biased or based in prejudice, but it is the question of systemic racism that is the most difficult to understand. In the case of systemic racism, this chapter has demonstrated that racism can occur without the presence of overt or institutional forms of racism. The chapter demonstrates that because social forces are interlocked and catalytic in operation, the existence of racism can be made invisible or naturalised. However, through an effort of critical thinking, it is possible to reveal racism and see it as a social conglomeration or as a set of intersecting social conditions that lead to racial disparity (e.g., how history, housing, schooling, policing, border control, and racial profiling may all be interlocked).

Shereen Hassan's multi-year experience of race and racism at the border is an illustration of the way race expresses itself in normal everyday practices. It illustrates how the border may institutionally act in a racist manner because it uses race-based rules, regulations, and race-based data to surveil and control the border. In so doing, the border acts in a racist manner, but it does not need racists to create or maintain the racism. The border is not a person who is acting in an overt racist manner because the border is inert and inanimate, but the border can produce racism through its systems of examination and control. The rule or the institution by which the border conducts itself (e.g., racial profiling) is the culprit. This is the pernicious power and complexity of race and racism.

4.8 Discussion Questions

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1. Kimberlé Crenshaw and others have used the concept of "intersectionality" to describe how race intersects with social and economic class, gender and sexual expression, (dis)ability, nationality, and other institutional markers of identity (Crenshaw, 1989). If race is so inter-locked with other social factors, then should the term "race" be refigured as "race-class-gender-sexuality-(dis)ability"? Does it change how you understand "race"? What does the new term reveal?

2. The Roseland Theatre ticket seller—who would not sell Viola Desmond a downstairs ticket—claimed she was "just following the rules." Was the worker passively following the rules of her work or was she actively being racist? Is she innocent of racism because she followed the rules of her employment and the general practices of society in New Glasgow, Nova Scotia during the period of 1946?

3. Black high school students in Toronto are more likely to be streamed into special classes and vocational programs, more likely to live with a single female parent, more likely to drop out, more likely to be suspended, and more likely to have interactions with police than the average Canadian person. What does this tell us about race and racism?

4. Johann Friedrich Blumenbach's research allowed him to argue that humankind was split into five categories of humans: Caucasians, Mongolians, Ethiopians, Americans, and Malays. These categories have been discredited by more recent scientific research and academic scholarship, but the use of "Caucasian" persists today. What are some possible reasons for the continued and popular use of "Caucasian" while the other terms of reference have been discontinued?

5. Without the assistance of the RCMP, the residential school system would not have been possible. Were the RCMP just doing their job and acting to enforce the social norms and practices of this period, or are they guilty of a historical wrongdoing or crime? If the RCMP were once involved in the enforcement of residential schools, then are present-day RCMP historically responsible for such past acts? If the RCMP helped remove children from their families and helped track down and return school runaways, then were they "party to a crime"?

6. Using your own experience or current events, try to think of examples that illustrate the presence and practice of overt, institutional, and/or systemic racism.

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5. METHODS AND COUNTING CRIME

Dr. Wendelin Hume, Department of Criminal Justice, University of North Dakota

Positionality Statement

Since the way we ask questions and the way we interpret the answers are often influenced by our own unique social lenses, we would like to share our social perspectives with the reader before delving into the discussion of research methods.

I—Wendelin Hume—was born in northwestern Minnesota but grew up in northwestern Ontario on land that is part of the Whitefish Bay Reserve/Naotkamegwanning Nation where I and my dad are enrolled. We have no idea of my mother's ancestry as she was adopted as an infant and no records have been located. I experienced both the horrors of repeated violence and victimisation in my youth as well as wonderful traditional teachings under Baptiste, a respected spiritual elder who has since journeyed on.

I experienced the Father Moss boarding school briefly, and then from grade 6 onwards I completed my schooling at home on my own with lessons provided by the provincial government. Later, my family moved back to the United States, and eventually I attended high school for a year and a half before I graduated. I got married and had children while very young. Later, to better support my family, I completed a college degree at Black Hills State College in Spearfish, South Dakota. To try to correct some of the inequities in our justice system and put my woundedness into service for others, I earned my master's and doctorate degrees in Criminal Justice and Criminology with an emphasis in victimology and statistics at Sam Houston State University in Huntsville, Texas.

I accepted a faculty position in North Dakota to be back up north and closer to family. I missed the trees and the snow. I missed the people and the land I am familiar with. Being Anishinaabe, I relate with the cultural background of Turtle Mountain tribal people more than the other tribes in my state, though I have worked with and developed friendships with members of all the North Dakota tribes. Part of my research interest is to study problems and successes in remote rural areas I can still access with some 'windshield time' from the University of North Dakota (UND). It should be noted that, today, UND rests on the ancestral lands of the Pembina and Red Lake Bands of Ojibwe and the Dakota Oyate—presently existing as composite parts of the Red Lake, Turtle Mountain, White Earth Bands, and Dakota Tribes of Minnesota and North Dakota. We acknowledge the people who resided here for generations and recognise that the spirit of the Ojibwe and Oyate people permeates this land. As a university community, we will continue to build upon our relations with the First Nations of the state of North Dakota—the Mandan, Hidatsa, and Arikara Nation; Sisseton-Wahpeton Oyate Nation; Spirit Lake Nation; Standing Rock Sioux Tribe; and Turtle Mountain Band of Chippewa Indians.

Personally, as a member of the Bear Clan, protecting others and trying to improve justice are important to me. In my research, I try to follow the 3Rs: Respect, Responsibility and Reciprocity. I demonstrate Respect as I am committed to the wisdom of the elders and others, and I try to be a good listener. I attempt to show Responsibility as an experienced and passionate researcher who is looking to improve the world of the next seven generations through research. I also believe in Reciprocity, and I think both the researcher and the participants involved in research should benefit from the research enterprise and any resulting improvements should benefit future generations.

Ashly Hanna, B.A., Department of Criminal Justice, University of North Dakota

Positionality Statement

I -Ashly Hanna – am Hunkpapa Lakota from Standing Rock Sioux Reservation, Lithuanian and French Canadian. However, I grew up in Longmont, Colorado, between the custody of my two parents. In August of 2017, I moved to Grand Forks, North Dakota (ND), to attend the University of North Dakota (UND), on the lands of the Pembina and Red Lake Bands of Ojibwe and the Dakota Oyate. Here, my Indigenous friends came from various reservations and cities. Sure, growing up, I knew I was Indigenous. Still, I also had the privilege of appearing white with very few "Indigenous" features such as high cheekbones and occasionally, I attended Wacipis or PowWows and did book reports on Sitting Bull. At age 18 at UND, I began my search for my Indigenous identity by learning my Lakota language and culture. In 2021, I graduated with my Bachelor's in American Indian Studies and Criminal Justice. My research focuses on the recidivism rate of Indigenous peoples and policies at the community level that effect the reservation to prison pipeline. Even though I am Indigenous, and my family comes from and lives on the reserves of Standing Rock, conducting research was more complex than I imagined. I had to be conscious of the various tribal nations in America and Canada and how different we all are. I also respected that I could not just conduct any research I wanted on my affiliated reservation. Our ancestors may share similar complex histories, but our upbringing was indeed different. I had to respect that as an urban Native, I am unaware of their hardships, and research methods are best when conducted by a team with many Indigenous perspectives.

Introduction

The main purpose of this chapter is to expose the reader to basic social science research methods. Most modern research methods have been developed following typical Western practices. This chapter will provides an overview of those practices as well as offer some additional methods and frameworks that draw from Indigenous ways of knowing and being.

The chapter begins by providing an overview of the nine main steps in the research process. Two examples are used for illustrative purposes as the reader is walked through the nine steps in more detail. We review the process of moving from the formulation of a research question through to the collection of data, how researchers address the time dimension in research, and how they assess the quality of research. The chapter also explores the definition of methodology and provides a brief overview of the various research methods used in the social sciences, with a discussion of the inductive versus deductive models and quantitative versus qualitative research methods.

Interwoven within this discussion of research methods is an outline of some fundamental differences between Western and Indigenous worldviews and the impact of these worldviews on how we conduct research. The chapter provides a brief overview of the various ways we measure crime in Canada, including the Uniform Crime Report, the General Social Survey and self-report data. Throughout the chapter, ethical considerations are discussed. The chapter concludes with how researchers can move forward with culturally sensitive, evidence-informed practice.

5.1 The Research Process

DR. WENDELIN HUME AND ASHLY HANNA, B.A.

An understanding of quality research methods is fundamental to informed citizenship, scientific advancement, economic activity and government decision-making. While research designs vary depending on a number of factors such as the topic being studied, the variables under consideration and the preferences and training of who is conducting the research, a basic **Western** research design is a good place to start in discussing research methods. In the subsections below, and as shown in Figure 5.1, each of the nine steps of this basic research process are outlined, beginning with planning.

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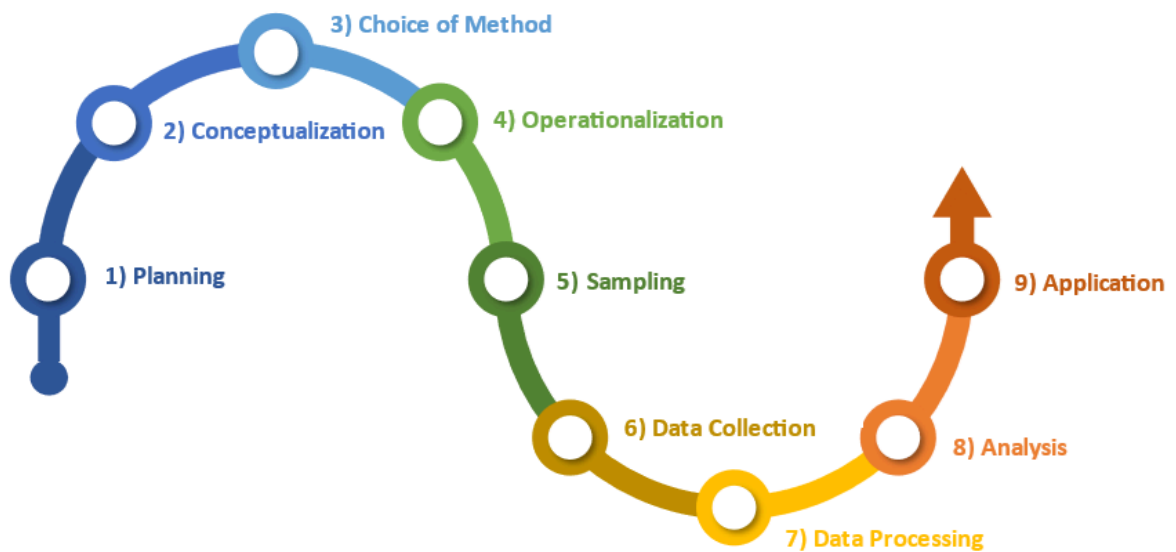
Figure 5.1: The 9-step search process includes: Planning, conceptualization, choice of method, sampling, data collection, operationalization, data processing, analysis, and application. Image designed by PoweredTemplate.

Planning

A key part of the planning stage is knowing what your objectives are. Are you trying to discover new information, or are you trying to find an answer to influence policy and programs? As you start to plan, you start to take a look at other studies on the topic. You look at the **theory** (or theories) referred to in those studies and the **hypothesis** they may have set out to test. You start to think about what your own research question(s) might be.

Conceptualization

As you envision and start to become clearer on the key question(s) for your own research project, you are engaging in **conceptualisation** and creating a mental picture of what your research methods will look like and what the concepts of interest are. You are very specific about what these concepts mean in your project. For example, if you want to study the fear of crime, what exactly do you mean by fear and what kind of crime are you referring to? Are you interested in whether people are afraid to walk alone at night, or are you interested in whether they are afraid that their identity will be stolen? You continue to review existing literature. This can help shape your image of your research project and identify what gaps exist in the literature, which you may choose to address in your own project.

Choice of Method

As you think about what you are studying, you need to choose a particular method that is suited to answer your research question. For instance, determining someone's opinion about something might best be captured by using a **survey**, whereas learning about actual behaviours may best be documented through observations in **field research**. Looking at what methods were used in other studies on the same or a similar topic may be helpful here.

Operationalization

Now that you have identified the concepts and chosen the most appropriate method to answer your research question, you must determine specifically how you will measure the concepts. This is called **operationalisation**. For instance, in a survey, what specific wording for the questions and options for answers will accurately capture the concepts of interest? If you are doing field research, what specific observations will you be making?

Sampling

Next, you need to consider who you are studying. You need to think about the overall **population** you want to draw conclusions about and then choose an appropriate **sampling** technique because that population is typically too large to study each and every member. Furthermore, if you are dealing with people instead of an **official dataset**, it may be difficult to

obtain permission from everyone. The **sample** you end up with will be a subset of those data or people from the larger population.

Data Collection

Next, you need to collect your data via whatever methods you have chosen. Data collection may happen quickly if, for instance, you had a short survey you administered to a small number of people. However, the collection process may instead take place over a long period of time, such as observing changes in inmates over a three-year study in a prison setting.

Data Processing

Depending on the method chosen, you now have a number of questionnaires with responses or perhaps notebooks full of recorded observations. These **raw data** will need to be processed into a useable form. While a fulsome discussion of the various levels of measurement is outside of the scope of an Introduction to Criminology textbook (typically this is covered in an introductory research methods course), it is important to understand at this stage that data (whether they are textual or numerical) are typically processed using either Excel or a statistical analysis program, such as SAS or SPSS, or if textual, a qualitative software program like Nvivo. The process involves extracting bits of data from the instrument used (such as the survey or the interview notes) and organising them in such a way that allows for easy analysis.

Analysis

Once the data are processed, they must be analysed. **Analysis** can be statistical in a **quantitative** project or thematic in a **qualitative** project. Either way, the goal of analysis is to make sense of the data and to synthesise and summarise the findings in a way that can be communicated to a larger audience. Graphs, tables, and charts are typically used to visually present data that have been analysed. In this stage, we often refer to the literature again to connect what we have found in our own research to the existing body of knowledge.

Application

The final stage of this research process is application, which involves using the conclusions you have reached to inform or educate others. At times, research can be used to influence policy making and may result in improvements such as fewer victimisations, fewer traffic accidents, and so on. As a final step, the researcher should also consider what errors may have been made that could be corrected in future research and, just as importantly, what future research would be helpful moving forward. This would be a valuable contribution to the literature and help other researchers identify gaps and choose their own research topics to explore.

9 Steps of the Research Process: A Brief Illustration

Perhaps I notice there are few victim services programs for First Nation elders in my community. When I ask program administrators why there are not more programs, they explain that there are low rates of abuse of the elderly so programs are not needed. I start

1. planning what my research question might be and think about how I could research to determine if this assumption about low victimization rates is correct. I would start looking at other studies on the topic as well.
2. I then need to conceptualize the overarching research question more concretely and think about what method I could use to collect useful data about the elderly and their needs. I will continue to look more in depth at other studies on the same or similar topics.
3. As I choose a method, I will continue to examine related existing research on this topic and see what methods they used, and I may consult with a few elders to receive their input and advice. I may choose to have tribal service providers give a survey to the elders in their community.
4. Then, I operationalize the specific (survey/interview) questions to be asked by making sure they are culturally relevant, respectful and worded in such a way that they can uncover if there is abuse taking place but perhaps not being reported to officials. Since the service providers are quite busy, I would not expect them to give a survey to every elder, but perhaps we could
5. obtain a random sample of 70 elders out of the population of 210 elders in the community. I provide the survey in a readable format where elders can fill in the bubble sheet or circle their answers to the questions and give it back to the service providers, thus completing the
6. data collection. While showing concern for the participants is not a specific step, it should always be a part of the overall research design. Once the questionnaires are returned, I

will use a coding sheet to enter the responses into my statistical program in numerical form appropriate for

7. data processing. Once all the data are entered and double checked, I will

8. run analyses describing things such as the average age of the people who completed the survey and whether or not experiences of abuse were reported. I will compare my findings with the findings of previous research. The service providers will assess whether the questionnaire brought up troubling emotions for the elders or if it encouraged the elders to tell someone about their victimization. Based on my findings, which are shared only with permission of the tribe, I may

9. apply the findings by recommending that additional services be provided and that new methods of dealing with offenders be developed. This would involve consultation with elders, so more elders will be willing to report when bad things happen to them or at least so they could seek out available services. I might start thinking about completing a follow-up survey in about two years to see if the situation has improved for elders in the community after programmatic changes take place.

We will now go through the nine steps again, in much more detail using two examples. One example will focus on the possible financial exploitation of Indigenous elders and will employ a **deductive**, **quantitative** approach, and the other will explore the concept of spiritual abuse of Indigenous elders using an **inductive**, **qualitative** approach. See Table 5.1 below for a summary of key features of the quantitative vs qualitative approaches and Figure 5.2 for a visual graphic of the inductive versus deductive approaches of research.

Table 5.1: Key features of Quantitative vs Qualitative Methods
Source: Qualitative vs. Quantitative Research (scribbr.com)

Quantitative Research	Qualitative Research
focuses on testing or confirming theories and hypotheses	focuses on exploring ideas and understanding subjective experiences
focus on statistical analysis	focus on thematic, textual analysis
mainly expressed in numbers, graphs and tables	mainly expressed in words
requires many respondents	requires few respondents
closed-ended (multiple choice) questions	open-ended questions
methods include experiments, surveys	methods include interviews, field observation
key terms: testing, measurement, objectivity, replicability	key terms: understanding, context, complexity, subjectivity

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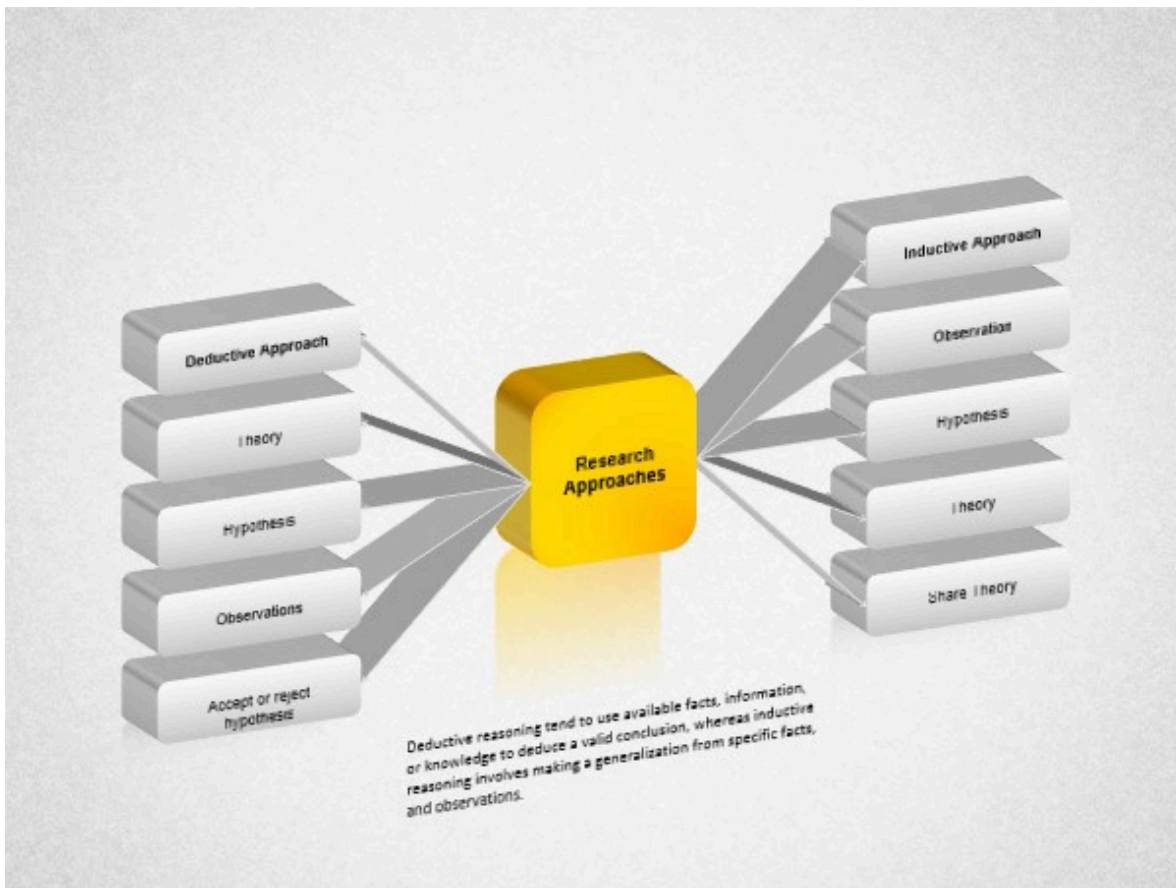
Figure 5.2. The 9-step search process includes: Planning, conceptualization, choice of method, sampling, data collection, operationalization, data processing, analysis, and application. Image designed by PoweredTemplate.

5.2 Planning

DR. WENDELIN HUME AND ASHLY HANNA, B.A.

As part of the planning process, the research often starts with a topic and then a research question begins to form. As a researcher, what is a social question you would like the answer to or what is a social problem you would like to find possible solutions for? The research question specifies the variables to be studied and their relationship to each other. A **variable** is a person, place, thing, or phenomenon you are trying to measure in some way, and it varies (Bachman & Schutt, 2017). For example, age is a variable, as is income and socioeconomic status. A **hypothesis** is your informed thought or expectation of what the relationship is between variables, and it is often written as an "if, then" statement (Hagan, 2014). For example, one might hypothesise that "If the employment rate is low, then the property crime rate is high." The hypothesis should clearly indicate the directionality of each variable, in this case, the employment rate and property crime (as one increases, the other decreases, or vice versa, or perhaps they both change in the same direction) as well as the temporal ordering of variables (low employment comes before high property crime). This "if, then" characteristic points to an essential element of a hypothesis: that it be testable.

Beginning in the early planning stages, it is important for researchers to begin to understand and value Indigenous epistemologies and methodologies and to have an understanding of the basic scientific model. This blending of Indigenous worldviews and Western science is often referred to as **Two-Eyed Seeing** (Peltier, 2018). Cooperation between the researcher and the researched may lead to improvements in research methods and findings. One important step in this cooperative process is understanding first what the communities to be researched already know and have. This culturally relevant information can improve understanding between the researcher and the subjects, and it can provide a good context for research in these early planning stages. Collaboration with Indigenous knowledge holders and communities to co-design the study, co-frame the research questions, co-interpret results, and jointly co-create solutions is a much-needed improvement. Of course, for the research project to truly be joint, any grant or other funding obtained for the research should be shared. Research decisions and titles such as principal investigator, lead investigator or co-investigator as well as authorship on publication efforts and credit for work completed should also be shared.

While forming our research question, we want to begin to examine existing literature about studies that have already been done on our topics. In addition to exploring the usual books and journal articles, we should work to avoid **academic imperialism**, or only learning from big name authors in mainstream journals, by including **grey literature** in our preliminary research efforts. Grey literature is literature or evidence that is relevant to the research question but not published in typical commercial or academic peer-reviewed publications (See GreyNet

International[1]). Grey literature can include government and community reports, conference papers, dissertations, and other sources. Incorporating grey literature reduces publication bias and increases the comprehensiveness of any systematic literature review.

The researcher will need to evaluate the information as there may not have been a peer review process.

A Authorship: Not all grey literature will have a named author (or authors) but if they do, is the person an authority on the topic?

B Transparency: of both the Methods and Source of information.

C Objectivity: Is there bias?

D Accuracy: Are the facts/figures, dates cited, and quality of evidence reliable and valid?

E Currency: How up to date is the information?

(https://kpu.pressbooks.pub/app/uploads/sites/199/2022/08/5.3-Evaluating-Information.png)

Figure 5.3. How to evaluate gray literature. Image designed by PoweredTemplate.

Let us turn to our two examples now and discuss how we might begin the planning for each. Using the cultural insights from the Indigenous community as well as the understanding from our initial review of the literature for our examples, we might start by stating that we want to examine financial exploitation by asking a set of closed-ended survey questions that have

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1. Scan the QR code to access https://www.greynet.org/

been used successfully in other financial exploitation research; this would be a deductive, quantitative approach to this research. We start to think about how we might later word the questions so they are culturally relevant, such as asking about "gifting" rather than "donations" and if money has been "missing" rather than "stolen" or "swindled."

With our spirituality example, perhaps nothing appears in the typical literature, but we know that Indigenous cultures, and by extension Indigenous research, recognises spirituality as an important contribution to ways of knowing. Western research ignores spirituality, which can cause tensions between research and its application in certain communities. For instance, perhaps elders told us during our meetings with them that the last group of researchers who studied the tribal people had concluded that Indigenous peoples were lazy and not concerned about their health because they did not use the gym that was built for them. What the researchers did not realise was that the facility was built on sacred ground and the local people chose not to use it unless it was moved to a non-sacred space. Based on this informal but very important initial input from elders, we decide that what we should do is ask broad, open-ended questions about spirituality, whether elders are assisted in practising their spirituality or if anything is keeping them from practising their spirituality. This is an inductive, qualitative approach to the study on spirituality; the approach emerged from the open-ended and open-minded line of questioning at the outset, which will be explained in more detail below in the section on choice of method.

5.3 Conceptualisation

DR. WENDELIN HUME AND ASHLY HANNA, B.A.

As part of this second step, we need to create a mental picture of how we can find the answers to the research questions we have begun to develop and will now refine even further. Before exploring our research question through new research, we should continue to examine what research has already been done on this topic by others—both published and perhaps unpublished—and what theories or other ways of knowing, such as Indigenous ways of knowing, suggest the relationship between variables will be. This is the purpose of a **literature review**. You will notice that published academic research often includes a brief literature review of what other scholars have discovered on the topic. Consulting with an academic librarian can be helpful in performing a thorough literature review to include grey literature as well.

One basic way to conceptualise our research project broadly is to think about the cultural differences in how the world in general is viewed. From an Indigenous standpoint, typically all things are interconnected. All people and even animals, fish, birds, and plants are seen as interrelated. This way of seeing the world informs how we think and how we ask questions, and it impacts how we conduct research. From a stereotypical Western standpoint, on the other hand, things are viewed in a hierarchical and linear way with members of the dominant society at the top and everything else at different layers beneath them. As a result, research tends to name, label, describe, and then prescribe solutions from this vantage point, which tends to be self-serving (Redvers, 2019).

The debate about whether knowledge should include or exclude cultural components is central to understanding the difference between most Western research methods and most Indigenous research frameworks. Western research developed the use of the widely accepted empirical scientific method, in which knowledge is seen as objective and based on data that are independent of the feelings or values of the researcher: if it cannot be measured, it does not exist. However, many argue that true objectivity cannot be achieved and perhaps should not even be the goal of research. The fact that most research is conducted using the "objective" scientific method, while Indigenous ways of knowing are ignored, demonstrates a type of **scientific colonialism**, or abuse of power that Chilisa (2020, p. 7) defines as, "the imposition of the colonizer's way of knowing and the control of all knowledge produced."

Epistemology is the study of knowledge or ways of knowing, which is central to the practice of research. Epistemology delves into the nature of knowledge and truth. It challenges us to consider what it means to know something. How is knowledge distinguished from mere opinion or belief, and—importantly for social science—what are the ways by which we can derive or obtain knowledge? How might the latter differ across various cultures and contexts? Most Western researchers follow the Newtonian epistemology that "scientific knowledge has to provide an objective representation of the external world," which it attempts to do by taking complex items and reducing them to their simplest components (Redvers, 2019, p. 43).

In fact, **objectivity** and **empiricism** are deemed to be the cornerstones of Western research: researchers must be detached from the research process, and all data must be observable and measurable to exist and become a part of scientific inquiry.

A problem with this reductionist approach is that some frameworks—such as Indigenous frameworks—assume that we are all interconnected and so the whole is more than just its parts. Or, as Aristotle said, "the whole is more than the sum of its parts" (Redvers, 2019, p. 44). The Western view usually sees this knowledge as being situated outside of culture, but many Indigenous and other scholars insist that "knowledge" is within a cultural framework that may value or conversely marginalise who or what is counted as part of that "knowledge" (Walter & Andersen, 2016). However, as we conceptualise our research project moving forward, we will want to avoid using only a rigid Western view of the scientific method and be certain to learn from the Indigenous community helping us with the research while including relevant cultural components.

As we conceptualise our two research projects, we will want to continue to include the cultural components identified in step one, namely, Two-Eyed Seeing and the collaboration and cooperation between the researcher and the researched. Whatever method is chosen in the next step and for all future steps, we will want to be sure to involve the cultural community and maintain an open mind as they provide us with insights and feedback. We will strive to maintain a balance between scientific rigor and cultural inclusiveness while following ethical research practices and not bringing harm to our participants.

5.4 Choice of Method

DR. WENDELIN HUME AND ASHLY HANNA, B.A.

It is now time for us to decide what method(s) we will use to complete our research projects. Our initial review of the literature in the planning stage, and then the deeper review in the conceptualisation stage, would have given us a firm grasp of the types of methods used in other studies on the same or a similar topic. It may be possible as a researcher to combine an understanding of objectivity in research with the understanding of cultural **subjectivity**. As Abbott (2004, p. 3) puts it, "Science is a conversation between rigor and imagination." The imaginative voice contributes to the excitement and discovery side of social science. We want to discover something new, such as the possible manipulation of one's spiritual practices as a form of abuse, or something interesting about social life, such as elders being exploited financially but not reporting it. This will be something that, when combined with rigor, will allow us to draw a reasonable conclusion that can inform practice, improve the lives of elders, and allow us to share that knowledge with others by writing an article or book that could be published.

A **methodology** is the systematic contextual framework—a body of methods and rules used in a discipline—that guides the choices a researcher makes. A **research method** refers to the specific way of collecting and analysing data, such as through **surveys**, **interviews**, **focus groups**, or **experiments**. A statistical technique might then be used to describe the age and income of the research participants, or it might be a regression or other technique that helps us predict the characteristics of elders most likely to be manipulated or taken advantage of (these different statistical techniques will be explored further in your statistical research methods courses).

Typically, the techniques and methods taught and discussed in other texts are based on and advocate only the use of Western research. While it might seem that the approach does not really matter because research is scientific and objective, hopefully now the reader understands that there are power relations in the research process. Once an understanding of the importance of the overall research framework has been achieved, we can explore the basic research methods typically used and choose whatever seems most appropriate.

Since we have done our background research on the topic and consulted with knowledge holders including other experienced researchers, practitioners in the field, and knowledgeable members of the Indigenous community who could also benefit from our research, we need to develop a research strategy or process. Often the strategy will be either deductive or inductive and use either quantitative or qualitative methods. As shown in Figure 2 above, with a deductive approach, the method starts with a theory, parts of which are often tested with data. For instance, while researching financial exploitation, we are using parts of existing question sets that were developed from a theory about social control and have been used in other studies, to test whether we uncover financial exploitation happening to Indigenous elders. In doing so, we would be using a deductive approach with this particular project.

The other strategy may be to use an inductive approach, which fits well with qualitative methods. Inductive research first gathers data or information and then uses those data to develop a theory, discover themes, or draw conclusions. For instance, our research on spiritual abuse has no existing research to build from and we developed the idea in the planning stage by using a focus group and a research **talking circle** to gather thoughts and feelings about spiritual concerns from Indigenous elders. In a talking circle, the participants sit in a circle facing each other. The circle implies connectedness and the equality of each member. Typically, a sacred object such as a stone, feather or stick is held by the one speaking, and they have the chance to speak uninterrupted while the group listens until they pass the sacred item onto the next person. See Talking Circles[1].

The information learned in the talking circle allowed us as researchers to discover that the elders are concerned about losing their sacred cultural items through theft or the items being left behind if they are moved from their home. They also discussed not being transported to, or allowed to participate in, community spiritual ceremonies. These concepts are not typically addressed in most existing theories, policies, or programs, so it fits then that this project will use an inductive approach, which by definition is open to new and unanticipated concepts and findings to emerge, such as fear of the loss of cultural items and spiritual connection.

Before we move to the next step, let us also further clarify the difference between qualitative and quantitative research. As outlined earlier in the chapter in Table 5.1, quantitative research tends to use numbers or quantities as the most important element because this allows for abstraction. Many people such as members of the media and government agents, as well as the general population, are conditioned to believe findings if they have numbers attached. These methods allow us to draw from a local context with a sample, such as a sample of Indigenous elders from the one community, standardise it, and put it into a calculation to draw conclusions about larger numbers of people or broader social relations like "Indigenous elders from the Bearteeth Reserve." While a **sample** is sometimes generalisable to a population, there may be times when the sample is distinctly different from other samples and should not be generalised. For instance, a study of one reserve may produce results that are not generalisable to all Indigenous peoples. In determining generalisability, the key is determining how representative your sample is. A large random sample is more generalisable than a non-random sample or a small sample with a low response rate. The use of the survey and special closed-ended question sets makes our financial abuse research quantitative.

Qualitative methodologies tend to focus on specific localised objectives to examine them more in depth. Typically, subjective experiences of the participants are contextualised and influence

1. Scan the QR code to access https://www.youtube.com/watch?v=ER-Yqda7BEA

the researcher's understanding of the phenomenon in question. One qualitative technique is the use of focus groups or talking circles to understand the experiences of the participants and draw conclusions or notice patterns or trends within the participants' comments. As mentioned, our spiritual abuse research has used this method, and we will be asking broad, open-ended questions so we are using the qualitative approach for this topic (see Table 5.1).

Another research design decision pertains to the element of time: can the question be answered using data that are collected at one point in time, known as **cross-sectional** research, or will they be collected at two or more points in time, known as **longitudinal research**. Both of our projects involve asking questions only once, so both projects are cross-sectional. Along with this decision, we need to decide on the **unit of analysis**, the who or what being studied. For both of our projects, the focus is on the individuals answering the questions, though our conclusions may be drawn about groups such as the Indigenous elderly of the Bearteeth Reserve since that is the population the individuals were drawn from and there are things we learn about this group as a whole and that we can compare to other Indigenous groups. You will learn more about units of analysis in your future research methods courses, but Figure 5.4 below gives you an idea of the various units of analysis in the social sciences.
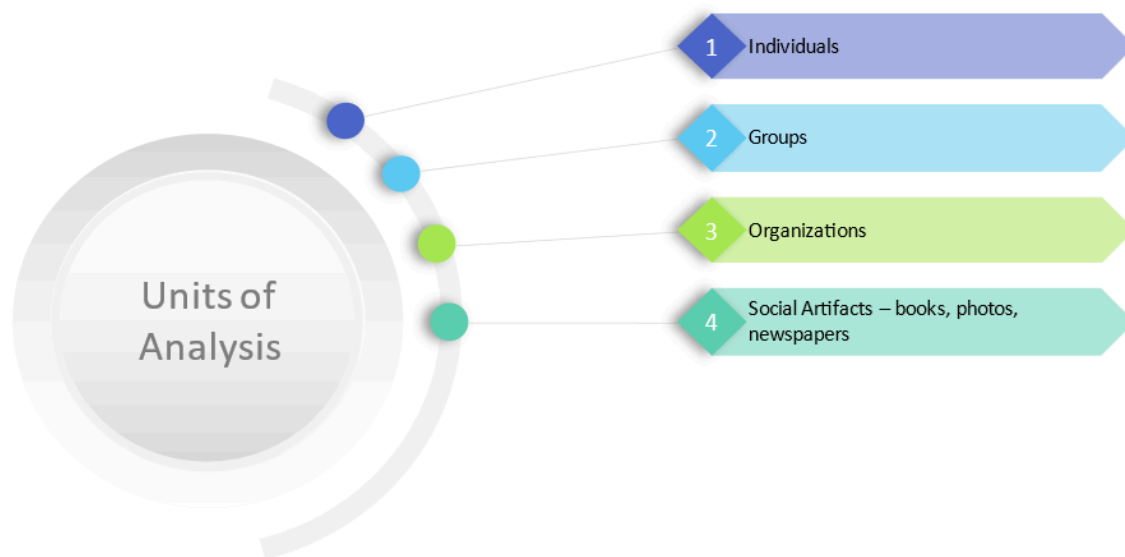
For different analyses in the same study you may have different units of analysis.

(https://kpu.pressbooks.pub/app/uploads/sites/199/2022/08/5.4-Units-of-Analysis.png)
Figure 5.4. Units of Analysis. Image designed by PoweredTemplate.

Before we move to the next step in the process, it is worth noting that the very idea that neither qualitative nor quantitative research is truly objective may make some researchers, and students of research, feel uncomfortable. When a central tenant of one's epistemological position is challenged, it can be difficult to accept. This challenge is not only against the

Western view of the objectivity of scientific research, but it also means that Indigenous research frameworks and other methods, such as feminist research, are also not completely objective, though such researchers are usually already aware of their social positioning.

5.5 Operationalization

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Now that our concepts have been carefully considered and we know we will be asking questions with either quantitative scaled responses in the financial exploitation example or qualitative open-ended questions in the spirituality abuse example, we need to decide on the specific wording of the questions and the options we provide for possible answers, if any. In deciding on these specifics, we want to be careful not to marginalise the Indigenous elders we are studying.

Most research methodologies in the past, particularly quantitative ones, that have guided most data collection, analysis, and interpretation of data about Indigenous peoples, reflect in an almost invisible way the dominant Western cultural framework. Rather than representing a neutral view of reality, the research constitutes reality influenced by the very way the research questions are conceived in the first place and then how the data are collected and interpreted. Typically, the research efforts lean towards a documentation of not only difference but conclusions of deficit and dysfunction. And so, the people being studied are found to be the problem, and this finding is seldom critiqued. As Deloria (1988, p. 79, emphasis in original) explained it, "an anthropologist comes out to Indian reservations to make OBSERVATIONS. During the winter, those observations will become books by which future anthropologists will be trained, so they can come out to reservations years from now and verify the observations they have studied."

We also want to design our questions so that our research is reliable. **Reliability** simply means being consistent. Once we explain how we did our research, someone else doing the same research in the same way should find the same results because our methods and explanations are clear and reliable. Or, if we repeat our measurements, they should yield the same results. This consistency can also be understood as replicability.

5.6 Sampling

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For this step, we want to finalise our decision about what population we want to draw conclusions about and whether we will study every member of the population, or whether we will select a sample and decide how that sample will be selected, and how big that sample will be. These decisions may impact the **validity** and **generalisability** of our findings. For instance, if a sample is too small, it would not be valid to generalise our findings to a larger population. Or if we studied only select males, it would not be valid to assume the findings would be the same for females or other genders.

In our projects, we want to either understand the financial abuse or the spiritual abuse of Indigenous elders from a particular community. The sampling technique and the data collection methods used will differ. Let us assume there are roughly 307 elders in that community and there is an alphabetised list of who those elders are. For the financial exploitation study, which we want to study in a quantitative way, we could randomly select 100 of the names, which would be about one-third of the population, and as long as even 78 participated, we would have about 25% of the population included in our sample. What we find or do not find among those randomly selected individuals is likely also to be found or not present among the other elders as well, so our findings can be generalised. When determining your sample size, it is best to have a large sample when possible. A statistical technique known as power analysis can be used to determine the minimum sample size needed to run tests of statistical significance. For the spiritual abuse study, which we want to study in a qualitative way, we would be more interested in choosing participants who we know possess the key characteristics of interest. We would not rely on random sampling techniques; rather, we would strategically select a much smaller number of participants who we would interview using open-ended questions. While we will not be able to generalise in quite the same way as in our quantitative study, our data will be rich and detailed and will likely reveal information we did not anticipate.

The data collection process can take a considerable amount of time. For example, for our project on the financial exploitation of elders, we will cooperate with the tribal social service providers, who will contact the randomly selected elders, arrange a time to visit with them, help them complete the questionnaire and collect it from them. They will also be available to offer services such as a referral to counselling services or information on how to report a crime, if needed and wanted by the elders. For the spiritual abuse example, as mentioned, face-to-face, in-depth interviews will be conducted with a much smaller number of interviewees, but the data obtained will be rich and detailed. These interviews could take hours, scheduling interviews could prove to be challenging, and the analysis of pages and pages of interview notes could take weeks or longer.

Obtaining tribal permission to conduct these studies and then completing the ethical training of the service providers who administer the questionnaires in the financial exploitation study,

or conduct in-depth interviews in the spirituality example, also takes time. Several months may be needed to make all the necessary arrangements and receive the required approvals from the tribe as well as our home institutional review board. Indigenous peoples are a protected class under research ethics protocols (see Canada's Tri-Council Policy Statement[1]), and we will need to demonstrate that our research will benefit, or at least not harm, the participants in our research project. We will need to ensure that the individuals working with the elders understand that an elder can stop taking the survey or interview at any time and that it will not impact the ability of the elder to use the social services normally provided. We will also need to train the service providers to not pry into details about abuse that are revealed in the survey or interview. Then, it will take time to set up the meetings with the elders and collect the responses/conduct the interviews. Collecting one's own data can be helpful in addressing the initial research question(s), but it can be time consuming and costly to do it well. No matter the method ultimately used and the time this will entail, maintaining ethical standards throughout the research process is vitally important.

Before we set out to collect our data in the next step, we should carefully consider if the variables, hypothesis, and methods are appropriate for exploring the issues we are interested in, if they already exist in a data set we could use, or if we need to gather our own data. There are many accessible and quality sources of social science data. Each of these existing data sets will have some weaknesses, and we cannot change the questions or methods as the project has already been completed, so we have to work with what exists. However, performing **secondary data** analysis is a considerable time- and money-saving strategy. Examples of existing data sets include the UCR2, which illustrates crimes from the perspective of the police; the GSS, which shares the perspective of crime victims and non-victims; and numerous collections of self-report data that reveal the offender's perspective about crime and its commission. While these existing data sets do not contain the data we need for either of the research questions we are exploring in our illustrative examples in this chapter, it is important to acknowledge the existence of these secondary data sources; as such, these various methods measuring crime in Canada are explored in the textbox below.

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1. Scan the QR code to access https://ethics.gc.ca/eng/tcps2-eptc2_2018_chapter9-chapitre9.html

Ways to Measure Crime in Canada

The Uniform Crime Report 2 (UCR2) is an "incident-based" survey. This annual survey measures the incidence of crime in Canada. The Canadian Centre for Justice and Community Safety Statistics partners with the police community by collecting information from all police departments across Canada about criminal incidents. The information collected includes information about the crime itself (such as the date and time), information about the victims and any known information about the accused. If more than one crime occurs during a single incident (such as someone being both hit and shot), only the most serious incident is recorded. Only crimes discovered by or reported to the police are included in this data set. If a group of people distrust the police, as is the case for many Indigenous peoples, then there will be a low rate of reporting, and though crimes have occurred they will not be recorded in the UCR2. The ultimate goal of the UCR2 is to provide information for policy and legislative development and to compare between different jurisdictions within Canada and also internationally (see the UCR[2]).

As mentioned above, there are various reasons why a crime may not be reported to police. The 1982 Canadian Urban Victimization Survey, for example, revealed that a significant portion of crimes are never reported to police and therefore never make it into the official record, i.e. the UCR2. As such, the General Social Survey was created. This survey seeks to better understand how Canadians perceive crime and the justice system and to capture information on their experiences of victimization (see the General Social Survey[3]). The information is made public and available to politicians, policymakers, and scholars. To search the variety of available data sets, including self-report data sets, one can visit the Canadian Research Data Centre

2. Scan the QR code to access https://www23.statcan.gc.ca/imdb/p2SV.pl?Function=getSurvey&SDDS=3302

3. Scan the QR code to access https://gss.norc.org/

Network[4]. The GSS reveals that certain crimes are notoriously underreported, namely sexual assault, domestic violence and child abuse, making the study of victims' experiences that much more important (see chapter 14 Victimology for a more in-depth discussion).

4. Scan the QR code to access https://crdcn.ca/

5.7 Data Processing

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Once all the data have been collected and returned to us, we now need to take the responses provided and turn them into useable data. The closed-ended questions will be converted into numbers, which are entered into a spreadsheet or other analysis program. We will need to develop a coding sheet where we agree, for instance, that a yes is entered as a 1 and a no is entered as a 0, while for other Likert scale-type questions, a strongly agree is entered as a 5 while a strongly disagree might be entered as a 1. By following consistent data entry rules, we will have fewer errors (Hagan, 2014). Our financial exploitation data will be completely quantitative, allowing numerical analysis to take place in the next step.

Even the open-ended questions in the spiritual abuse example, where participants answered questions in a lengthy face-to-face interview, will need to be processed in some way. Typically, the responses will be typed into a document or a discourse analysis program like NVivo so specific words and phrases can be grouped into categories for qualitative analysis and comparison. Our spiritual abuse data are predominantly qualitative, based on the in-depth interviews with open-ended questions about spirituality, spiritual practices, spiritual objects and any issues they have encountered in practising their spirituality.

5.8 Analysis

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In our financial exploitation example, as is the case with many research projects, most of the analysis will be statistical. While discussing all the different statistical methods is beyond the scope of this chapter, it is important to understand that a poor research design will lead to poor data. You can run an analysis on these data and the program will deliver a calculation, but any conclusions drawn based on that calculation will be faulty. If we have set up our research project correctly, we can have faith in the conclusions drawn from the analysis.

One reason why reliability and validity, which we discussed earlier, are so important is because research is often used not just to produce immediate findings, as these conclusions are used to generalise to a broader group or even predict an outcome or future event. If the current study is not done well, then any attempt to draw broader conclusions or anticipate what the future holds will be incorrect as well.

Since we took care in setting up our research projects, we can proceed with the analysis. In both our statistical analysis of survey responses and our qualitative analysis of interview responses, it is important to be aware of the translation-like process through which this non-academic knowledge that was shared with us is converted into conclusions by those of us in the academy. There may be important differences between "community or elder" and "academic" knowledge that needs to be identified so Indigenous viewpoints and knowledge can be acknowledged rather than silenced, even if they wrote something or answered questions in ways other than what we expected. At this stage, it is helpful to reflect on how our findings may overlap or diverge from the findings of past researchers and think about why that may be the case.

5.9 Application

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The final stage of our research projects is to use the conclusions we have reached to inform or educate others. Since we studied Indigenous elders in both of our examples, we would first present our findings to the tribal leaders. We would also share with them what we would like to present to others or what we would like to publish. This sharing and seeking of approval before broader dissemination of our results is often part of the agreement reached to conduct research with Indigenous peoples. It is also respectful of the concept of **data sovereignty**, wherein Indigenous peoples can control what data are collected about them and how results are disseminated. This agreement does not mean we change our results but that we are careful and thoughtful in how we interpret and communicate the results.

In the past, Indigenous peoples did not have control over studies completed on them, and there is currently often disagreement by researchers about the need for tribal approval before sharing their research with others (Macdonald et al., 2014). The current typical research expectation includes domination over "who can know, who can create knowledge, and whose knowledge can be bought" (Chilisa, 2020, p. 58). So, the term "academic imperialism" refers to how typical scholarly circles attempt to dismiss or diminish any alternative methodologies or perspectives such as data sovereignty (Chilisa, 2020). This dismissal often takes place through **gatekeepers** such as committees that approve courses and course content, editors that approve or deny article topics, granting agencies that approve or deny funding, and publishers that decide which manuscripts are worthy of publication. This very textbook is an example of current efforts to address these historical omissions of Indigenous knowledge in the field of criminology.

When appropriate, researchers may instead attempt to create and consciously use strategies to end oppressive conditions that silence and/or marginalise Indigenous or any other minority voices. Since the researcher has power over the subjects, they need to be thoughtful about any potential power dynamics such as teachers performing research on their students, employers conducting research on employees, or even being certain to still follow ethical guidelines when conducting research on people in positions of power. Researchers may also assist in the restoration or development of cultural practices and traditions that were suppressed but are still relevant to the advancement and empowerment of historically oppressed non-Western societies.

5.10 Use of Research Findings

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Harm can come from how results are shared with others. For instance, if a researcher states that there are higher rates of financial exploitation in a certain Indigenous community than in the broader society, this implies that the tribal people tend to be more criminal, creating a negative stereotype. It is not that a researcher should not share the results but rather, when sharing results, the researcher should clearly discuss variables other than race that may influence high rates of crime, such as poverty, unemployment, **historical trauma**, and so on. Furthermore, when stating that rates of certain types of victimisation, like spiritual abuse, are higher within some Indigenous communities, researchers should also explain that this has not been studied in the dominant society and the perpetrator is often not of the same race, or it is due to a circumstance—such as needing to leave their home—not a person. This is again done to avoid negative stereotypes of the participants and other Indigenous peoples.

The decisions of what constitutes a best practice are often based on "**evidence-based**" practice and not critically questioned; the assumption is that the collection of the data was unbiased and "scientific" (Maxfield & Babbie, 2001). Therefore, what needs to be done in the field is considered clear. A different option is to implement "**evidence-informed**" practice, which uses the data as a starting point in determining field practices, but the evidence is only one source of information, allowing cultural practices, community input, and other sources of information to be consulted as well. This is an important distinction between the two research application practices.

For instance, until 1981, in most surveys and government research, adult women were automatically considered dependent and males were determined to be the head of household. Many gender-biased policies and programs were established around this "evidence-based" conclusion. While this finding may be true in some circumstances, setting it up as a predetermined default is neither accurate nor fair. Now that the question about who is the primary breadwinner is currently asked rather than the answer being assumed, the evidence gained can help inform new practices and programs.

As researchers, we should ensure that the voices of those we researched have been captured in a way that the researched recognise themselves and also in a way that they would like others to know them. We need to ask ourselves what psychological harm, embarrassment, or other losses might be caused by the collected information. We also need to ask ourselves what Indigenous knowledge we could use to rebut or elaborate on the findings from the information collected so no humiliation or embarrassment is caused.

5.11 Looking Forward

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Research and statistics are powerful persuaders. They do much more than summarise "reality." They interpret this reality and thereby influence the way we understand the people, cultures, and behaviours around us.

It is important for researchers to be prepared to deal with epistemological and diversity issues for a number of reasons, including the fact that Indigenous knowledge is increasingly part of an emerging global economy. There is an increasing volume of internationally funded research on colonised peoples. There is also an emerging trend to reach out to those who have been excluded in the past. Also, Indigenous knowledge and data are part of a larger conversation in relation to ethics, copyrights, and data sovereignty (Chilisa, 2020; Walter & Andersen, 2016). The principles of **OCAP**, which are ownership, control, access and possession, provide voice to Indigenous peoples and ensure they will have control over data collection processes and how the resulting information will be used (First Nations Information Governance Centre, 2022; Garrison et al., 2019).

It is likely that the new generation of researchers will create new methodologies and methods based on Indigenous knowledge systems and ways of knowing. These researchers may even attempt to privilege Indigenous voices and conduct research that benefits the researched societies.

Perhaps in the future, Indigenous and Western knowledge can consistently be integrated or conducted simultaneously to enhance the participation of Indigenous peoples in research efforts, improve the relevance of the research for the needs of the people, and improve dissemination of the research findings to communities.

As researchers, we need to thoughtfully and respectfully practise our methods with an ethical consideration of the quality of our work. We need to accept the responsibility to not harm anyone with our methods or our findings. If this can be done, and researchers attempt to address the needs of the research participants in the future, perhaps research will be more welcomed by Indigenous peoples and, as researchers, we can help strengthen the next seven generations.

5.12 Discussion Questions

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1. Pick a contemporary social issue of interest to you. Outline the type of research study you think could be used to accurately and respectfully investigate this issue.
2. Find two research studies reported on in your local media. Describe the studies briefly. Determine if the study design was cross-sectional or longitudinal and decide if the design has an important influence on the findings. If the design were different, would the findings possibly have been different?
3. Write a brief narrative about your first college course or something your classmates agree on. Then, compare narratives with your friends and see if you can identify common themes.
4. Locate a research finding either in one of your texts or online that concludes there is a deficit or weakness among Indigenous peoples (such as high rates of poverty, low educational attainment, or low interaction with technology). How could this finding be reframed to present Indigenous peoples in a stronger or more resilient way?

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DR. WENDELIN HUME AND ASHLY HANNA, B.A.

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6. BIOLOGICAL INFLUENCES ON CRIMINAL BEHAVIOUR

Dr. Gail Anderson, Simon Fraser University

Positionality Statement

My name is Gail Scott Anderson, and my background is Celtic. I was conceived in India, where my father worked at the time, and born in the north of England to a Scottish father and North Yorkshire mother of Scottish origins. Much of my early life was spent in the former Yugoslavia, where, again, my father worked. I grew up in Yorkshire, which is originally Celtic territory but was colonised and conquered many times by a variety of invaders over the millennia. My father was overseas most of my childhood, but I had a privileged, stable, and happy home. I was the first in my family to go to university.

I came to Canada to attend graduate school at Simon Fraser University, where I work today on the unceded traditional, ancestral, and occupied lands of the Coast Salish Peoples including the xʷməθkwəy̓əm (Musqueam), Skwxwú7mesh (Squamish), Səl̓ílwətaɬ (Tsleil-Waututh), and Kʷikʷəʎəm (Kwikwetlem) Nations. I am grateful to live on the unceded traditional, ancestral, and occupied lands of the Kwantlen, Sto:lo and WSÁNEĆ Nations.

I am a biologist, specifically an entomologist, and always wanted to do something useful with my science. So, I became a forensic entomologist, working on homicide, animal cruelty and poaching cases. When I moved to the School of Criminology from the Department of Biological Sciences, I was interested to see how infrequently biology was considered in criminology, despite all the new and exciting research being conducted on the biology of criminal behaviour. I developed a course and later a book (now in its 2nd edition) on biological influences on criminal behaviour to introduce my students to the basic biological underpinnings of behaviour so they could understand the relatively new field of biosocial criminology. I feel that this is a hopeful area of criminology as many biological risk factors can be better managed once we understand them. Also, studying biological factors such as epigenetic effects help us comprehend why the abuses of residential schools and other forms of systemic discrimination not only impact the generation abused but also produce biological effects on future generations.

I fully recognise the white privileges and benefits of the circumstances of my birth and upbringing and the impossibility of seeing the world from others' perspectives. We all have very different experiences and ways of understanding, and scientific thought, as a way of understanding the natural world, is one of those. Biological approaches are one of many different ways of attempting to understand criminogenic behaviour, and there are many

others, such as Indigenous approaches, which, although not covered in this chapter, are no less valid.

Introduction

This chapter examines current and past biological approaches to the study of crime and behaviour. Biological theories allow criminologists to differentiate between the effects of environment, lived experiences, and **genotype** on antisocial behaviour and understand how the two interact; to evaluate the impact of stress on the **epigenome** and how adverse experiences in childhood may have lasting effects in adulthood and beyond; to understand how the impacts of lived trauma can be passed to the next generation; to demonstrate how equating a heritable factor with a behaviour or outcome without considering the social implications of the heritable factor has led to systemic discrimination and abuses; and to evaluate the protective factors that have been identified that could be valuable in treatment and intervention.

Origins of Biological Explanations

In the past, many people believed that almost all behaviour, including criminal behaviour, was based on biology alone with no room for environmental influences, yet these beliefs had no basis in fact or science; they were simply politically, and often racially, motivated. Furthermore, many non-criminal issues, such as poverty, destitution, promiscuity, and even masturbation, were considered inherited behaviour. None of these early beliefs had any basis in science.

In the 18th and early 19th centuries, physician Franz Gall believed that the shape of a person's head reflected the shape of the underlying soft brain, indicating which parts of the brain were responsible for different behaviours. This was called **phrenology**, and while it is obviously absurd it acquired an almost cult following in the Western world, though even at the time there were strong critics. Many of Gall's "facts" were based on observations of just one person; for example, a lump on the head of an animal torturer suggested cruelty (Niehoff, 1999). Eventually, the scientific communities managed to convince the public that phrenology was false science. Nonetheless, an Italian criminologist by the name of Cesare Lombroso, often considered the father of criminology, performed "experiments" comparing the features of criminals and non-criminals (forgetting of course that many people are falsely convicted of crimes and many who commit crimes are never caught) and stated that certain features or **atavisms** were indicative

of a born criminal, such as twisted lips, protruding jaws, large noses, sloping foreheads and even environmental features such as tattoos (Baum, 2011; Niehoff, 1999). Lombroso believed that such people were inferior, "morally, mentally and physically" (Niehoff, 1999, p.8), and, as they were born that way, they should be punished due to their perceived threat. These beliefs, along with the assumption that they could never be helped, led to the frightening ideas of **biological positivism** and **determinism**, even if someone never actually committed a crime.

Although these theories began to fall out of favour, people still incorrectly believed that tendencies toward poverty, destitution, and petty crime were biologically inherited. Certain powerful people, led by English eugenicist Francis Galton, began to suggest that the poor who had very large families were contributing to crime, and it was suggested that the poor should be "dissuaded" from having children and that the "better" members of society (e.g., richer, upper classes) should be encouraged to reproduce. This was called **positive eugenics**, but it rapidly devolved into **negative eugenics** in which people considered "unfit" were actively prevented from reproducing through forced sterilisation (Kupferman, 1991; Niehoff, 1999). This movement became incredibly popular in the United States, with Americans terrified that the large number of immigrant families flocking to its shores would overwhelm them, neatly ignoring the fact they had done the exact same thing to the Indigenous populations who had existed on Turtle Island for millennia. Immigration laws were passed that allowed new immigrants from "undesirable" countries to be sterilised before entering the country. Some were forced to take IQ tests in a language they could not understand and were sterilised for being "inferior" if they failed, resulting in cultural genocide. Similar movements existed in Europe, peaking in the Nazi genocides of Jews and other groups during World War II. As the rest of the world began to acknowledge these atrocities, support for eugenics faltered; however, eugenics persists in our modern world with the continued, coerced sterilisation of Indigenous women in vast numbers in the 1970s and still continues to this day right here in Canada (Ataullahjan et al., 2021) (see Indigenous women in Canada are still forcibly sterilised – report[1]).

In response to the horrors of eugenics, many criminologists ceased exploring biological impacts on behaviour, wary of anything that suggested determinism, focusing instead on environmental impacts. In the words of Denno, for the past 30–40 years, most criminologists have not even been able to say the word "genetics" without spitting (Denno, 2011, p.972).

Unfortunately, because the past was rife with systemic racism that ensured privilege to some, often justified with references to faulty or false scientific findings (known as **pseudoscience**), efforts to explore the true relationships between behaviour, biology, and environment have been delayed. Biology alone does not determine our behaviour, but then neither does the

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1. Scan the QR code to access https://www.youtube.com/watch?v=RMJeU344UlY

environment. Even the old dichotomy of nature versus nurture is wrong—neither act in a vacuum. Instead, behaviour results from complex interactions of both our biology and our environment. Human behaviour is certainly influenced by factors such as our genetic background, our body and brain chemistry, any trauma or damage our brain may receive during life as well as pollutants and toxins to which we are exposed. However, all these factors are also influenced by our environment. In fact, much of our biology is plastic and has evolved to be shaped and changed by our experiences.

It must, however, be clearly understood that any biological or environmental influence over a behaviour is only that—an influence. Neither biology nor environment cause crime, but a certain biological or environmental influence may increase a person's **predisposition** to exhibit criminal behaviour. This is merely a predisposition and does not mean that a person will commit a crime, any more than having a medical predisposition for a heart attack means that a person will necessarily have a heart attack. A change in diet or lifestyle may greatly reduce the predisposition. That is the beauty of studying biological influences on criminal behaviour: so many predispositions can be managed by a change in environment, peer influence, medication, or lifestyle.

6.1 Genetics

DR. GAIL ANDERSON

It is a common misconception that the link between biology and crime is primarily **genetic**, yet there is much more to biology than the study of genes. However, our genes do have a profound influence on us, and a great deal of research has been conducted on the genetics of behaviour. As behaviour is highly complex, in almost all cases, any behavioural trait will be influenced by a large number of genes, not just two or three. Therefore, "a gene for crime" or for any complex behaviour cannot exist. Most behaviour is governed by thousands of genes, with each contributing a small amount towards a person exhibiting that behaviour.

Most behaviours are not criminogenic on their own, but under the right circumstances could lead to a person offending. For example, impulsivity is a behaviour that could potentially lead to a criminal event, such as not considering the consequences of stealing a car for a joy ride. Of course, impulsivity could equally result in buying way too many red shoes! How such a behaviour is enacted is greatly influenced by many other factors including socioeconomic status (SES), education, and peers. Therefore, any relationship between genes and behaviour is modulated by myriad genes and the number of genes a person has that influences that behaviour will increase their likelihood of exhibiting that behaviour.

Heritability Studies

A great deal of genetic and environmental research has been conducted using twin and adoption studies. These studies compare the impacts of genes and the environment on behaviour.

Twins are a perfect study group as there are two types of twins: monozygotic (MZ) and dizygotic (DZ). MZ ("identical") twins began as a single zygote (one egg and one sperm) that, very shortly after fertilisation, divide into two, resulting in two genetically identical babies, aside from small early mutations that may occur (Jonsson et al., 2021). DZ twins result from two zygotes and only share 50% of their genes (actually, we share 99% of our **DNA** with every other human being, but of the 1% that is different between all people, siblings share 50%). DZ twins in general share 100% of their environment and 50% of their genes, whereas MZ twins, in general, share 100% of both their environment and genes. Comparing behaviours between DZ and MZ twins helps us understand whether environment or genes has a greater influence on a behavioural trait. As both types of twins share the same environment, any differences relate to genetics. A great many twin studies have been conducted globally over the last 100 years and have consistently shown both a heritable component to criminogenic behaviour and an environmental component (e.g., Anderson, 2020a; Kendler et al., 2015).

One problem with twin studies is the assumption that each set of twins share the same environment, but MZ twins, who look identical, may share more of their environment than DZ twins, who look less similar and may be different sexes. Such factors would impact the results (Burt & Simons, 2014). Adoption studies offer a much more powerful method of separating the effects of genes and the environment by comparing adopted children with their adopted and biological families. In such situations, biological parents can only contribute biological effects, and adoptive parents can only contribute environmental effects on the behaviour of adopted children, as the studies focus on children adopted by non-relatives, neatly separating biological and environmental effects. Many large studies conducted worldwide have shown that a child is much more likely to offend if their biological rather than adoptive parents were offenders, and even more likely if both are offenders (Mednick et al., 1987). These findings show both a heritable relationship and the impact of the environment.

Gene X Environment Interactions (GxE)

People with different genetic backgrounds may react differently to the same environment. We know many risk factors influence the likelihood of committing a crime—such as child abuse, low SES, and peer pressure, but most people who experience these environmental factors do not turn to crime and may be exemplary members of society. Likewise, privileged, wealthy people with supportive peers and abuse-free childhoods may still commit many crimes. We now understand that persons with certain genetic backgrounds are more sensitive to specific environmental triggers than others (Mullineaux & DiLalla, 2015). Someone without a predisposition for criminal behaviour may never offend, irrespective of an adverse environment, and a person with a predisposition for criminal behaviour may never offend if they do not experience adversity. Adversity may be any form of hardship, which includes trauma, physical, sexual or emotional abuse, starvation, or any form of severe suffering. For example, as we will discuss later, males with a certain form of a gene for a neurotransmitter or chemical messenger have a higher predisposition for aggressive behaviour only if they are severely physically abused as a child. If they are not abused, that is, they are never exposed to this trigger, they are no more likely to be aggressive than any other male (Caspi et al., 2002). A predisposition together with an adverse environment increases risk but still does not guarantee a criminal outcome because gradients in each either increase or decrease risk (Gajos et al., 2016). Several models predict these variations, such as the diathesis stress model, which suggests that a genotype has a number of different **alleles** or different gene variants, and each adds a tiny bit of risk (Bersted & DiLalla, 2016). If the person is exposed to a bad environment, then they are very likely to be antisocial, but if they are exposed to a good environment, they may not show any antisocial behaviour at all. So, this model predicts that the basic causes of antisocial behaviour are triggers in the environment interacting with the person's genotype (Boardman et al., 2014). For example, it has been shown that children with certain risk factors are at greater risk of antisocial behaviour if they experience parental conflict (Feinberg et al., 2007). These findings

help identify not only environmental triggers but protective factors that can ameliorate or even eliminate risk.

Epigenetics

The **genome** is a person's complete set of genetic instructions or blueprint (the DNA sequence), and it is controlled by the epigenome, an array of chemicals that tell the genome which genes should be turned on (expressed) and which should be turned off. The epigenome can also change in response to experiences, altering the way a gene is expressed—that is, what the gene actually does—without changing the DNA sequence. Therefore, a person's genome remains the same, but its functions may change in response to experiences (DeLisi & Vaughn, 2015). For example, astronauts Scott and Mark Kelly are MZ twins, but only Scott spent a year in space. See the NASA twins study revealing that space flight can cause genetic changes[1]. Studies of their DNA before and after the space travel showed that, although their DNA remained identical, stressors experienced on the flight had changed Scott's DNA expression (Garrett-Bakelman et al., 2019).

Interestingly, although only the expression of the genes changes and not the DNA sequence, these epigenetic changes can be passed on to the next generation, so they are heritable (National Human Genome Research Institute, 2016). This very exciting new area is only just being explored, primarily as it relates to healthcare, but some work has been done on criminogenic behaviour that helps explain GxE interactions. The epigenome is changed by the environment to allow the body to respond; changes may occur in neural development or in **neurotransmitter** or **hormonal** function, which could impact behaviour. Studies on rodents show that maternal care could result in gene expression changes in the first week of life, with increased maternal care resulting in calmer offspring that exhibit less stress to new environments than those with low maternal care (Weaver et al., 2004). When rat pups were abused for 30 minutes a day during their first week of life, the brain changes lasted a lifetime, resulting in rats that abused their own offspring (Roth & Sweatt, 2011). In both studies, the changes could be reversed with medication.

Many studies on children have shown that early life adversity and parenting decisions have an epigenetic effect on a child's developing brain that can impact their future behaviour, mental abilities, reaction to stress, and resilience to further adversity, making them less able to

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1. Scan the QR code to access https://www.youtube.com/watch?v=SxjrgfBXxZ0

cope, and such changes can be **transgenerational** (DeLisi & Vaughn, 2015). This is a very new understanding and means that the experiences of your parents can epigenetically affect their DNA, which will impact the way your genes and even your children's genes will be expressed. In other words, a person's ancestor's experiences can genetically impact later generations. Studies show that this epigenetic effect can increase **antisocial behaviour** and callous unemotional aggression, reduce empathy, increase depression and reduce normal stress responses, resulting in a lack of fear of danger or consequences (DeLisi & Vaughn, 2015; Rutter, 2012).

When the communist government of Romania fell in 1989, the world was horrified to see images of hundreds of thousands of children abandoned and warehoused in appalling conditions, without the most basic necessities of life, and no human contact except abuse. This lack of basic care and human contact together with extreme deprivation and institutionalisation meant many of these children exhibited cognitive problems. What 100,000+ Children Taught Us About Neglect in Early Childhood[2] describes some of these issues. Imaging studies showed that these children had less total grey and white matter in the brain and an enlarged amygdala—a part of the brain responsible for dealing with emotions (Mehta et al., 2009). These findings may be a result of developing epigenetic coping mechanisms and reduced responses to extreme **institutionalisation**. See Romania's Abandoned Children[3] about the impacts of institutionalisation. In other studies of abused children, epigenetic changes increased their likelihood of developing post-traumatic stress disorder in response to adversity experienced in their adult lives (Mehta et al., 2013). Kayla Bourque is a Vancouver example of a high-risk violent offender with a history of animal abuse who was adopted from a Romanian orphanage. See B.C. animal killer called 'psychopathic' for more on Kayla Bourque[4].

It has long been accepted that experiencing an abusive childhood increases risk for later offending. These studies not only show the environmental impacts of such abuse but now also

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a major biological impact on a child's developing brain, making them more susceptible to later environmental triggers, potentially resulting in antisocial behaviour, an inability to deal with stressors, as well as a lack of parenting skills. Moreover, these changes can be transgenerational.

Residential Schools

Epigenetic studies help us understand why atrocities such as residential schools not only had major and long-lasting impacts on the Indigenous children who were abused, but also how the effect of this abuse is magnified as it is perpetuated biologically through the next generations, as discussed in Can Trauma Be Inherited?[5]. Also, when child abuse causes a child to shut down, become socially withdrawn, become unreactive to normal pleasurable experiences and have reduced responses, it has long-term effects on their own relationships with their children, as a Residential school survivor explains the impact on her family[6].

These intergenerational impacts, although considered here in a scientific context, clearly illustrate the connections between the many aspects of knowledge, including the cognitive, spiritual, emotional and physical elements, which are all parts of Indigenous epistemologies (Doetzel, 2018; Simpson, 2011; Smith, 2012). In many cases, the disruption of these interconnections has also prevented the passage of traditional, ancestral knowledge to subsequent generations (Monchalin, 2016).

Social Implications

When considering any heritable factor that impacts a physical characteristic with social implications, it must be separated from the social effect. When certain heritable characteristics such as skin colour or ancestry put a person at a social disadvantage—for example, by making

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them more likely to experience poverty, a lack of education, starvation or abuse—their lack of success, or increased risk, is blamed on the inherited factor. In reality, this is a **social construct** and a result of systemic discrimination. Possessing that heritable characteristic greatly reduced that person's chances of success in that particular society, and it is purely the environmental disadvantages that caused the outcome, not genetics or physical differences themselves. This discrimination, rather than ancestry, in part explains the disproportionate number of Indigenous persons who are incarcerated in Canada as well as African-Americans incarcerated in the United States.

6.2 Brain Chemistry

DR. GAIL ANDERSON

Neurochemistry is not often covered in criminology texts as it is highly specialised, yet some of the most exciting discoveries within biosocial criminology result from our rapidly increasing understanding of brain chemistry and its interactions with the environment. The brain controls all behaviour, and we are beginning to understand how imbalances in certain brain chemicals can affect health and behaviour. Neurotransmitters are chemicals involved in communication between nerve cells. Neurotransmitters are synthesised by the catalysis of an amino acid precursor. Once released, they bind to a receptor cell to transmit a message, then break down into their metabolites. Each of these stages is under genetic control and involves many genes. Imbalances and interactions between these neurotransmitters and our environment can have profound effects on our behaviour.

Serotonin

Low levels of serotonin, a behavioural inhibitor, have been linked to impulsive-aggressive behaviour in extensive research conducted globally over six decades. A great deal of evidence shows that serotonin plays a role in impulsive-aggressive behaviour, which makes sense because serotonin regulates the stress response in the brain, meaning that it impacts the way we handle and react to stress, in general having a calming effect.

Many studies have shown that dysfunction at any stage of the serotonergic system can reduce levels of serotonin, and alleles have been linked to increased levels of suicide (Antypa et al., 2013). For example, one such gene has two alleles referred to as S and L. We all have two alleles for every gene, so a person could have SS, SL or LL. The S allele makes a person more sensitive to stress, and the L allele makes them more resistant. In a seminal, long-term study of almost 900 people, Caspi and colleagues looked at 21- to 26-year-olds who had suffered multiple stressors (Caspi et al., 2003). They found that almost half of those with SS developed depression, and 11% attempted suicide as opposed to only 17% of those with LL who developed depression and 4% who attempted suicide (Caspi et al., 2003). This early study has been repeated many times around the world and again highlights the link between a person's genetic background and their environment. Numerous studies have also linked low serotonin levels with aggressive behaviour (Brown et al., 1979; Glick, 2015), psychopathy (Glenn, 2011), impulsivity (Linnoila et al., 1983), and an inability to learn from negative experiences (Helmbold et al., 2015).

Overall, the studies on serotonin indicate that any sort of dysfunction in the serotonergic system has an adverse effect on behaviour. However, in many cases, we can reverse the effects. Neurotransmitters are synthesised from building blocks or precursors of basic amino acids, and

the precursor for serotonin is tryptophan. This amino acid can be obtained through diet. Even people with perfectly normal serotonin systems may get edgy or upset if their tryptophan levels drop. In contrast, increasing a person's tryptophan levels often results in a feeling of peace and general well-being. One source of tryptophan is turkey, and this may account for the overall general feeling of benevolence often felt after eating a large turkey dinner. Therefore, such chemical imbalances may be successfully treated, often with something as simple as a change in diet.

Dopamine

Dopamine is often considered a pleasure or reward neurotransmitter as it produces many positive feelings in response to the normal pleasures in life, such as love, sex, and food. Many drugs target the dopamine system, causing a rapid increase in dopamine levels, resulting in euphoria (Volkow et al., 2003). In some cases, increases in dopamine can increase aggression, particularly in people with deficits in the normal reward system who do not gain pleasure from normal pleasurable activities and need greater stimulation (Blum et al., 2015). This means that such people are not happy with the usual simple pleasures like sex, chocolate or the company of friends, for example, so they need to push for greater excitement. A number of alleles within the dopamine system have been linked to increased risk for anti-social behaviour (Blum et al., 2015; Young et al., 2002; Yun et al., 2015), but remember again that each allele only contributes a very small increased risk.

Monoamine Oxidase (MAO)

MAO is an enzyme responsible for breaking down several neurotransmitters, including serotonin and dopamine, so although not a neurotransmitter itself, it still impacts neurotransmitter levels. Many studies have linked low MAO levels to a variety of antisocial behaviours, including aggression (Antypa et al., 2013); however, perhaps the most interesting studies on MAO are those that show a distinct GxE interaction. The two MAO enzymes, A and B, are the result of two different genes on the X **chromosome**, making them sex-linked. Sex-linked traits are mostly expressed by males, as females have two X chromosomes. If one X has a deleterious allele of a gene, it is usually masked by the presence of a normal X. Males, however, only have a single X and a Y chromosome, so any genes on the X chromosome will be expressed.

The MAOA gene has several different alleles, with some resulting in normal levels of MAOA (MAOA-H) and others producing low levels (MAOA-L). In one of the first studies to find a GxE interaction, Caspi and colleagues considered a cohort of 442 male adults, identifying 154 who had been abused as children, 33 severely (Caspi et al., 2002). Each was evaluated for

MAOA-H or MAOA-L and assessed for antisocial behaviour based on convictions for violent crime or exhibited antisocial behaviour. Only 12% of the entire cohort had MAOA-L, yet they accounted for 44% of violent crime convictions. A significant relationship was found between MAOA-L, child abuse and criminal convictions. Of the severely abused, 85% exhibited antisocial behaviour. Men with the normal MAOA-H alleles rarely exhibited violent behaviour, even if they had been severely abused as children (Caspi et al., 2002). It is important to understand that the risk of violent behaviour only occurred when the genotype was combined with child abuse (Caspi et al., 2002). This is fascinating as people have often looked at a violent criminal and said, "Well, what did you expect, when he had such a violent upbringing?" Immediately, however, someone else will say, "My best friend was brutally abused as a child, and he's not at all violent." This seminal work was the first to demonstrate at least one pathway to explain why an abusive childhood may lead some to violence and not others, and it shows protective factors—a safe, stable home life in childhood can ameliorate such risk factors.

6.3 Brain Damage

DR. GAIL ANDERSON

The brain is the seat of all behaviour, so obviously damage to the brain is likely to impact behaviour, including, potentially, antisocial behaviour. By design, the brain physically changes with experience and is another complicated mix of genetics and environment.

Head Injuries

Most behaviours are controlled by complex connections within the brain and not by one part alone. However, the frontal lobe, found from the forehead region above the eyes to the midway of the skull, is heavily involved in inhibiting inappropriate behaviour, aggression and impulsivity. This area is at the front of the head so it is more likely to be injured in an accident or assault. People with a frontal lobe injury often lose their social graces, self-control, and patience, and may experience personality changes, develop anxiety or depression, demand instant gratification, or have poor planning skills (Lane et al., 2017). In 1848, Phineas Gage was a railroad construction supervisor when an accident drove a metal bar through his cheek and up through the top of his head, destroying his frontal lobe. Miraculously he survived, but his kind, polite, gentle personality was gone, and he became violent, irritable, and irresponsible. His friends said he was "no longer Gage" (Damasio et al., 1994, p1102). His memory and ability to do his job, however, had not changed. Similar changes have been seen in modern patients with frontal lobe damage (Damasio et al., 1994), and we are only just beginning to understand the impacts of repeated concussions in professional athletes, chronic traumatic encephalopathy and the relationship to antisocial behaviour (Stern et al., 2011).

The brain is not fully developed at birth but continues to develop for many years, influenced by experience. Most brain development is completed around the mid-twenties, which is important as the law considers an accused to be an "adult" and entirely responsible for their actions by the age of eighteen or even younger, yet the brain is still developing at this age. In particular, the prefrontal region, the last to mature, is especially important in developing social behaviour, appropriate responses, cognition, abstract thought, and inhibiting inappropriate behaviour (Arain et al., 2013). Damage to the developing brain is, therefore, particularly harmful, as children and youth have not yet developed the inner control mechanisms or socially acceptable behaviour of adulthood (Anderson, 2020b).

Child abuse commonly results in brain injury as even a single blow can cause damage. Even a mild traumatic brain injury (TBI) can have major effects, particularly on social and emotional maturity and reduced cognition, which can lead to poor social interactions and peer

relationships and long-term risk (Mychasiuk et al., 2014). Child abuse, therefore, not only creates a dysfunctional social environment but may result in lasting behavioural damage.

Many studies have shown that incarcerated youth have much higher rates of TBI than non-incarcerated youth (Gordon et al., 2017; Hughes et al., 2015), recidivism is increased in youth with TBIs (Williams et al., 2010), and in most cases the TBI predates the offence (Lewis et al., 1988). Not only can such an injury result in a youth being more likely to commit a crime, but TBI-related cognitive impairment, language deficits, comprehension, and social skills mean that the youth is also at a greater disadvantage when trying to navigate the highly complex legal system, which requires excellent communication skills and a clear understanding of all proceedings, rights, and legal advice, putting them at even greater risk (Wszalek & Turkstra, 2015).

TBI in adults has also been frequently linked with violence and crime, with some TBI sufferers exhibiting a loss of control, temper, increased physical and verbal violence, agitation and frustration (Bannon et al., 2015). In a meta-analysis of studies of incarcerated men and women in US prisons, 60% had suffered at least one TBI (Shiroma et al., 2010), with one study reporting 88% (Diamond et al., 2007). In a meta-analysis of studies from the US, the UK and Australia, prevalence ranged from 9.6 to 100%, with an average of 46% (Durand et al., 2017). In Canada, the prevalence of TBIs was over 50% in incarcerated men and 38% in incarcerated women, with many reporting multiple TBIs (Colantonio et al., 2014). Higher recidivism rates are also seen in adult offenders with TBIs as well as an earlier age of first offence, faster re-arrests, greater violence, increased sentences, and infractions while incarcerated (Ramos et al., 2018; Ray & Richardson, 2017).

Brain Disorders

Brain damage can also result from disease or toxins. Stroke, brain tumours, meningitis, alcoholism, and cannabis use can all damage or cause changes in the brain (e.g., Arain et al., 2013; Burns & Swerdlow, 2003). For example, a happily married, middle-aged schoolteacher suddenly developed an obsession with child pornography, was inappropriately sexual with children, and eventually sexually assaulted his own young stepdaughter. He was convicted and ordered to enter a treatment program from which he was expelled due to inappropriate sexual behaviour towards other patients and the instructor. His inability to complete treatment resulted in an order to serve time, but before being sent to prison he complained of violent headaches and said he was scared he might rape someone. An MRI scan showed a large tumour in the orbito-frontal region of the frontal lobe of his brain, the area responsible for judgement, appropriate social behaviour and self-control (Burns & Swerdlow, 2003). The tumour was removed, and his behaviour returned to normal. He successfully completed treatment and returned home to his wife and stepdaughter. Sometime later, he began secretly collecting child pornography again. A scan revealed that the tumour had returned; it was removed, and his behaviour returned to normal. This case indicates a major ethical dilemma—was he responsible for his actions? It

seems clear that his criminal behaviour was directly related to a medical condition over which he had no control. However, he later stated that "somewhere deep, deep, deep in the back of my head, there was a little voice saying 'you shouldn't do this'" (Glenn & Raine, 2014, p.58). This indicates that even at his worst, he was still able to form **mens rea** or the ability to understand that his actions were criminal.

6.4 Nutrition and Alcohol

DR. GAIL ANDERSON

Diet

A healthy diet, with essential nutrients, vitamins, and minerals, is vital for brain development, and an inadequate diet in childhood can result in neural deficits leading to antisocial behaviour, including aggression and reduced self-control (Jackson, 2016), and to many health issues. As many neurotransmitter precursors come from diet, a poor-quality diet may affect neural function simply by a lack of precursors.

Low SES is a known risk factor for antisocial behaviour, as it includes many overall risk factors such as poverty, reduced education and job opportunities, together with the discrimination that often follows. Poverty in general reduces a developing child's access to nutritious, fresh food, so the effects of low SES are likely to be exacerbated by a poor diet, with its resultant health issues, and also by its impact on neural development.

Supplementing diet has been understood as a way to improve health and behaviour since Lombroso (Bohannon, 2009), and many large-scale studies on dietary supplementation for malnourished children have shown extraordinary improvements in behaviour (Liu, 2004; Raine et al., 2003). A poor-quality diet does not necessarily mean starvation. A large global study of approximately 200,000 children from forty-one countries showed a 123% increase in bullying behaviour in children eating poor-quality rather than nutritious food (Jackson, 2017). Such information opens the door to intervention strategies that can increase health and reduce antisocial behaviour with supplementation and education. A good example of such an intervention is the Breakfast Club of Canada[1], which provides children with nutritious breakfasts.

We have seen that direct abuse has both sociological and biological impacts on a child's well-being and behaviour throughout the life course and even transgenerationally. But institutionalisation and residential schools have other insidious effects. As well as being physically, emotionally and sexually abused, residential school children were underfed, given poor-quality food, and frequently starved, as discussed in Hunger experienced in residential

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1. Scan the QR code to access https://www.breakfastclubcanada.org/

schools linked to present-day health problems.[2] Aside from the obvious torture of such treatment at the time, the effects of poor diet and starvation can have long-lasting impacts on a person's biology, health, and behaviour. Colonisation and residential schools deprived Indigenous Peoples of their traditional food sources and their knowledge of ways to harvest wild animals and plants to maintain a healthy diet. Once lost, these skills cannot be passed to future generations, leading to increased diet-related health issues. These issues are not just historical but persist today as many Indigenous Peoples have lost pre-colonial connections to the land and suffer ongoing biological consequences (Monchalin, 2016).

Foetal Alcohol Syndrome (FAS) and Foetal Alcohol Spectrum Disorder (FASD)

Some clearly environmental factors that impact behaviour can also have biological effects. It is well known that alcohol usage is involved in a vast number of crimes, as it increases impulsivity and violence and reduces self-control. But alcohol usage during pregnancy can have much more insidious impacts on the developing child, resulting in a wide range of health and behaviour problems. Prenatal alcohol exposure affects the developing brain as well as the serotonergic system, the dopamine system, hormonal systems, the immune system, and other aspects of neural development. These effects can result in children developing cognition, attention, communication, and perceptual deficits; hyperactivity; an inability to understand consequences; and poor peer relationships (CanFASD, 2018).

Alcohol use and abuse, which relates to residential school abuses and other systemic racism and discrimination, has historically disproportionately affected Indigenous Peoples (Johnson, 2016). Although such abuse is usually considered in a sociological context, it also has a biological basis. The effect of alcohol on an individual, such as how intoxicated they become, and how fast they process the alcohol, depends on many features such as whether they had eaten first, the speed at which they consumed the drink, and the alcohol content of the drink, but also the person's biology. Alcohol is broken down by alcohol dehydrogenase and aldehyde dehydrogenase enzymes, which are controlled by several genes. Different ancestral groups have different alleles for these genes, impacting their alcohol metabolism and thus their ability to tolerate the effects of alcohol (Wall et al., 2016).

Colonialism, intergenerational abuse, and residential schools have greatly increased

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maladaptive coping mechanisms such as alcohol usage among Indigenous women, resulting in much higher rates (38 times) of FASD than in the general population (Popova et al., 2017). In Canada, youth with FASD are 19–40 times more likely to be incarcerated than non-FASD youth (Malbin, 2004; Popova et al., 2011). This is a vicious circle as incarceration exacerbates the effects of FASD as such people are highly suggestible, form poor peer relationships and are frequently victimised, increasing their recidivism (Brown et al., 2014).

6.5 Conclusion

DR. GAIL ANDERSON

This chapter has briefly covered a few biological influences on potentially criminogenic behaviours and underscored the interaction between the environment, a person's experiences, and their biology. There is clearly a heritable component to antisocial behaviour, but a person's gene expression, their neural development, and their brain chemistry are all moulded by that person's experiences, which will influence their behaviour, for better or worse. Certain factors can increase a person's predisposition for criminogenic behaviour, though it is still only a predisposition—a risk factor. However, such biological research has also shown many protective factors that can help decrease a person's predisposition and inform intervention and treatment options.

It is clear that as a child's brain is constantly developing, adversity; physical, mental and sexual abuse; starvation; and institutionalisation during childhood can have lifelong and transgenerational effects. This highlights the impacts that residential schools and systemic racism and discrimination in Canada have had, and continue to have, on the disproportionate number of Indigenous Peoples who have been incarcerated.

6.6 Discussion Questions

DR. GAIL ANDERSON

1. Some cases show that something clearly biological or medical may have triggered aggressive behaviour, such as a brain tumour in a paedophile. In such a case, should a person be punished for what they did, even if not punishing them means they are still a danger to society? How should such situations be handled by the criminal justice system?
2. Although a great deal of research has identified risk factors for antisocial behaviour, it has also identified a number of protective factors. Discuss at least two protective factors and how they could be helpful when considering a child at risk.
3. An inherited factor such as skin colour or ancestry has often been used to support discrimination against a person, justifying this by saying that people with this factor are more likely to, for example, commit a crime. Discuss the reasons why this is entirely wrong and the real reasons why such factors may increase risk.
4. Discuss how abuse, particularly in childhood, can impact responses to stressors in adulthood.
5. Discuss the several biological risk factors that might help to explain the disproportionate incarceration of Indigenous Peoples.

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7. PSYCHOLOGICAL THEORIES OF CRIME

Jennifer Mervyn, Ph.D., Registered Psychologist with BC College of Psychologists

Positionality Statement

I am Metis on my father's side, with my ancestors originating from the Red River area, and European on my mother's side. I am a mother of three children who are also Cherokee/ Muscogee on their father's side. I am working hard to raise my family with a proud and rich sense of cultural identity, as I believe it is essential to healing from intergenerational trauma. I have worked in a clinical capacity with vulnerable children, youth, adults, and families for over 20 years and supported a number of young people as they have interacted with the criminal justice system. Through this work, I have come to believe that the criminalisation of mental health and addictions only further stigmatises and entrenches our most vulnerable and makes access to healing more difficult for all. My heart and life's work are centred around promoting trauma-informed policies, principles, and practices across all sectors (healthcare, policing, child services, education) so that we will see healthier individuals, families, and communities that are able to thrive.

Stacy Ashton, M.A., Crisis Centre BC

Positionality Statement

I am a white, cis-gender, middle-class professional who has spent her career in the non-profit sector, including frontline and administrative work in crisis intervention and suicide prevention. I am committed to community-based crisis and mental health response and have recently submitted proposals to BC's Special Parliamentary Committee on Police Act Reform advocating for a crisis care continuum to drastically reduce the need for police response to mental health crisis situations.

This chapter will begin with the differentiation between individual, evolutionary, and cultural psychology as applied to criminology. We will explore the impact of personality, upbringing, cognition, psychopathology, and trauma on criminal and violent behaviour and go on to explore pathways leading to criminality as well as culturally informed pathways out of criminality. The basic principles behind psychobiosocial integrative models and the theories they incorporate will be outlined as well as their limitations and criticisms. This chapter concludes with identifying trauma-informed approaches to reducing criminality in Canada and provides select examples of excellence in BC.

Introduction: Why do People Break the Law?

Psychology attempts to answer the question "Why do people break the law?" by studying the intricacies of the human mind, including how human minds make sense of their environment and are shaped by evolution, culture, and society. Psychological approaches to explaining criminal behaviour can be differentiated from one another by looking at where theorists and researchers locate the flaw causing criminality. Some look to the individual for causes, while others look to the impact of social and cultural factors. This field of work encompasses many approaches, theories, and directions of inquiry. In this chapter, we will explore how individual psychology, cognitive-behavioural psychology, evolutionary psychology, cultural psychology, and integrative models of criminality answer the questions raised by criminal, or criminalised, behaviour.

7.1 Individual Psychology

DR. JENNIFER MERVYN AND STACY ASHTON, M.A.

The earliest and most persistent explanations of criminal behaviour locate the flaw in the individual. From the "original sin" in Christian theology to antisocial personality disorder and psychopathy in the Diagnostic and Statistical Manual of Mental Disorders (DSM-5)[1], the concept of bad people doing bad things has been a universal starting place for our approach to criminality (American Psychological Association, 2013).

The key question stemming from this approach is: What differentiates individuals who commit crimes from those who do not? Many psychological theories of criminal behaviour focus on identifying personality traits, characteristics, and developmental pathways believed to be shared by people who commit crime. Some theories focus on the temperament and personality people are born with (nature), while others focus on how life experiences shape people's behaviours and attitudes (nurture).

Nature

Research on children has consistently found stable differences over the first three years of life across activity level, distractibility, adaptability, sensitivity and quality of mood. Tang et al. (2020) found that behavioural inhibition in infancy predicts shyness and introversion in adults thirty years later, suggesting that early **temperament** persists through the life span. Two temperaments associated with criminal behaviour are: 1) high sensation-seeking combined with low self-control, which leads to impulsive risk-taking and 2) negative emotionality, which leads to increased hostility and, if combined with callous emotional traits, increased cruelty (Delisi & Vaughn, 2014; Bonta & Andrews, 2017). Of these aspects of temperament, low self-control and impulsivity have received the most research attention and are considered major contributing factors in violent crime (Garofalo et al., 2018; Gilbert & Daffern, 2010; Kuin, et al., 2015; Gottfredson & Hirshi, 1990).

Researchers have long engaged in classifying humans into different categories of **personality** to predict differences in individual behaviour. The Myers-Brigg personality type indicator, rooted

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1. Scan the QR code to access https://www.psychiatry.org/psychiatrists/practice/dsm

in the work of Carl Jung, divides people along four continuums: introversion or extraversion (E/ I), sensing or intuition (S/N), thinking or feeling (T/F), and judging or perceiving (J/P), resulting in 16 main personality types (Myers, 1962).[2] This theory suggests that differences in behaviour are largely due to basic differences in the ways individuals perceive and judge the world around them.

Table 7.1: Myers-Briggs Personality Types
(Myers & Briggs Foundation, 2021)

ISTJ Quiet, serious, logical, loyal	**ISFJ** Quiet, friendly, responsible, conscientious	**INFJ** Connected, insightful, values-driven, decisive	**INTJ** Creative, driven, visionary, independent
ISTP Tolerant, flexible, solution-oriented, efficient	**ISFP** Quiet, friendly, sensitive, kind, conflict-averse	**INFP** Idealistic, values-driven, curious, adaptable	**INTP** Logical, abstract, quiet, analytical
ESTP Pragmatic, energetic, spontaneous, active	**ESFP** Outgoing, accepting, realistic, adaptable	**ENFP** Warm, imaginative, Appreciative	**ENTP** Quick, ingenious, resourceful, outspoken
ESTJ Practical, decisive, organized, systematic	**ESFJ** Warmhearted, harmonious, loyal, helpful	**ENFJ** Empathic, responsible, sociable, facilitative	**ENTJ** Frank, decisive, well-informed, leader

Another common current personality measure is the five-factor model of higher-order traits: extraversion, neuroticism, openness to experience, agreeableness, and conscientiousness (Costa & McCrae, 1992). Research applying the five-factor model to antisocial behaviour has typically found that antisocial behaviour is associated with lower agreeableness (less altruism, tender-mindedness, compliance and straightforwardness) and lower conscientiousness (less self-discipline, deliberation and dutifulness) (Jones et al., 2011). Overall, the core of the "nature" focus is the assumption that people behave consistently across time and situations, and this consistency allows us to predict future behaviour, including criminal behaviour (McCrae et al., 2000).

2. Scan the QR code to access https://www.myersbriggs.org/my-mbti-personality-type/the-16-mbti-personality-types/

Table 7.2: Five-Factor Model of Personality
(Costa & McCrae, 1992)

Personality Trait	Low Scorer	High Scorer
Openness	Favours conservative values; judges in conventional terms; uncomfortable with complexities; moralistic	Values intellectual matters; rebellious, non-conforming; has an unusual thought process; introspective
Conscientiousness	Unable to deny gratification; self-indulgent; engages in daydreams	Behaves ethically; dependable, responsible; productive; has high aspiration level
Extraversion	Emotionally bland; avoids close relationships; over-control of impulses; submissive	Talkative; gregarious; socially poised; behaves assertively
Agreeableness	Critical, skeptical; behaviour is condescending; tries to push limits; expresses hostility directly	Sympathetic, considerate; warm, compassionate; likeable; behaves in a giving way
Neuroticism	Calm, relaxed; satisfied with self; clear-cut personality; prides self on objectivity	Thin-skinned; anxious; irritable; guilt-prone

Nurture

Theorists that focus on "nurture" argue that personality develops in response to childhood experiences. Sigmund Freud's (1901, 1924, 1940, collected in Freud, 2012) psychodynamic approach was one of the first theories to chart the development of personality through childhood. Freud proposed five stages of psychosexual development: oral, anal, phallic, latency, and genital. During each stage, sexual energy (libido) is expressed, and the reaction of parental figures determines whether the stage resolves successfully or not. If stages resolve positively, the resulting adult is able to "love, work, and play." If developmental stages do not resolve successfully, the result is an adult who is likely to violate ethical and moral standards.

Table 7.3: Freud's Stages of Psychosexual Development
(Freud, 1940, collected in Freud, 2012)

Stage	Age	Pleasure/ Sexual Focus	Key Developmental Tasks	Fixation results in
Oral	Birth – 1 year	Mouth (chewing, sucking)	Weaning	Obsessive eating, smoking, drinking (alcoholism)
Anal	2-3 years	Anus	Toilet training	Obsession with cleanliness; sexual anxiety
Phallic	4-5 years	Genitals (masturbation)	Identifying with gender role models (Oedipus/ Electra complexes)	Difficulty with intimate relationships
Latency	6-12 years	None	Social interaction	No fixation (stage not present in all cultures)
Genital	Puberty & later	Genitals (sexual intimacy)	Intimate relationships, productivity	Previous fixation equals low sexual interest; no previous fixation equals normal sexual motivation

Erik Erikson's psychosocial developmental theory extended Freud's theory of psychosexual development throughout the lifespan. At each stage of life, individuals face developmental challenges on the road to **self-actualisation.** Early stages of childhood development determine whether a child will trust or mistrust the world around them, develop autonomy or shame in their own abilities, and perceive themselves as "good" by being rewarded for their initiative or "bad" for failing to live up to the expectations of parental figures. Later stages focus on identity, intimacy, productivity, and satisfaction with life (Erikson, 1950).

Table 7.4: Erikson's Psychosocial Stages
(Erikson, 1950)

	Stages	Crisis	Favourable Outcome	Unfavourable Outcome
Childhood	1st year of life	Trust vs mistrust	Faith in the environment and future events	Suspicion, fear of future events
	2nd year	Autonomy vs doubt	A sense of self-control and adequacy	Feelings of shame and self-doubt
	3 – 5 years	Initiative vs guilt	Ability to be a "self-starter," to initiate one's own activities	A sense of guilt and inadequacy to be on one's own
	6 years to puberty	Industry vs inferiority	Ability to learn how things work, to understand and organize	A sense of inferiority at understanding and organizing
Transition Years	Adolescence	Identity vs confusion	Seeing oneself as a unique and integrated person	Confusion over who and what one really is
	Early adulthood	Intimacy vs isolation	Ability to make commitments to others, to love	Inability to form affectionate relationships
Adulthood	Middle age	Generativity vs self-absorption	Concern for family and society in general	Concern only for self – one's own well-being and prosperity
	Aging years	Integrity vs despair	A sense of integrity and fulfillment; willingness to face death	Dissatisfaction with life; despair over prospect of death

Erikson's work informs Lawrence Kohlberg's theory of moral development (Kohlberg & Hersh, 1977). Kohlberg asked people of various ages about their views on right and wrong in moral dilemmas and found that people's reasons for deciding right versus wrong followed a predictable path, as shown in Table 7.5.

Table 7.5: Kohlberg's Theory of Moral Development
(Kohlberg & Hersh, 1977)

Pre-conventional morality	Good vs bad is defined by getting rewards and avoiding punishments. If someone can avoid punishment or not get caught, then a person at this stage deems the action acceptable.
Conventional morality	Focuses on strict adherence to the concepts of right and wrong, as determined by the rules of society, and other significant people like parents and teachers.
Post-conventional morality	Right and wrong are determined by an individual's principles of equality, justice, and respect; rules are critically evaluated against these standards. Kohlberg posited this as the most advanced level of moral development.

Kohlberg theorised that criminals would be more likely to show pre-conventional moral

thinking. Research on criminal offenders has linked pre-conventional moral thinking to higher rates of recidivism, though, notably, research of this sort would not include criminals who had escaped the law (van Vugt et al., 2011). Watch Kohlberg's Stages of Moral Development[3] for more detail on Kohlberg's theory and its three stages (each with two sub-stages) and a discussion of the famous Heinz dilemma.

Under "nurture" explanations of behaviour, parenting (usually mothering) is a major early shaping factor on the development of personality and morality. Two dimensions appear particularly important: support and control (Hoeve et al., 2009; Maccoby & Martin, 1983).

Baumrind (1991) created a typology of parenting styles differentiated by support and control, as shown in Table 7.6.

Table 7.6: Baumrind's Parenting Styles
(Baumrind, 1991)

Authoritative	High warmth and high behavioural control, characterized by firm rules, but open communication and rational discussion about those rules, coupled with emotional support.
Authoritarian	Low warmth and high/harsh control. It is characterized by rigid rules, the expectation that those rules are followed, with no questions asked, and low support and a reliance on punishment to enforce rules.
Permissive	High warmth and low control, with few rules or expectations. Parents generally are warm and tolerant of their children's behaviour but with few boundaries.
Rejecting–neglecting	Low on both warmth and control. The parent is uninvolved and if the neglect is severe, it becomes abusive.

Research indicates that an authoritative style fosters higher levels of self-control, which is a protective factor against criminal behaviour. Rejecting-neglecting parenting is most linked to violent behaviour (Maccoby & Martin, 1983; Steinberg et al., 1994; Chung et al., 2006).

Parental monitoring, which can be supportive or controlling, has also been linked to criminal outcomes. Recent research indicates that harsh control (physical/verbal punishment and intrusiveness), low warmth and low monitoring are particularly related to criminal and violent behaviour (Pinquart, 2017; Odgers et al., 2012).

Research supports the view that parenting involving warmth, active parental monitoring and consistent rules/expectations may protect against violent behaviour in youth (Fosco et al., 2012). Discipline that emphasises positive reinforcement over punishment appears to be the most effective (Halgunseth et al., 2013; Surjadi et al., 2013).

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3. Scan the QR code to access https://www.youtube.com/watch?v=GTzBrjxKHLg

Although parents clearly influence their children, children also influence their parents. Gerald Patterson (1995) developed coercion theory to describe an escalation pattern of parents and children negatively influencing each other. If a parent gives in to escalating demands from their child, the child learns that they will get what they want if they intensify their anger and resistance; therefore, the child will use this tactic the next time they want something. If the parent increases their hostility in response, they effectively increase the level of demand their child must reach to succeed, thereby feeding a coercive cycle. Children also learn that coercive actions are effective in achieving one's goals and may emulate this behaviour with others. Children engaged in frequent coercive interactions with their parents are more likely to have aggressive and oppositional behaviour (Patterson et al., 1992; Shaw et al., 1994; Shaw et al., 1998).

One challenge in parenting research is establishing unbiased ratings of parent and child behaviour (Pinquart, 2017). When rating themselves, parents will often respond in a socially desirable way, intentionally or not. Similarly, children's behaviour ratings are potentially biased, depending on who is rating them. When ratings are given by researchers, it usually involves artificial settings that affect the behaviour of both parents and children. Finally, research on parenting relies on **correlation** because experiments cannot ethically expose children to different kinds of parenting. Correlation cannot determine **causality**; it can only identify a relationship between two variables, but it can not determine which variable caused which or whether a third variable influenced both.

Attachment theory (Bowlby, 1982) focuses on the quality of a child's early connection to their primary caregiver and how it affects adult emotional and relationship functioning. Bowlby's attachment theory posits that early caregivers must provide security: infants are completely dependent on their caregivers and must feel protected and trust they can rely on their caregiver to meet their needs. When that trust is strained or broken, a child forms a dysfunctional attachment towards their parents. Instead of security, they experience ambivalence, fear, or anger towards their caregiver, which leads to clingy preoccupation or dismissive rejection of caregivers. Early disrupted attachments translate into an inability to trust and rely on others in adult intimate relationships and may contribute to violence in intimate relationships (Dutton, 2007). Insecure attachments also affect how positively or negatively we view others, which can increase or decrease the likelihood of offending against others.

7.2 Cognitive & Cognitive-Behavioural Theories of Criminal Behavior

DR. JENNIFER MERVYN AND STACY ASHTON, M.A.

Cognitive theories of criminal behaviour look for faults in cognitive processes, mental development, and/or a defective moral compass. Rather than focusing on behaviour as an expression of individual personality or development, cognitive and cognitive-behavioural theories look at the way thoughts and feelings influence human behaviour.

The behavioural component of cognitive-behavioural psychology focuses on how rewards and punishment shape behaviour—a process called **conditioning**. Reinforcement conditions through rewards/relief: positive reinforcement occurs through receiving a positive stimulus, while negative reinforcement is the removal of a negative stimulus. Consistent reinforcement should result in an increase in the reinforced behaviour. Punishment is the opposite: positive punishment occurs through receiving a negative stimulus, while negative punishment involves having a positive stimulus taken away. Consistent punishment should result in a decrease in the punished behaviour (See Table 7.7 below).

Table 7.7: Positive and Negative Conditioning

	Add Stimulus	Remove Stimulus
More **Likelihood behaviour will repeat**	*Positive Reinforcement* A stimulus is added to increase a desired behaviour (e.g., a candy) – I am more likely to do this behaviour again.	*Negative Reinforcement* A stimulus is removed to increase a desired behaviour (e.g., my parents take away my electronic device at the dinner table so that I eat my dinner) – I am more likely to do this behaviour again.
Less	*Positive Punishment* A stimulus is added to decrease an undesired behaviour (e.g., spanking) – I am less likely to do this behaviour again.	*Negative Punishment* A stimulus is removed to decrease an undesired behaviour (e.g., losing electronic privileges) – I am less likely to do this behaviour again.

Criminal behaviour is more likely to re-occur when crime leads to a positive outcome (e.g., cash, drugs) or removes a current negative stimulus (e.g., the stress of not being able to feed your family). Punishment is meant to reduce criminal behaviour by administering a negative stimulus (e.g., incarceration in an unpleasant space) or removing a positive stimulus (e.g., loss of access to friends and family).

In real life, perfectly consistent reinforcement and punishment is rarely achievable. Intermittent conditioning occurs when the same behaviour has unpredictable results. For example, the

behaviour "attempt to rob a corner store" will be repeated many times if experience tells the individual there is a higher chance of a reward than a punishment and that most of the time there is a neutral outcome. Intermittently reinforced behaviour, meaning behaviour that is sometimes but not always rewarded, is the most difficult kind of behaviour to extinguish (Skinner, 1963).

The cognitive aspect of cognitive-behavioural psychology examines how reinforcement and punishment turn into thoughts, beliefs, and attitudes that maintain and justify behaviour. Our thoughts are impacted by witnessing what happens to others as well as our own experiences.

If antisocial/criminal behaviour provides reliable or intermittent rewards and/or relief, a person can develop rationalised antisocial attitudes. Bonta and Andrews (2017) summarise key links between antisocial attitudes and antisocial behaviour. First, offenders rationalise their actions using **techniques of neutralisation**, which involve minimising the consequences of their actions, denying responsibility for their actions, disparaging or blaming the victim, or claiming their actions were justified (Sykes & Matza, 1957; Ward, 2000). Antisocial attitudes are more likely to be acted upon when individuals are surrounded by others with similar perspectives and with whom they identify. In other words, associating with others that have similar antisocial attitudes makes acting on these attitudes more likely. Finally, there is a rejection of convention. Conventions are the typical values of a particular society, such as valuing work, education, and legal institutions (e.g., the police and the courts).

Many of the principles of cognitive-behavioural psychology have been established through WEIRD research—exclusively drawing research participants from university students from Western, Educated, Industrialised, Rich and Democratic societies (Henrich et al., 2010). As a result, it remains to be seen if findings can be generalised to the wider population and across cultures. Similarly, in Canadian psychological criminology studies, participants are often White offenders , raising doubts about findings' applicability to female offenders, Indigenous offenders, and other diverse groups (Hart, 2016).

Both individual and cognitive-behavioural approaches assume that pro-social, conventional behaviour is the preferred and rational path forward for people, leading to a successful and law-abiding life. Theorists assign personality traits and values such as adaptive or maladaptive and rational or irrational. The assumption that behaviour that upholds the status quo is adaptive and rational ignores findings indicating that the behaviour of individuals from marginalised groups has significantly different positive and negative conditioning than groups that have easier access to wealth, education, and opportunity. For individuals who have experienced surveillance by police, are threatened and powerless during police encounters, and are significantly more likely to be arrested and prosecuted for minor crimes, negative perceptions of police and the justice system may make the rejection of convention a rational decision (Nordberg et al., 2018). One must keep this in mind when analysing statistics showing the overrepresentation of Indigenous peoples in our criminal justice system. As Proulx (2014) highlights, Indigenous peoples in Canada have a long history of experiencing increased surveillance, including status cards and the reserve system. Read Watchdog reported on RCMP surveillance of Indigenous-led

action[1] in 2017. Mounties never responded for a recent example of increased police surveillance of Indigenous-led activism.

1. Scna the QR code to access https://globalnews.ca/news/7161956/rcmp-crcc-spying-indigenous/

7.3 Cognitive-Behavioural Psychology in Law Enforcement

DR. JENNIFER MERVYN AND STACY ASHTON, M.A.

Those who investigate and enforce the law are as human as those who offend and are just as susceptible to beliefs and attitudes that misrepresent objective reality. Heuristics are mental shortcuts that allow us to filter and process the massive amount of information we are faced with on a daily basis. Heuristics are necessary to allow humans to make decisions, but they can be affected by **cognitive bias** (Beck, 1963; Beck, 1995).

Confirmation bias is the tendency to over-value evidence that confirms our beliefs over evidence that counters our beliefs. For example, police will more often encounter marginalised individuals as criminals. They may form a belief that Indigenous or BIPOC individuals are more likely to be criminals than white individuals. This affects their behaviour going forward, as when they encounter non-white individuals, they seek evidence confirming this individual is engaged in criminal behaviour. Racial profiling is the inevitable result of confirmation bias, in which people of colour are more likely to be stopped by police in Canada than white people (Charman et al., 2017).

In-group bias is the tendency to trust peers and colleagues more than those outside your in-group. Police form a very strong "in-group," as they are mutually dependent on one another for safety and support. In-group bias plays a role in identifying and managing inappropriate police behaviour, as complainants are less likely to be believed than police officers (Smith & Alpert, 2007).

The cognitive bias of criminal justice officials has been documented in the literature (see Meterko & Cooper, 2022) and influences how our society defines, investigates, and prosecutes criminal behaviour. These biases also influence the way police and prosecutors deal with the intersection of mental illness and criminal and criminalised behaviour.

7.4 Medical Model of Psychopathology and Criminal Behaviour

DR. JENNIFER MERVYN AND STACY ASHTON, M.A.

Although mental illness would seem to fall solidly in the camp of individual psychology, the interface between mental illness and criminality is as much socially determined as it is individually determined.

Theories that draw a straight line between individual mental illness and criminal behaviour rely on the medical model of mental illness, with its focus on abnormal psychology. In the early 1900s, doctors and psychiatrists began seeking ways to classify recurring patterns of thought and behaviour that significantly reduce an individual's ability to function in an attempt to diagnose and treat "mental illness" utilising an approach similar to that used to deal with physical disease.

Today, the Diagnostic and Statistical Manual of Mental Disorders (DSM–5; American Psychiatric Association, 2013) is used in North America to diagnose mental disorders. The DSM-5 describes mental disorders, their symptoms, and the criteria for diagnosing them. The DSM-5 seeks to ensure clinicians are consistent in their communication about disorders and diagnostic criteria and researchers are consistent in how they define disorders so that they can meaningfully add to the body of scientific knowledge. As most research that informs the DSM has involved predominantly white Americans, it is acknowledged that there is limited evidence of the cross-cultural validity of the DSM. To the extent that mental illness leads to behaviours that violate the norms and standards of a particular society, people with mental illness would be expected to have a higher rate of contact with the criminal justice system.

Indeed, in Canada as elsewhere, people with mental illness are over-represented in the criminal justice system. In 2011–2012, 36% of federal offenders were identified at admission as requiring psychiatric or psychological follow-up, while 45% of male inmates and 69% of female inmates received institutional mental health care services (Sapers & Zinger, 2012). Olley et al. (2009) found up to three times higher rates of mental illness in incarcerated populations.

The over-representation of people with mental illness in the corrections system appears to be increasing over time. Between 1997 and 2010, symptoms of serious mental illness reported by federal offenders at admission increased by 61% for males and 71% for females (Sorenson, 2010). During this time frame, psychiatric institutions were being shut down in favour of community-based mental health care. Unfortunately, community mental health did not receive adequate funding, leading individuals with disruptive symptoms and untreated mental illness to come to the attention of police. Sapers (CTV News, 2010) stated that the mentally ill are being 'warehoused' in federal prisons instead of receiving the health care they need; prisons simply do not have the capacity to meet the complex mental health needs of inmates.

When mental illness and addiction are treated as health issues instead of criminal justice issues, we see hopeful results (Hammond, 2007). In Canada, collaborative partnerships between the criminal justice system and healthcare system are associated with better outcomes for youth. Cuellar et al. (2006) found that offending youth with mental illness who accessed diversion programs that offered treatment fared better than those who faced punishment. Lamberti (2016) also advocates for mental health collaboration with the criminal justice system so that treatment, not punishment, is the focus.

Although social factors such as underfunded mental health systems, poverty, **deinstitutionalisation** and a lack of access to treatment play a part in the over-representation of people with mental illness in the criminal justice system, some mental illnesses include criminal behaviour as part of their diagnostic criteria, including antisocial personality disorder, psychopathy, psychosis, and substance abuse disorders.

Antisocial personality disorder

Antisocial personality disorder (ASPD) is one of a class of diagnoses that describe persistent, longstanding, maladaptive ways of thinking and feeling about oneself and others that detrimentally affect how one functions. ASPD is the personality disorder most strongly linked with violence; it is defined by a continual remorseless disregard for the rights of others, including repeated criminal acts, impulsiveness, irresponsibility, deceptiveness, and aggression. To be diagnosed with this disorder, the person must have exhibited aspects of antisocial behaviour prior to age 15, such as aggression toward people or animals, theft, or property destruction (American Psychiatric Association, 2013). Only adults over the age of 18 can be diagnosed with personality disorders under DSM-5 criteria; however, personality disorders are commonly attached to youth in order to secure treatment.

Psychopathy

Although **psychopathy** is not recognised in the DSM-5, it is associated with, but distinct from, conceptualisations of ASPD. Psychopathy is characterised by two main factors: 1) interpersonal and emotional traits, such as manipulation, grandiosity and impaired empathy, and 2) antisocial behaviour and lifestyle traits, such as impulsive behaviour, sensation seeking and a parasitic lifestyle. Psychopathy is defined by subjective emotional and interpersonal criteria that are not part of ASPD, and because the DSM emphasises observable, objective behavioural criteria, not part of the DSM. The Psychopathy Checklist – Revised, developed by Hare (1991) is the most commonly used measure for psychopathy (Hare, 2016).

The twenty traits assessed by the PCL-R score are:

- glib and superficial charm
- grandiose (exaggeratedly high) estimation of self
- need for stimulation
- pathological lying
- cunning and manipulativeness
- lack of remorse or guilt
- shallow affect (superficial emotional responsiveness)
- callousness and lack of empathy
- parasitic lifestyle
- poor behavioural controls
- sexual promiscuity
- early behaviour problems
- lack of realistic long-term goals
- impulsivity
- irresponsibility
- failure to accept responsibility for own actions
- many short-term marital relationships
- juvenile delinquency
- revocation of conditional release
- criminal versatility (Hare, 2016).

Research generally indicates that psychopathy, particularly the theorised sub-type called primary psychopathy, involves brain-based differences that impact emotional and cognitive functioning (Blair et al., 2008; Kiehl, 2006; Koenigs, 2012; Patrick, 2018; Yang & Raine, 2009). Two models are the current top explanations for this impaired emotional functioning (Smith & Lilienfeld, 2015): 1) the low fear model, which states that emotional deficits result from an impaired recognition/experience of fear (Lykken, 1957, 1995), leading to increased sensation seeking and an inability to be deterred by fear of punishment and 2) the response modulation hypothesis, which describes an individual's impaired ability to modify their behaviour once they have focused their attention, even though the situation might warrant a behaviour change (Newman et al., 1987).

Psychopathy is associated with high reoffending rates (Shepherd et al., 2018; Thomson et al., 2018) and treatment resistance (Olver et al., 2011). For these reasons, psychopathy has been an important consideration for decision-making in the justice system, with a diagnosis of psychopathy leading to dangerous offender classifications and indefinite sentencing. In recent years, though, there have been concerns about how psychopathy has been defined and utilised in the justice system (Skeem et al., 2011), leading to alternative conceptualisations of

psychopathy (Lilienfeld & Widows, 2005). What is Psychopathy[1] addresses what psychopathy is and differentiates between psychopathy and ASPD, as evidenced in the research.

How psychopathy has been defined and utilised in the justice system, and the reliance on psychopathy scores in risk assessment instruments, is particularly relevant and concerning when examining their use with Indigenous offenders. As Hassan (2010) demonstrates in her analysis of psychiatric assessments administered on Indigenous versus non-Indigenous long-term offenders (LTOs) in British Columbia in the first 10 years of the use of this designation in Canada, twice as many LTOs categorised in the high psychopathic range were Indigenous compared to their non-Indigenous counterparts (46% vs 23%, respectively). Moreover, while the percentage of LTOs categorised in the intermediate category was approximately the same in these two groups (46% of the Indigenous LTOs vs 43% of LTOs not identified as Indigenous), only one (9%) of the Indigenous LTOs assessed using the PCL-R was categorised in the non-psychopathic range, as compared to 10 (33%) of the LTOs not identified as Indigenous. Hassan (2010) also found that amongst those LTOs whose files were included in her analysis, a disproportionately high number of Indigenous LTOs were deemed untreatable compared to their non-Indigenous counterparts.

The clear overrepresentation of Indigenous LTOs in the high psychopathic range and in the untreatable category calls into question the objectivity and neutrality of the tests used to assess this population. The reduction of human behaviour to a quantifiable score results in an undeniable loss of personal information and blatantly disregards the impacts of colonisation and genocide experienced by Indigenous populations across Canada and beyond.

Psychosis

Psychosis is a condition that impacts how your brain processes information and is present in some severe mental illnesses, including schizophrenia and mood disorders such as depression and bipolar disorder. The vast majority of individuals experiencing breaks from the shared reality of the general population do not engage in aggressive or criminal behaviour; in fact, people with mental disorders are more likely to be victims of violence than perpetrators (Elbogen & Johnson, 2009). Psychosis can generate specific hallucinations, such as hearing voices or seeing things that do not exist, and delusions, where a person experiences strongly held but false beliefs that may include paranoid ideas about being persecuted (American

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1. Scan the QR code to access https://www.youtube.com/watch?v=Dhk7hZ0NAlM

Psychiatric Association, 2013). In rare cases, the nature of the hallucination or delusion can lead to inappropriate "self-defence" or other criminal behaviour that would be understandable in light of the beliefs held during a psychotic break (Chan & Shehtman, 2019; McNiel et al., 2000). The Canadian justice system requires that individuals can only be punished for their crimes when they have *mens rea*: they must know what they are doing and know that it is wrong (see chapter 1.2 Crime in Canada). People who have mental disorders, particularly while in psychotic states, may lack this awareness and therefore be found Not Criminally Responsible on Account of Mental Disorder (NCRMD), as defined in Section 16 of the *Criminal Code of Canada* (RSC 1985, c C-46). Importantly, if someone knew an action was against the law but believed they were morally doing the right thing, the NCRMD defence can still apply (R v Chaulk, 1990).

Although some psychosis can lead to violent behaviour, far more often, people with active mental illnesses are charged with minor offenses that begin a long cycle of involvement with criminal justice systems. A major depressive episode with catatonic features in a homeless person looks very much like loitering in the eyes of police. One study found that 40% of police encounters with people with mental illness involve non-violent crime, and another 40% involve non-criminal mental health crises, bizarre behaviours, and/or criminal victimisations. Only two in 10 police interactions with people with mental illness involved any type of violent crime (Brink et al., 2011).

Substance Abuse Disorders

Substance abuse disorders are characterised by difficulties reducing substance use, causing problems in one's personal and work life (American Psychiatric Association, 2013). Because many substances are in themselves illegal to possess and use, the defining behaviour of substance abuse is criminalised if the addictive substance is restricted.

Aside from the inherent criminal behaviour of using a prohibited substance, the tripartite conceptual model (Goldstein, 1985) outlines three main ways that substance use is connected to violent criminal behaviour (see Table 7.8).

Table 7.8: Tripartite Conceptual Model of the Drug/Violence Nexus (Goldstein, 1985)	
Systemic crime	Crime related to the drug trade, including selling drugs and the violence associated with that.
Economically compulsive crimes	Result from people engaging in money-making crime to support their substance use.
Psychopharmacologically-driven crime	The substance itself produces an effect on the brain and behaviour, resulting in crime or violence.

Legal codes that criminalise addiction set the stage for systemic and economically compulsive crimes. If access to drugs that people are addicted to is against the law, unlawful organisations that provide drugs to people with addictions become highly profitable and are maintained

through violence if necessary. If people addicted to drugs are less likely to have the ability to support themselves through legal means, they will be more likely to commit crimes to meet their needs. Countries such as Portugal have been decriminalising drugs in favour of on-demand treatment, resulting in reductions in drug use and related crimes. See How Portugal Won Its War On Drugs[2] for a summary of Portugal's approach.

2. Scan the QR code to access https://www.youtube.com/watch?v=vMh6zhBwX58

7.5 Trauma-Informed Neurobiology and Criminal Behaviour

DR. JENNIFER MERVYN AND STACY ASHTON, M.A.

The impact of **trauma** on brain functioning and behaviour has been a growing area of study over the past few decades. While the medical model of mental illness focuses on symptoms and diagnostic criteria to define abnormal psychologies, trauma-informed theories look to a person's life experiences to understand the context in which behaviours occur.

Adverse Childhood Experiences (ACE)

The landmark research of Vincent Felitti and Robert Anda (Felitti et al., 1998) examined the relationship of childhood abuse and household dysfunction to many of the leading causes of death in adults. Their findings revealed strong connections between childhood trauma (adverse childhood experiences or ACEs) and health risk behaviours, such as smoking and overeating, and physical illness and disease later in life, most likely due to neurobiological changes caused by chronically activated stress response systems. For a primer on ACEs see ACES Primer HD.[1]

ACEs have been related to many criminogenic risks. In fact, research indicates that rates of both criminal justice involvement and victimisation are generally higher among homeless participants who had experienced any type of ACE (Edalati et al., 2017). While it is true that toxic stress may impact healthy development at any stage in our lives, we know that the brain has a few critical periods for growth and development, including neural pruning, that are specific to childhood. When a child's brain is growing and developing, it is vulnerable to toxic stress, which has the potential to affect the very architecture of the brain itself, as well as the neurochemicals that travel between the various brain structures. For more on the impacts of toxic stress see Toxic Stress.[2]

1. Scan the QR code to access https://www.youtube.com/watch?v=ccKFkcfXx-c

2. Scan the QR code to access https://developingchild.harvard.edu/science/key-concepts/toxic-stress/

When a brain is exposed to extreme adversity or toxic stress, the amygdala gets inflamed and becomes enlarged over time. The hippocampus (responsible for visual spatial processing and memory consolidation) can lose volume and shrink. The neurochemistry that travels between these brain structures and the prefrontal cortex can also become impaired/weakened with trauma . In the end, the individual experiences poor impulse control, challenges with deciphering when real danger is truly present, and a quickly activated fight/flight stress response system. For more on the crucial connection between the amygdala and prefrontal cortex see The Raising of America[3] documentary on the science of early childhood, working parents and public policy.

This neurobiology has an adaptive function: our neurobiological stress response incites our sympathetic nervous system to respond to our environment when there is imminent danger and engage in a way that helps us survive. For example, in 2019, a Vancouver Island mother intervened when a cougar attacked her seven-year-old son. When the sympathetic nervous system is activated, the stress hormones epinephrine and cortisol are released. Blood pressure and the heart rate increase, which enabled this mother's heart to function at optimal efficiency while moving oxygen and blood to her muscles for increased strength, dilating her pupils to enhance her distance vision (she was able to see her son in the distance at the back of their yard), dilating her bronchi (allowing more air into her lungs), increasing blood flow to her skeletal muscles (allowing this mom to temporarily have "superhuman" strength) and sending blood sugars surging through her system (giving this mom extra energy and stamina). This sympathetic nervous system response is a highly important survival mechanism built into our brain and body that allows us to, for example, challenge and defend against a cougar attack on our child. For more on this story see 'Hero' mom punches mountain lion to save her son.[4]

A mechanism that is highly valuable in an emergency like this is not as useful in day-to-day life, however. When the sympathetic nervous system is chronically triggered, especially during early brain development, the threshold for flight-or-fight can be lowered, triggering behaviour that is impulsive, risky, combative, and sometimes illegal, in contexts where urgent action is not justified. For example, a young person who grew up in a home witnessing domestic violence and

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3. Scan the QR code to access https://www.raisingofamerica.org/?404;https://www.raisingofamerica.org:443/
   amygdala-prefrontal-cortex-connection-crucial

4. Scan the QR code to access https://globalnews.ca/news/8151626/mom-fights-mountain-lion-son-punch/

experiencing physical abuse may have a hyper-aroused sympathetic nervous system that incites them to defend themselves with aggression with little pre-contemplation or control before acting. A child who did not have their physical needs met as a child may not think twice before stealing food or other necessities for daily survival. This demonstrates the need for trauma-informed approaches across all systems of care to possibly prevent criminal behaviour in youth as well as develop a rehabilitative approach for those who have broken the law.

Trauma-Informed Models of Addiction

The trauma-informed model of addiction acknowledges a physiological, brain-based vulnerability to addiction that is influenced by genetics but also heavily impacted by supports and positive or negative experiences/influences in one's life. The neurobiological impact of trauma paired with the psychopharmacological effects of substance use can have a combined effect on impulsivity, anger, and other behaviours and emotional states associated with crime.

The self-medication model hypothesises that substance use can help people cope with the experiences of trauma (Hawn et al., 2020). Post-traumatic stress disorder (PTSD) is caused by traumatic life events, resulting in persistent re-experiencing of the event; avoidance of feelings, thoughts, conversations or places associated with the trauma; adverse alterations in cognition and mood; and hyper-arousal (American Psychiatric Association, 2013). PTSD is associated with substance use, with PTSD often predating alcohol misuse and alcohol use to cope with negative emotions (Hawn et al., 2020; McCauley et al., 2012).

A **trauma-informed approach** considers early attachment relationships as a primary survival need in human beings. Humans have longer attachment relationships than any other animal, and attachment is not a negotiable need. Gabor Maté (2008) identifies **authenticity** as another legitimate survival need. In younger years, attachment needs take priority over authenticity. If authenticity challenges our attachment needs in early development, we suppress our authenticity to stay attached. Early childhood abuse and trauma, especially from caregivers, causes children to suppress their authenticity in order to prioritise survival/attachment. This disconnect can create an environment where toxic stress has the potential to impact one's brain development, neurochemistry, and behaviours. Endorphins, which are naturally produced by the brain when one is calm and happy, facilitate attachment. Drugs classified as opiates mimic this pleasurable feeling in the brain—some opiate users describe a sense of euphoria, affection, and connection, creating an artificial sense of attachment. When an individual experiences stress or trauma, the natural endorphin receptors do not develop normally, potentially allowing for a vulnerability to opiate addiction.

Research has demonstrated the connection between exposure to traumatic events, impaired neurodevelopmental and immune systems and subsequent health risk behaviours resulting in serious physical or behavioural health issues (Felitti et al., 1998; Anda et al., 2008; Shonkoff

et al., 2012). Unaddressed trauma significantly increases the risk of mental and substance use disorders and chronic physical diseases (Dube et al., 2003).

7.6 Evolutionary Psychology

DR. JENNIFER MERVYN AND STACY ASHTON, M.A.

If individual, cognitive, medical, and trauma-informed theories look to the current state of humans to explain criminal behaviour, evolutionary psychology looks for explanations in the human genome and the influence of our ancient ancestry. The key question of evolutionary psychology as it relates to crime is: How did antisocial and violent behaviour confer a survival advantage to our ancestors? Evolutionary psychology posits that the ultimate function of all biological organisms is to increase their reproductive success. Thus, traits and psychological mechanisms that improve survival and reproductive success will be increasingly prevalent in each generation (Buss, 2016; Wright, 2010). Unlike cognitive-behavioural psychology, which looks at how criminal behaviour is rewarded or deterred in the present, evolutionary psychology looks at unconscious psychological mechanisms that would have been adaptive in the environment in which they evolved, specifically the ancestral environment of the African savanna during the Pleistocene epoch (2.6 million to 11,700 years ago).

Male sexual jealousy is an example of a psychological mechanism that would have led to greater reproductive success in the ancestral environment but leads to criminal behaviour in many modern societies. Evolutionary psychologists theorise that in early humanity, males who demonstrated sexual jealousy would be more likely to ensure their resources went towards raising their own biological children, making it more likely that the genes of sexually jealous men would move forward through generations (Buss, 1988, 2006).

Social mores change much more rapidly than genomes. Today, vastly increased reproductive control (e.g., condoms and the birth control pill) and access to divorce mean that sexual infidelity is less likely to lead to men raising other men's genetic legacies. What might have been adaptive in the Pleistocene epoch might not work today. Evolutionary psychology may explain why extreme forms of male sexual jealousy, such as mate guarding, persist even though they are now associated with felonies such as stalking and domestic violence.

Kanazawa (2008) believes that the norms against crime might have developed in reaction to evolutionary psychological mechanisms that incline men to commit crime. Comparing primate behaviour to human behaviour classified as crime among humans shows that primates often engage in theft, rape, and violence to further their access to reproduction (de Waal, 1989, 1992).

Evolution-driven psychological mechanisms may explain why, worldwide, men commit more than 90% of all crimes (Kanazawa & Still, 2000). It may also explain the universal age-crime curve across history, society, social group, race and sex, in which criminal behaviour aligns with the emergence of sexual maturity: it increases in early adolescence, peaks in late adolescence and early adulthood, rapidly decreases throughout the 20s and 30s, and levels off during middle age (Hirschi & Gottfredson, 1983).

Critics of evolutionary psychology cite the difficulty of generating testable hypotheses about what human behaviour might have been like several million years ago (Lloyd, 1999).

7.7 Cultural Psychology

DR. JENNIFER MERVYN AND STACY ASHTON, M.A.

Cultural psychology looks at how individual behaviour is constructed by society. It examines flaws in society to better understand criminal behaviour through the lens of **culture** and cultural processes. Culture is not just one's nation or ethnicity. Cultures organise around concepts like "masculinity" and "organised crime," asserting their own ways of understanding social interaction and setting behavioural norms (Staub, 1988; Westen, 1985). Crime is socially determined by our collective beliefs, many of which are cultural.

Subcultures can create norms that contradict those of the society they live in, allowing complex and ongoing crime to be maintained over generations. Societies with inequitable access to resources needed for survival and inequitable experiences of trauma and criminalised behaviour are more likely to allow the emergence of deviant subcultures that have problems with crime than more equitable societies.

Culture also impacts how a society responds to crime. A "theistic" culture considers crime a violation of laws set by God, while a "law and order" culture considers crime a violation of law as mutually agreed upon by members of a nation. In both these types of cultures, the correct response to crime is removal of the lawbreaker from society, which functions to punish the behaviour, provide an example to others to discourage lawbreaking, and keep the general public safe from the lawbreaker. An alternative to both these framings is much more restorative in nature and appears in many Indigenous cultures: criminal behaviour is considered a breakdown of community relationships, and the solution is to repair relationships with neighbours and the community, not impose exile through excommunication or incarceration.

As highlighted by cultural psychologists, poverty is a societal condition that increases vulnerability to criminality. Neighbourhoods with higher rates of poverty have higher rates of crime, and people living in poverty are far more likely to be victims of crime than those above the poverty line. The impacts of adversity, including the trauma of growing up in a home that struggled to make ends meet in a disadvantaged community, increase the likelihood of experiencing a number of different health and social impacts, including a higher chance of encounters with the criminal justice system. In fact, low-income Canadians significantly outnumber wealthier Canadians in the criminal justice system. They are more "at-risk" of participating in crime because of the social and economic challenges they face. They are also more likely to face significant barriers in accessing legal defence if they become involved in criminal justice processes.

Moreover, low-income individuals are more likely to be detained when they are arrested (especially if homeless), to be denied bail, to plead guilty and to be convicted. They also have fewer social and economic resources to support reintegration after incarceration. It takes most court cases between three months and a year to get to trial in Canada, creating an incentive

to plead guilty and accept parole and a criminal record to get out of prison or to avoid a loss of child custody, jobs, or housing. When those who have been incarcerated are released from prison, low-income people add jail time to a history that is already more likely to reveal lower levels of education, inconsistent employment, and mental health and addictions issues. It can be incredibly difficult to attain any kind of employment with a criminal record. If you are lucky enough to find an employer who accepts that you have a criminal record, finding a landlord who will rent to you is another major hurdle.

These challenges result in higher levels of recidivism and a potential "revolving door" in and out of jail. One pilot project conducted in three predominantly Indigenous communities in north Saskatchewan revealed that a friendly supervision policing model may help in addressing this revolving door phenomenon (Akca & Jewell, 2022). The Northeast Youth Violence Reduction Partnership model examined in this study was based on maintaining a positive relationship between police and Indigenous youth rather than an adversarial one and focused on providing support, supervision, and rehabilitation as well as strengths-based, individualised interventions. The goal was to reduce the level of contact with police and instead to direct the youth to treatment options to address mental health and cognitive needs as well as prosocial activities and networks, including cultural activities. The findings reveal at least a short-term reduction in the frequency as well as severity of crime and speak to the potential of developing culturally responsive and effective policing methods within Indigenous communities (Akca & Jewell, 2022).

The alternative to diversion or rehabilitative approaches is the "get tough" approach regarding punishment in order to deter people from committing crime. Cook & Roesch (2012) asserted that "tough on crime" policies are not supported by research; early intervention, prevention, and rehabilitation are more effective in reducing crime in the long term. Since most people incarcerated in Canadian prisons will be released, rehabilitation to ensure successful reintegration into society is a key part of the justice system. However, many rehabilitation programs fail, often due to the use of a "one-size-fits-all approach," which is less expensive than developing programs specifically designed to target the underlying causes of individual criminal behaviour (Cullen, 2017).

The Canadian criminal justice system does not necessarily target those most likely to commit heinous acts of violence and harm but instead targets some of the most vulnerable and traumatised people in our society—our Indigenous, our mentally ill, and our youth. Cook & Roesch (2012) label this as the "human cost" in a punitive justice system. Public institutions and service systems intended to provide services and support to individual offenders are often themselves traumatising. Harsh practices such as seclusion, restraints, isolation, and intimidation in the criminal justice system can be re-traumatising for individuals who enter these systems with significant histories of trauma. These policies and practices are not trauma-informed and can often make individual health and behaviours worse, not better.

In 2020, the Government of Canada's correctional investigator, Dr. Ivan Zinger, reported that while only 5% of Canada's general population is Indigenous, the number of federal sentences for Indigenous peoples has been steadily increasing, and custody rates in particular have accelerated. Although the overall prison population rate is stable, Indigenous inmates now make

up a larger proportion. From 2010 to 2020, the Indigenous inmate population increased by 43.4% (or 1,265), whereas the non-Indigenous incarcerated population declined by 13.7% (or 1,549). The rising numbers of Indigenous peoples behind bars offsets declines in other groups, giving the impression that the system is operating at a steady state (Office of the Correctional Investigator, 2020). Dr. Zinger raised the concern that surpassing a 30% Indigenous inmate population clearly indicates a deepening and entrenched 'Indigenisation' of Canada's correctional system. The numbers are even more troubling for Indigenous women, who now account for 42% of the female inmate population in Canada.

The plight of youth in conflict with the law is also concerning. A disproportionate number of youth interface with our criminal justice system. Youth make up 7% of our population but represent 13% of Canadians accused of crime. There is also considerable evidence that our criminal justice system applies its sentencing with racial discrimination: minority youth are more likely to be moved up to adult court than white youth (Males & Macallair, 2000).

As previously discussed, it is also highly debatable whether youth behaviour should be considered as "criminal" while a young person's brain is still growing and developing and they may lack the impulse control and social/moral development needed to establish mens rea, a legal term referring to the capacity of an alleged offender to know what they are doing and that it is wrong. Given the plethora of research in the area of early adversity/childhood trauma and its relationship with risk behaviours and criminality, there is an urgent need for primary prevention and early intervention, including a decriminalising approach to 'criminal behaviours' for youth and young adults whose brains are still developing.

Heide and Solomon (2006) point out that "the criminal justice system is based on the foundation of a rational man who makes conscious decisions before acting" (p. 230) and suggest that the range of choices supposedly available to human beings may be compromised in certain situations for individuals who have sustained severe trauma and have been significantly affected by it. These individuals who have experienced adverse childhood experiences may find their range of choices compromised, especially if they have experienced co-occurring ACEs.

Seiler (2017) explored various elements of Canadian youth diversion programs, defined as "a program that works to hold youth accountable for their criminal actions and behaviours while diverting them away from the judicial system and reducing recidivism" (p.16). Seiler found that youth diversion programs were successful in reducing recidivism rates among youth when they ensured the following components: collaboration with community/stakeholders, mentoring, personal accountability and responsibility on the part of the youth, and police investment in the program.

If we look at the origins and current state of our Canadian criminal justice system, we can see little involvement of victims and offenders, which is a system that does not seem to work well at reducing crime. The restorative justice movement is gaining significant attention, especially when it comes to young offenders (see chapter 17. Restorative, Transformative Justice). Restorative justice attempts to repair the harm caused by a criminal act: it is inclusive of both offender and victim and sees criminal behaviour through the lens of violating human beings and relationships with others. It offers victims a voice to name and address the impacts of criminal

behaviour on themselves personally and encourages offenders to take personal accountability and responsibility for their actions.

Cullen (2017) addresses the need for public ceremonies or recognition of rehabilitation. Conviction and incarceration are often highly public acts involving media attention, whereas one's rehabilitation is often a completely private process, including receiving a pardon. Cullen (2017) argues that public honouring or credentialing of rehabilitative efforts, even many years later, could go a long way in motivating rehabilitation and could potentially offset the negative impacts of having a criminal record.

In November 2020, Canada added support to restorative justice projects, especially in Indigenous programming. Minister of Justice David Lametti used Restorative Justice Week in June 2021 to announce that "restorative justice is based on respect, compassion and inclusivity. By providing a proactive alternative to incarceration in appropriate circumstances, it is about bringing opportunities for healing, reparation and reintegration. This week, in recognition of Restorative Justice Week, I am especially proud that our Government continues to encourage the use of restorative justice, and through this funding, supports various organizations rehabilitating Canadians who are in conflict with the law" (Department of Justice Canada, 2021). Canada also has the National Crime Prevention Strategy, which provides national leadership on cost-effective ways to prevent and reduce crime among at-risk populations and vulnerable communities by intervening to mitigate the underlying factors that put individuals at risk of offending.

Overall, then, it appears there is political and social will to work in culturally sensitive and restorative ways with offenders, allowing for collaboration with cultural representatives in order to develop a more responsive treatment process (Bonta & Andrews, 2007). If we are able to support and rehabilitate individuals while capitalising on the degree and potential for change—behaviourally, neurobiologically, and psychologically—there is the greatest capacity for change. This approach lends itself to upstream work, early identification and preventative support, in addition to having systems of care in place for those who are acutely ill and in crisis.

7.8 Integrative Models of Criminality

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Theories under the umbrellas of individual psychology emphasise personality, cognitive fallacies, psychopathology, and brain structure. Evolutionary psychology looks at ancient survival pressures and their impact on the human genome. Cultural psychology looks at how individual behaviour is constructed by society. **Biopsychosocial criminology**, on the other hand, is a multidisciplinary perspective that views criminal behaviour by considering the interactions between biological, psychological, and sociological factors. This section describes three models that integrate theories from individual, evolutionary, and cultural approaches in their application to criminal behaviour.

- **Moffitt's Developmental Taxonomy**: explains the development of antisocial behaviour as affected by biology, socialisation, and stages of development.
- **General Aggression Model**: explains the biological, personality, cognitive and social learning factors influencing an aggressive act.
- **Risk Needs Responsivity Model**: provides a method for offender assessment and treatment by examining the needs underlying criminal behaviour.
- **Trauma-informed Systems of Care**: combines the neurobiology of trauma with an analysis of the trauma-inducing aspects of the criminal justice system.

Developmental Taxonomy

The developmental taxonomy (Moffit, 1993, 2018) describes two types of offenders differentiated by their biology, parenting, personality, and socialisation: life-course-persistent offenders and adolescent-limited offenders. Life-course-persistent offenders are rare and have externalising behaviour from an early age continuing into adulthood. Neurological differences causing impulsivity and reactivity are believed to underlie their behavioural problems. Without intervention, difficulties with peers and school result, snowballing into later problems such as early school leaving and criminal activity. Early social rejection from peers is a major risk factor for later antisocial behaviour (Cowan & Cowan, 2004), and these individuals often eventually associate together (Laird et al., 2009). The individuals following this life-course trajectory are considered the smallest group of offenders, but they are responsible for a disproportionate amount of crime (Piquero et al., 2012).

Conversely, adolescent-limited offenders engage in minor antisocial behaviour during a developmentally normative stage in the teenage years but have an otherwise normal early childhood. Adolescent-limited offenders determine the benefits of a criminal lifestyle are not worth the risk, and they change in their early adulthood. According to the developmental

taxonomy, these individuals are capable of easily changing because they have well-developed social and educational skills.

General Aggression Model

The general aggression model (GAM; DeWall et al., 2011) explains how various factors, including biology, personality, cognition and social learning, work together to produce an aggressive incident. The GAM is structured in terms of responses to a situation: there are inputs (aspects of the person and situation) and outputs (results from decision-making that was either thoughtful or impulsive). Impulsive actions are more likely to be violent than thoughtful actions. Once violence is used by a person, the theory suggests that violence becomes a tactic more likely to be used again in the future, forming a behavioural pattern. Whether violence happens or does not happen in response to a situation depends on how the individual involved perceives and interprets the social interaction, their expectations of various outcomes, and their beliefs about the best ways to respond.

(https://kpu.pressbooks.pub/app/uploads/sites/199/2022/06/Psych-explanations.png)
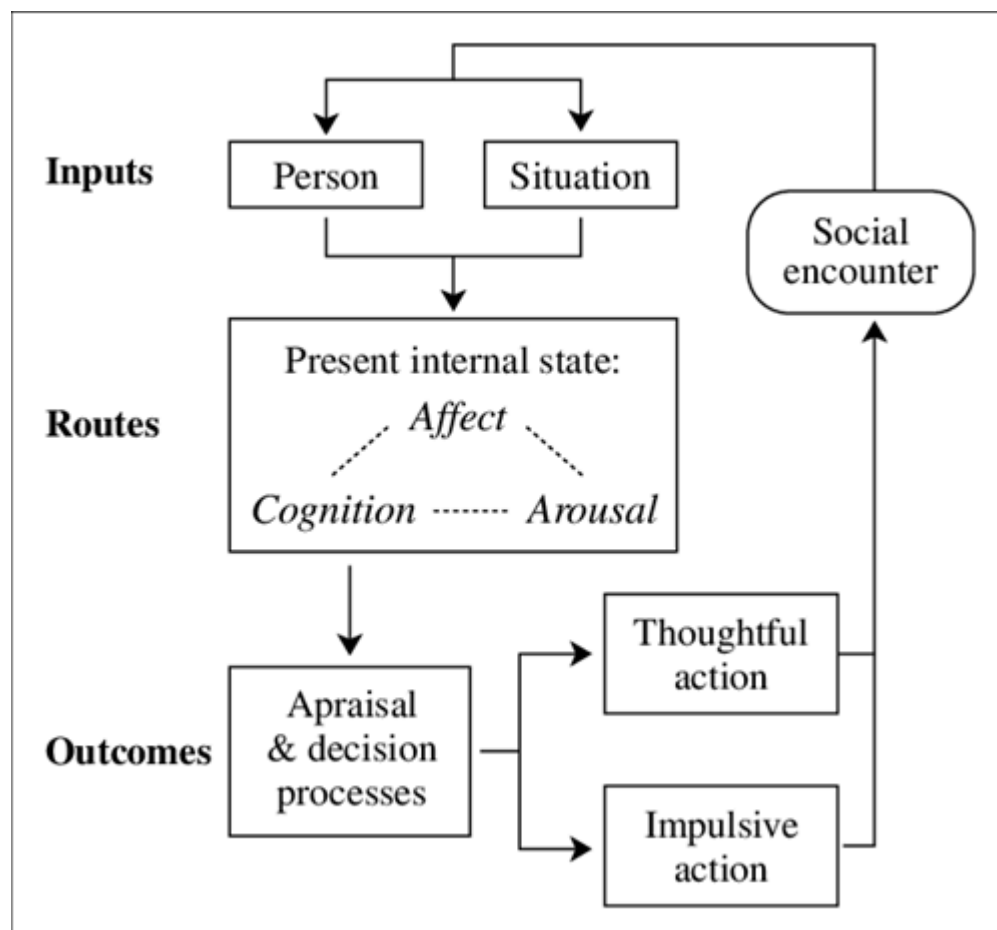
Figure 7.1: General Aggression Model

Ferguson and Dyck (2012) outline some assumptions made in the GAM, including the assumption that aggression is primarily learned. Ferguson and Dyck (2012) suggest that other factors, such as environmental stress, play a more important role in instigating aggression. In addition, they note that the GAM seems to explain hostile, reactive aggression without adequately explaining aggression that is calculated, goal-directed and given forethought.

Risk Needs Responsivity Model

Two Canadian researchers, Don Andrews and James Bonta (2017), developed the risk needs responsivity (RNR) model for the assessment and treatment of offenders after many decades of researching the factors most related to criminal and violent behaviour. Their model incorporates social learning, cognition, personality, and social factors. The RNR model has three main parts. First is the "risk" principle, which involves assessing offenders on the eight risk factors research indicates are most directly linked with criminal behaviour. The intensity of treatment should match the level of risk, with individuals that score higher receiving more rehabilitation efforts. Criminogenic risk factors are outlined in Table 7.9.

Table 7.9: Criminogenic Risk Factors
(Bonta & Andrews, 2017)

History of criminal behaviour	How early crime starts, frequency and variability of criminal behaviour
Antisocial personality pattern	Having traits such as impulsivity, sensation-seeking, hostility and callousness
Antisocial associates	Having friends that are involved in crime
Antisocial attitudes	Having cognitions that rationalize antisocial behaviour and/or disdain towards the law and justice system
Substance abuse:	Misuse of alcohol and drugs
Family/marital issues	For youth offenders, parents provide little warmth or control. For adult offenders, family/intimate relationships are unsupportive and/or with antisocial others
Leisure	Few prosocial leisure activities
Work/ education	Poor performance and/or low satisfaction with work and/or school.

Second, the "need" principle states that treatment should focus on addressing the needs associated with each risk factor found for the offender; factors the offender scores low on can be set aside in favour of rehabilitation focused on reducing the risk factors they score high on. Criminogenic needs are defined in response to eight risk factors; offenders scoring high on the work/education risk factor would be enrolled in alternative education or job retraining, while

offenders scoring high in the antisocial attitudes risk factor would be referred to individual and/or group therapy.

Third, the "responsivity" principle states that treatment should be provided in a way that optimises the offender's successful response to the treatment. Treatment should be evidence-based but also implemented in a way that considers the individual's learning style, motivation needs and other characteristics that might impact treatment success.

The RNR approach has been criticised for being demotivating (Ward, 2002). Instead of RNR's focus on risks, what is wrong, and what needs fixing, the good lives model (Ward & Gannon, 2006) suggests that a positive approach that addresses a person's strengths, priorities, and ways to better their lives may be more effective. The good lives model assumes that all human beings are motivated by the same "primary goods," such as relatedness, agency and creativity. Offenders are attempting to attain these primary goods using inappropriate means and require new ways to obtain the primary goods they seek. The good lives model and RNR model focus on individual assessment and rehabilitation based on criminogenic needs and offender motivation, but the good lives model focuses on the offender's goals instead of their deficits.

Models that rely on risk assessment use tools that have not been shown to be valid across cultures. Recently, a Canadian Indigenous offender successfully challenged the use of risk assessment tools in the Supreme Court of Canada, targeting the fairness and validity of making decisions about Indigenous offenders' risk based on these tools (Ewert v. Canada, 2018). The failure to recognise biases in risk assessment adds to obstacles and overrepresentation already faced by Indigenous offenders in Canada (Forth & Book, 2017; Hart, 2016; Perley-Robertson et al., 2019; Wilson & Gutierrez, 2014). Rather than relying on risk factors that could unintentionally criminalise characteristics common to disadvantaged areas, such as low educational attainment, antisocial peers and criminal history, Indigenous leaders suggest strength-based approaches rooted in culturally relevant social norms (Shepherd & Anthony, 2018).

Trauma-Informed Systems of Care

A trauma-informed approach draws on the interplay of neurobiology and adverse childhood experiences to explain the development of criminal behaviour and offers approaches to law enforcement, mental health treatment, and rehabilitation that seek to avoid re-traumatisation. Existing systems of care inadvertently contribute to the creation of toxic environments that interfere with mental health recovery and criminal rehabilitation. In the process, these systems undermine the well-being of police and mental health workers so that their own experiences of trauma on the job reduce their ability to effectively address criminal behaviour.

Staff who work within a trauma-informed environment are taught to recognise how organisational practices may trigger painful memories and re-traumatise clients with trauma histories. For example, they recognise that using restraints on a person who has been sexually

abused or placing a child who has been neglected and abandoned in a seclusion room may be re-traumatising and interfere with healing and recovery.

A trauma-informed approach reflects adherence to six key principles rather than a prescribed set of practices or procedures. These principles, which are outlined in Table 7.10, may be generalisable across multiple types of settings, though their terminology and application may be setting- or sector-specific.

Table 7.10: Six principles of trauma-informed care
(Substance Abuse and Mental Health Services Administration, 2014)

Safety	Staff and the people they serve, whether children or adults, feel physically and psychologically safe.
Trustworthiness and Transparency	Organizational operations and decisions are conducted with transparency with the goal of building and maintaining trust with clients and family members, among staff, and others involved in the organization.
Peer Support	Peer support and mutual self-help are key vehicles for establishing safety and hope, building trust, enhancing collaboration, and utilizing personal stories and lived experience to promote recovery and healing.
Collaboration and Mutuality	Importance is placed on leveling of power differences between staff and clients and among organizational staff, from clerical and housekeeping personnel to professional staff to administrators, promoting meaningful sharing of power and decision-making.
Empowerment, Voice and Choice	Throughout the organization and among the clients served, individuals' strengths and experiences are recognized and built upon. The organization fosters a belief in the primacy of the people served, in resilience, and in the ability of individuals, organizations, and communities to heal and promote recovery from trauma. Staff facilitate recovery instead of controlling recovery.
Cultural, Historical, and Gender Issues	The organization actively moves past cultural stereotypes and biases (e.g., based on race, ethnicity, sexual orientation, age, religion, gender- identity, geography, etc.); offers access to gender responsive services; leverages the healing value of traditional cultural connections; incorporates policies, protocols, and processes that are responsive to the racial, ethnic and cultural needs of individuals served; and recognizes and addresses historical trauma.

Trauma-informed care recognises the impact of historic events on current-day practices. The Truth and Reconciliation movement has brought new and needed attention to the multi-generational effects of colonialism on the Indigenous peoples of Canada, which have led to many devastating impacts including substance abuse and domestic violence (Monchalin, 2016). Preliminary research indicates that incorporating culturally relevant programming for Indigenous offenders leads to higher completion rates and more effective treatment outcomes, including lower odds of recidivism (Gutierrez et al., 2018). Importantly, creating programs that are culturally relevant requires consulting and collaborating with Indigenous peoples and recognising the diversity and needs within their communities.

7.9 Conclusion

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The field of psychological criminology is broad, encompassing a variety of approaches examining individual differences in violent behaviour. Some of the main approaches include cognitions, personality, disorders, parenting, and trauma. Integrative theories incorporate a variety of theories.

Utilising psychological research for criminal justice requires addressing the limitations of our research methods and analysing the appropriateness and applicability of these approaches for diverse groups.

Findings support the need for early interventions to divert youth from pathways to criminality and the adoption of trauma-informed practices to ensure criminal justice systems do not inadvertently create lifelong and multi-generational criminality in vulnerable populations, including Indigenous peoples.

7.10 Discussion Questions

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1. How does toxic stress in childhood increase vulnerability to criminal behaviours? How could this vulnerability be off-set or buffered?
2. What is required to ensure that risk assessment instruments such as the PCL-R and treatment are fair and unbiased to Indigenous offenders?
3. Of all the theories in this chapter that discuss environmental influences on violent behaviour, which ones do you consider the most influential? How might a more biologically based factor like temperament interact with these environmental factors?

7.11 References

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8. SOCIOLOGICAL THEORIES OF CRIME

Dr. Sean Ashley, Capilano University

Positionality Statement

All human lives are both constrained and enabled by social context. My own family history is situated within the Maritimes of Canada. I was born in Moncton, New Brunswick on the territory of Mi'kma'ki. My parents, Ron and Nancy Ashley, lived their entire lives in New Brunswick, close to where their ancestors had settled generations before. My maternal grandfather's ancestors migrated from Ireland to New Brunswick in 1830. My maternal grandmother's family were Acadians who arrived at Fort St. John, Acadia in 1657. My paternal grandparents' ancestors were English Loyalists who settled in what is today southwestern New Brunswick on the territory of the Passamaquoddy and Wolastoqiyik people after the American Revolution.

As a young man, I benefited from the privilege that came from being an English-speaking, white settler. I attended Mount Allison University, a school that many members of my family had previously attended. I don't recall ever making a choice to go to university; it was simply always expected given our family's social position. Despite this privilege, Atlantic Canada is a poor region, and after graduation I found it difficult to find work, so like many young people I headed west in search of economic opportunities. I enrolled in Simon Fraser University for my graduate studies, where I completed my Master of Arts and PhD. I have remained in British Columbia ever since, settling on the unceded territories of the Tsleil-Waututh, Musqueum, Stó:lō, Stz'uminus, and Qayqayt.

This chapter examines sociological approaches to the study of crime. Sociological theories of crime help us understand why some drug use is stigmatised while other use is not, why crime is over- and under-represented across social groups, and what alternatives may exist to the individualistic punishment models that have dominated the criminal justice system since the 19th century. Many of the theories we cover in this chapter were developed by white, male scholars who held particularly Western assumptions about the nature of crime and punishment. Nevertheless, by exploring crime in relation to social dynamics we open the door to new possibilities for dealing with crime in a diverse society.

Indigenous legal traditions are particularly important in this regard. While all traditions change over time, Indigenous nations in the territory that came to be known as Canada hold distinct

conceptions of law and society that provide a path forward and articulate well with the sociological theories of crime explored in this chapter. For example, Anishinaabe/Ojibway legal scholar John Borrows (2016) explains that within Anishinaabe tradition, freedom is conceptualised not by the extent to which an individual is free from social constraints but rather by the health of a person's interdependencies and relationships, be they with animals, humans, or the sun, moon, and stars. In Anishinaabewowin, the concept that describes this state is dibenindizowin, which means "a person possesses liberty within themselves and their relationships" (Borrows, 2016, p. 6). This conception of the relationship between the individual and society speaks to the complex ways that freedom and personal responsibility both exist within a network of social relations that not only constrain our behaviour but facilitate our freedom to act in the world.

8.1 Crime and Social Norms

DR. SEAN ASHLEY

The Canadian nation-state is diverse, so much so that some scholars use the term super-diversity to describe the growing metropolitan areas of Vancouver and Toronto (Smith, 2018). One of the earliest scholars to explore the connection between social diversity and criminal justice systems was the French sociologist Émile Durkheim (1858–1917).

Durkheim was critical of the atavistic explanation proposed by the Italian criminologist Cesare Lombroso and was suspicious of the idea that crime was the result of a stunted evolutionary condition (Durkheim, 1893/2014). This proved to be a prescient critique, as eugenicists would soon attempt to eliminate crime by attacking its biological foundation, an approach that led to widespread sterilisation programs in Canada, with many Indigenous women being subjected to such procedures (Stote, 2015).

Durkheim understood that crime was a normal part of society and not something that could ever be eliminated completely. He asked us to:

Imagine a community of saints in an exemplary and perfect monastery. In it crime as such will be unknown, but faults that appear venial to the ordinary person will arouse the same scandal as does normal crime in ordinary consciences. If therefore that community has the power to judge and punish, it will term such acts criminal and deal with them as such. (Durkheim, 1895/1982, p. 100)

For Durkheim, it is society that determines what is criminal, not our biology or some universal moral standard. While crime is normal, it is not desirable; it is normal because it establishes the moral boundaries of a community. Morals might differ from society to society, but this relativism does not mean that morality is not important. People need these rules; they need to internalise the **norms** of the community in order to live a good life together.

Durkheim's approach represents a consensus view of crime. The norms emerge out of a communal consensus and, in more complex societies, are codified into law. These norms act upon people as **social facts** in that they are external and constraining upon the individual, but they are also internalised, giving us a **collective conscience** of how we ought to behave.

Durkheim's sociology is much broader than the study of crime, but his work set the foundation for the future of criminological theory (Boyd, 2015). His book Suicide is particularly important and reflects well the Anishinaabe concept of dibenindizowin discussed earlier in that it emphasises the importance of social relations as the source of well-being. Using statistics, Durkheim (1897/2002) demonstrated that suicide rates differed across social groups and that this pattern was relatively stable over time. Suicide rates were higher among industrial and commercial professions than agricultural ones, higher among urban city dwellers than people who lived in small towns, and higher among divorcees than married people. His macro-level explanation for differences in suicide rates was the relative degree of **social integration** and

social regulation. People who had weaker social bonds were more likely to take their own lives. He called this state of deregulation and disorientation "**anomie**" (Durkheim, 1897/2002).

We can see this effect today in the increased use of drugs and alcohol in societies that have undergone rapid transformations that disrupted the previous norms of social life. Take for example the collapse of the USSR. As countries radically transformed from state socialism to free-market capitalism, there was a sizeable increase in substance abuse, which became a major factor in driving down life expectancy (McKee, 2002). A similar situation was seen in British Columbia during the COVID-19 pandemic. As social life was disrupted and people became socially isolated, the province saw a spike in opioid overdose deaths (Azpiri, 2020).

Within the context of the colonial state of Canada, Durkheim helps us understand the tragic effects the residential school system has had on Indigenous communities. Beginning in 1834, the Canadian government, in partnership with several Christian church organisations, instituted a program of **genocide** with the aim of assimilating Indigenous persons into the European-derived settler culture. Approximately 150,000 children were stolen from their homes and placed in boarding schools where they were prohibited from speaking their language or practising their traditions. Many of the children suffered physical and sexual abuse at the hands of teachers and clergy. The last residential school closed in 1996, but as Tanya Talaga (2017) points out, many young Indigenous boys and girls are still forced to attend schools far away from their home communities. Her book Seven Fallen Feathers examines the death of seven of these students in Thunder Bay, Ontario during the first decade of the 21st century.

First Nations suffer suicides at twice the average Canadian rate (Monchalin, 2016). While the psychological trauma of the residential school system is an important factor, Durkheim reminds us that the destruction of culture likewise contributes to high rates of anomic suicide, and that the imposition of an alien, colonial system of regulation gives rise to fatalistic incidences of self-destruction. Fortunately, Durkheim's work also suggests a path forward: ensuring the transmission of cultural knowledge can restore the conditions necessary for human beings to flourish and is a right guaranteed by the United Nations Declaration on the Rights of Indigenous People (United Nations General Assembly, 2017).[1]

Durkheim's (1893/2014) work also points to a way of thinking about criminal justice that is less focused on **retribution[/pb_glossary]** and more focused on **[pb_glossary id="4480"]restitution**. He argued that complex societies—those comprised of diverse people with different values and goals—produce legal structures that aim to foster social integration

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1. Scan the QR code to access https://social.desa.un.org/issues/indigenous-peoples/united-nations-declaration-on-the-rights-of-indigenous-peoples

and cohesion. While banishment or public hangings may have been characteristic of smaller, more homogenous societies in the past, to live in a diverse world the law must work more towards restitution or restoring society to its normal state.

Although Durkheim's work is now over 100 years old, his reasoning resonates with contemporary Indigenous approaches to criminal justice. Take for example the Qwí:qwelstóm Justice program. This program is rooted in Stó:lō cultural traditions and epistemology, where justice means living harmoniously with others. The aim of the Qwí:qwelstóm Justice program is to repair these relationships, not simply to punish the offender (Stó:lō Nation, 2018). Justice is not pursued through an adversarial court system, where victims have little role to play and the individual is treated in isolation, but rather through circle work, which creates a space for discussion, in-depth interaction and better understanding overall (Palys & Victor, 2007). While the offender may still be punished, the overall aim is to restore society to a healthy condition.

8.2 The Chicago School

DR. SEAN ASHLEY

The Chicago School

In the late 1800s, few cities in North America were as diverse as Chicago. The population of the city was rapidly expanding thanks to successive waves of immigration from Europe. In 1870, the city had a population of 299,000, which grew to 1,698,600 by 1900, making it the fastest growing city in the world at the time (Cumbler, 2005). The city provided a tableau for a new way of thinking about crime and society that came to be known as the Chicago School.

The Chicago School had a distinctly macro-level **ecological approach** to studying crime. Under the influence of Robert Park and Ernest Burgess, generations of researchers were trained to go out into the city and learn about the dynamics of delinquency firsthand. In their book The City, Park et al. (1925/1967) observed that crime was not evenly distributed throughout Chicago but was concentrated in particular neighbourhoods. The model they proposed for understanding the geographic distribution of crime was akin to the rings on a tree, with each concentric circle representing a different urban zone. Certain zones were marked by greater degrees of **social disorganisation** due to the transitional nature of these areas as new immigrant communities moved in and older ones moved out. Crime was a characteristic of this transitional state, and while unwanted it represents the normal dynamic of a developing city, with disorganisation leading to reorganisation over time (Park et al., 1925/1967).
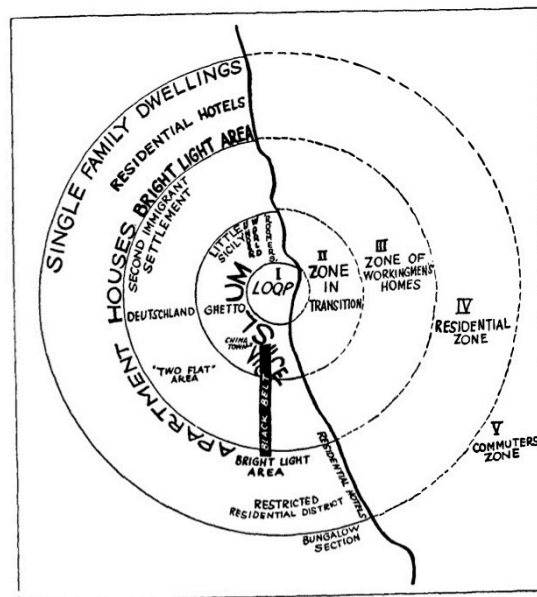
CHART II. Urban Areas

Figure 8.1 Concentric Zones

Working in this tradition, Frederic Thrasher's (1936/2013) book The Gang: A Study of 1,313 Gangs in Chicago catalogues the activities of gangs operating in the city during this period. Like Park and Burgess, Thrasher argues that gangs are located in **interstitial** areas of the city, the zones between the settled, more organised neighbourhoods.

The characteristic habitat of Chicago's numerous gangs is the broad twilight zone of railroads and factories, of deteriorating neighbourhoods and shifting populations, that borders the city's central business district on the north, west, and south. The gangs dwell among the shadows of the slums in this zone (Thrasher, 1936/2013, p. 3).

Perhaps the most famous example of the ecological perspective on crime to emerge from this period is Clifford Shaw and Henry McKay's (1942) book Juvenile Delinquency and Urban Areas. Shaw and McKay (1942) argue that the key variable that leads to crime is the social disorganisation that characterises interstitial areas. They found that zones of transition are characterised by higher levels of residential mobility, ethnic heterogeneity, and lower socio-economic status (Sampson & Groves, 1989). Drawing upon decades of court records, they show that it does not matter which ethnic group lives in the area—it is the zone itself that is criminogenic. As groups move to other zones, their crime rates correspondingly drop (Lilly et al., 2019). While their work builds on the ecological approach, Shaw also pioneered the use of life histories within criminology, such as his semi-autobiographical account of the life of a juvenile delinquent in The Jack-Roller (Shaw, 1966).

The approach taken by the Chicago School remains influential today, but there are nevertheless some important limitations to their findings. While the concentric zone model may have worked for Chicago, it is not characteristic of all cities. The idea of disorganisation itself has also been criticised; while such neighbourhoods may look disorganised to outsiders, for those who live within them there is a definite order made up of informal associations and networks (Cohen, 1955). Despite these criticisms, Sampson and Groves (1989) provide empirical support for Shaw and McKay's approach by measuring the relative degrees of social disorganisation within neighbourhoods and showing some correlation with respective crime rates.

Media Attributions

- Concentric Zones © Park, R., Burgess, E. & McKenzie, R. The city. University of Chicago Press, 1967 p. 55 is licensed under a Public Domain (https://creativecommons.org/publicdomain/mark/1.0/) license

8.3 Strain Theory

DR. SEAN ASHLEY

The main question that preoccupied early criminology in North America was, "Why do young, working class men engage in crime?" For the Chicago School, the answer was largely an ecological one. Writing in 1938, Robert Merton offered another explanation, one based more on the social structural approach pioneered by Durkheim.

It was the concept of anomie that interested Merton the most. For Merton, anomie is a condition whereby society exerts pressure on the individual to achieve culturally defined goals but does not provide the institutional means to achieve them or devalues the institutional rules in favour of achieving the goals (Merton, 1938). His macro-level theory has come to be known as strain theory, because the strain people feel to achieve the culturally defined goals (i.e., wealth and prestige) leads them to engage in innovative (i.e., criminal) activities to achieve their goals.

Within the context of American capitalism, the primary cultural goal is money, yet the institutional means to achieve that goal is not available to everyone. Despite the American dream that everyone can become rich, the United States has relatively low levels of social mobility. For Merton, this explains the "higher association between poverty and crime" (Merton, 1938, p. 681). It is not that poverty leads to crime, but that American culture sets up the goal of wealth as the objective to achieve regardless of the means. This goal permeates all aspects of life, from business and education to organised crime and sports competitions.

Take for example the doping scandal that hit the world of competitive biking in 2012. After winning the Tour de France seven years in a row, Lance Armstrong was found to have been taking performance-enhancing drugs. Not only did he admit to taking these drugs, but he also said that this was simply part of how things were done in the cycling world and that they were as common as water bottles and tire pumps. The scandal illustrates how cultural goals (winning) exist in tension with institutional rules. When a competitor begins to perceive the rules as an impediment to achieving their goal, widespread anomie can set in, which leads them to circumvent the regulations in their attempt to win (Merton, 1938, p. 676).

Merton lays out five "adaptations" or "modes of adjustment" that people use to relate culturally defined goals with legitimate means. These adaptations include conformity, innovation, ritualism, retreatism, and rebellion. Innovation is the adaptation that best explains most crime and was the primary focus of Merton's work. Most people living in a society accept the culturally prescribed goals and pursue them following the rules laid down by the society. Some people, though, innovate by taking a shortcut to the goal, bypassing the rules.

Ritualism, on the other hand, is a condition in which the rules are followed at the expense of goals, where there "develops a tradition-bound, sacred society characterized by neophobia" (Merton, 1938, p. 673). Retreatism involves rejecting both the means and the goals, a condition that characterises serious drug addiction and living on the streets (Merton, 1938), while

rebellion overturns the goals and means society has to offer, creating new goals and institutional regulations.

Table 8.1 Merton's Modes of Adaptation

	Cultural Goals	Norms/Rules
Conformity	✓	✓
Innovation	✓	✗
Ritualism	✗	✓
Retreatism	✗	✗
Rebellion	overturned	overturned

Merton's model is specific to North America, but as capitalism has spread around the globe, the goal of acquiring wealth has also spread, leading to a globalisation of anomie and, correspondingly, certain forms of criminal behaviour. "The-end-justifies-the-means" has become the guiding norm, which is really a case of normlessness or anomie. For Messner and Rosenfeld (1997), this represents a state of **institutional anomie**, a condition that correlates with higher homicide rates cross-nationally.

Strain theory is useful for explaining particular types of crime, especially the ability to make money through illicit means. It is less useful, however, for explaining crime that is non-utilitarian, such as breaking windows, spray painting walls with graffiti, and shoplifting small items that are readily discarded after the act (Cohen, 1955). Another critique of Merton's theory pertains to crimes committed by bankers and executives. People who engage in corporate crime often have access to the institutional means, and many hold degrees from highly respectable universities. In response, Murphy and Robinson (2008) propose an additional mode of adaptation to anomie and strain—**maximisation**—to describe those who combine both legitimate and illegitimate means in their pursuit of wealth and privilege.

(https://kpu.pressbooks.pub/app/uploads/sites/199/2021/03/Graffiti.jpg)

Figure 8.2 Second Narrows Graffiti

Media Attributions

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8.4 Delinquency as a Subculture

DR. SEAN ASHLEY

Albert Cohen's theory of delinquent subcultures offers a different way of understanding crime from the classical rational-choice theories and Merton's strain theory. It is a complementary theory that helps explain crimes that are "non-utilitarian, malicious and negativistic"—that is to say, crime that does not have any rational goal but is done simply for "the hell of it" (Cohen, 1955, p. 25-26). For Cohen, the explanation for juvenile delinquency of this sort is cultural in nature. Juvenile delinquency represents a particular type of subculture. Children learn to become delinquents by being socialised into youth gangs, where they learn the beliefs, values, codes and tastes of the group (Cohen, 1955).

As with many early criminologists, Cohen saw juvenile delinquency primarily as a working-class, male phenomenon. This is because working-class youth are taught the democratic ideal that everyone can become rich and successful, but in school they encounter a set of distinctly middle-class values against which their behaviour is measured. These class-specific values are framed as universal, making it much easier for middle-class youth to achieve recognition in school for behaving "correctly." This leads to feelings of inferiority, which last as long as the working-class boys cling to that particular worldview (Cohen, 1955).

The delinquent subculture presents young boys with a new set of values and a means of acquiring status within a different cultural context. These new values are an inversion of the middle-class standards that working-class boys are judged by in school. For example, while the middle class places value on controlling aggression and respecting property, the culture of the gang legitimates violence and group stealing (Cohen, 1955). While the act of theft may bring material benefits, for Cohen it also reaffirms the cultural cohesion of the group and the status of its members. It is a joint activity that derives its meaning from the common understandings and common loyalties of the group.

For Cohen, the juvenile delinquent is a "rogue male" (Cohen, 1955, p. 140). What about young females? Do they not also engage in group delinquency? In this area, the theory of delinquent subcultures reflects gender stereotypes of the 1950s. Cohen (1955) argues that females do not get involved with gang activities because their status is determined primarily by their relationship to males, and therefore they do not suffer the same forms of status inferiority as their male counterparts. Because their status is so tied to males, Cohen argues that most female delinquency tends to be "sexual delinquency" (Cohen, 1955, p. 144). Whether or not this explains the cause of female delinquency, it certainly represented society's reaction to the behaviour of young girls during this period. From 1914 to 1937, 600 girls aged eight to eighteen were incarcerated at the Provincial Industrial School for Girls in Vancouver for the crimes of "incorrigibility, vagrancy, and association with a criminal" (Chapman, 2016, p. 21) rather than engaging in criminal activity themselves.

Cohen's theory has been useful for researchers, but it does not explain why most delinquents eventually turn to more conventional, law-abiding pursuits to attain status in adult life. Why would this way of attaining status be particularly attractive to youth? Perhaps, as Bordua (1961) suggests, they are just out there looking for fun. Also, if juvenile delinquency is the result of working-class status frustration, how do we account for the growing phenomenon of middle-class gangs in the Lower Mainland of British Columbia today (Kane & Smart, 2019)?

8.5 Social Control Theory

DR. SEAN ASHLEY

The main question criminologists in this chapter have been exploring so far is, "Why do certain people engage in criminal activity?" Travis Hirschi (1969) says the question we should be asking is, "Why don't people engage in criminal behaviour in the first place?"

Hirschi (1969) argues that human beings are similar to animals in that we sometimes fight and steal, while at other times we are pleasant and cooperative. This aggression and impulsivity do not require explanation, as these traits are simply a part of our nature. What requires explanation is why people do not engage in more of this type of behaviour as it is the easiest way to satisfy our desires. The answer proposed by social control theory is that this behaviour is controlled and regulated by our social bonds. Criminality and other deviant behaviour results "when an individual's bond to society is weak or broken" (Hirschi, 1969, p.16).

A person's behaviour is controlled by four types of bonds: attachment, commitment, involvement, and belief. Attachment refers to the emotional ties a person has with other people, particularly with parents. This bond is associated with how much time children spend with parents, how closely they identify with them, and whether they feel as though their parents care for their wellbeing. Commitment is the time and energy a person spends in the pursuit of goals, such as getting an education or building a business. If a person engages in reckless and anti-social activity, they may place these projects in jeopardy.

Involvement is the degree to which a person is active in conventional activities. For example, if someone is busy at school and is involved with sports, they will have much less time to plan and commit delinquent acts. Belief refers to the acceptance of a common value system shared by people in a given society. This is not the same as religious beliefs, though religion may play a role. Rather, it is the belief in the validity of the law and norms of their society.

Social control theory has been one of the most tested theories in criminology, though overall the results have been mixed. The evidence suggests that weak social bonds are related to an increase in offending, but the strength of this relationship varies from low to moderate, suggesting that other variables need to be taken into account (Lilly et al., 2019). Other studies question what happens when children are attached to parents who are involved in illegal behaviour themselves. Jensen and Brownfield (1983), for example, found that close attachment to parents who are drug users does not prevent children from engaging in drug use themselves. There is also the question of whether commitment and involvement are always positive (O'Grady, 2014). Was it not a commitment to win and heavy involvement in the sport that led Lance Armstrong to use performance-enhancing drugs to win the Tour de France?

While these criticisms are important, social control theory remains an important way of understanding the development of criminal behaviour in youth, and Hirschi remains one of criminology's most important thinkers.

8.6 Labelling Theory

DR. SEAN ASHLEY

Labelling theory offers another approach to studying crime and deviance. The roots of this theory can be found in the work of George Herbert Mead (1934/2015), who pioneered a new way of studying social reality known as **symbolic interactionism**. Mead explains that we construct our social world and our sense of self through the symbols we exchange—language being the most significant form of symbolic communication. Mead did not write about crime, though his student Herbert Blumer (who coined the term "symbolic interactionism") produced one of the earliest studies concerning the influence of movies on delinquent and criminal behaviour (Blumer & Hauser, 1933).

Mead's approach to studying social life set the stage for new ways of thinking about crime and deviance. One approach, which came to be known as labelling theory, was formulated by the sociologist Howard Becker. Rather than looking at the qualities or circumstances that make a person turn bad, Becker (1963) asks how this definition of bad behaviour was originally constructed. As he explains in his book The Outsiders, "social groups create deviance by making the rules whose infraction constitutes deviance, and by applying those rules to particular people and labeling them as outsiders" (p. 6).

In an earlier formulation of labelling theory, Frank Tannenbaum (1938) refers to the process wherein a stigmatising label may lead a person to start seeing themselves as a criminal. This occurs through "a process of tagging, defining, identifying, segregating, describing, emphasizing, making conscious and self-conscious" the criminal traits in question (Tannenbaum, 1938, p. 19-20). He calls this process the **dramatisation of evil**. In this drama, the specialised treatment a young person is given by the police and courts is instrumental in leading them to see themselves as a criminal.

(https://kpu.pressbooks.pub/app/uploads/sites/199/2021/03/Frank-Tannenbaum.jpg)

Figure 8.3 Frank Tannenbaum at the Bayonne refinery strike in 1915

Grekul and LaBoucane-Benson (2008) explain this dynamic with regard to the formation of gangs comprised of Indigenous youth in the Prairie provinces:

Aboriginals deal with two powerful labels: Aboriginal first, and through stereotyping, gang member. A broader historical context marred by colonialism, discriminatory government practices, and residential schools contributes to a situation where labels stigmatise and propel the labelled further into a life of deviance; the labels can in effect produce further deviant and criminal behaviour. One ex-gang member recalls the police calling his group of friends a gang, so they "began to act that way" and identify as a gang. (p. 71-72)

Labelling theory focuses on how criminality is created and how people come to be defined and understood as criminals through symbolic exchanges. It is a micro-level theory but is nevertheless concerned with the social (rather than individual) dimension of crime and deviance. In this regard, it shares a great deal with Durkheim, who saw crime as an integral part of society. In this view, crime can never be completely eliminated from society as it plays a role in defining the boundaries of a social group. Critics charge that this approach can lead to a **morally relativistic** view of crime where there is no essential reason why one act should be considered criminal and another not. Durkheim reminds us, however, that even if laws differ

from society to society, human beings require social regulation if they are to remain at peace in the world.

Media Attributions

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8.7 Conclusion

DR. SEAN ASHLEY

In this chapter, we explored the sociological turn in criminology and its development on Turtle Island, the continent that came to be known as North America. We learned that criminologists in the first half of the 20th century were particularly concerned with the causes of juvenile delinquency amongst working-class boys and how labelling theorists shifted the frame, raising the question of how this behaviour came to be defined as a problem to begin with. These theories remain influential today. They have their blind spots and limitations, but they laid the groundwork for a new way of understanding the relationship between crime and society.

While building upon a particularly Western intellectual tradition, these early approaches nevertheless share commonalities with the ways many Indigenous nations conceptualise the relationship between individuals and society. This chapter opened with a discussion of the Anishnaabe concept of dibenindizowin, which stresses the freedom a person possesses through their interrelationships with others. This speaks to strength-based approaches to dealing with criminal justice issues, where the personal agency for change is found within collaborative relationships. This perspective is not limited to Anishinaabewowin. Michael Hart, a citizen of the Fisher River Cree Nation, makes a similar point about the importance of spiritual relationships (Hart, 2015). This understanding of our capacity to act being dependent upon our relationships is a key sociological insight that is sometimes lost when crime and punishment are framed in terms of individualised blame and individualistic solutions are sought for what are social problems.

Taking Indigenous ways of knowing seriously means recognising that criminological theories are often built upon a distinctly Western view of human nature, and that these theories—while espousing to be universal—are very much rooted in particular times and places. This does not invalidate them, as all theories are similarly bound, but it does remind us of their culturally grounded assumptions. Still, Durkheim would recognise his own ideas reflected in the way Indigenous nations today are reclaiming justice practices through traditions that refocus responses to crime back towards community and culture. While there are differences, there are also important similarities, and the overlap that exists between Anishnaabe principles and those of early sociologists of crime reminds us that while culture shapes our perspective, there remains a common ground for justice, freedom, and a life well lived.

8.8 Discussion Questions

DR. SEAN ASHLEY

1. Has the increase in gender equality in the workplace since the 1950s shifted the dynamics of youth delinquency in North America today?
2. The term "genocide" has been used to describe the colonial state of Canada's residential school system. Explain how this term relates to Durkheim's concept of anomie and what might be done moving forward to address the harms done.
3. Is there an interstitial zone in your city or town? Is this area considered a place of higher crime?
4. Have you ever felt anomie? Does your experience fit better with Durkheim or Merton's application of the concept?

8.9 References

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9. LEARNING THEORIES

Dr. Zachary Rowan, Simon Fraser University

Positionality Statement

We begin this chapter by acknowledging our own positions as authors and presenters of this criminological perspective. As the first of two co-authors of this chapter, it is not lost on me as a white male from the United States, educated mainly by scholars that look similar to me, that I am writing a chapter that aims to engage in a meaningful consideration of an Indigenous[1] and decolonized approach to the study of criminological theory. I grew up in a majority white, middle-class neighbourhood that rarely faced exposure to alternative views let alone challenges to that system. Consistent with the theoretical orientation of this chapter, I attempted to expand my worldview by immersing myself and learning from others at the culturally diverse University of Maryland, where I earned a Bachelor's, MA, and PhD in Criminology and Criminal Justice. It was at University where I experienced my first "othering" experience as my identity grew to include being a member of the LGBT community. These experiences and the privileges afforded by my ability to attend University have informed me and enabled me to research the role that groups, peers, and co-offenders play in facilitating criminal behaviour. I now work at Simon Fraser University on the unceded traditional territories of the Coast Salish peoples of the xʷməθkwəy̓əm (Musqueam), Skwxwú7mesh (Squamish), and Səl̓ílwətaɬ (Tsleil-Waututh) Nations.

1. Indigenous identity is a colonial construct that "describes… thousands of distinct societies with their own names, governments, territories, languages, worldviews, and political organizations" (De Finney, 2017, p. 11) from hundreds of Nations, peoples, and/or communities. We use the term Indigenous Peoples to recognise the many Nations, peoples, and communities that existed (and still exist) as sovereign Nations prior to European contact. See How to talk to Indigenous People by scanning the QR code to access https://www.youtube.com/watch?v=XEzjA5RoLv0

Michaela McGuire, M.A., Simon Fraser University PhD Student

Positionality Statement

As the second co-author, I am a current PhD student and my research focuses on the interconnection between belonging and justice. I grew up in Burnaby, B.C., visiting my other home (Haida Gwaii) every summer. I grappled to find my place in this world amongst racism, stereotypes, colonialism, educational streaming, and micro-aggressions. I have often felt as though I was of two worlds – in terms of my ancestry (Haida, Ojibwe, British & Irish), my physical location (the Lower Mainland & Haida Gwaii), and general sense of self. I have come to understand that education is powerful, and it feeds resistance, revitalization, decolonization, and resurgence. Learning about the ongoing impacts of colonialism, genocide, racism, and the complicity of the colonial state in perpetuating harm against Indigenous peoples through its institutions has fueled my desire to seek justice.

Introduction

This chapter explores differential association theory and social learning theory. We review how learning theories are used to explain various types of crime and the role of different sources of influence, critically evaluate strengths and limitations of the theories, and provide commentary on these perspectives using a decolonial[2] lens. This chapter will also take stock of how these

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2. For the purposes of this chapter we define a decolonial approach as a critical examination of colonialism, including the complicity of the discipline of criminology in the colonial project. A decolonial approach challenges the status quo namely the structures and systems that perpetuate oppression and systemic racism. We do our best to integrate this approach in this chapter; however, we recognise that in this limited space we are unable to grapple with the complexities of colonialism, decolonial approaches and the complicity of the state. See Nikki Sanchez Decolonization Is for everyone by scanning the QR code to access https://www.youtube.com/watch?v=QP9x1NnCWNY

perspectives were largely derived by Western, white, and male scholars who ignore Indigenous peoples' pre-existence and experience.

9.1 Criminology and Colonialism

DR. ZACHARY ROWAN AND MICHAELA MCGUIRE, M.A.

Before moving into our discussion of learning theories, it is important to briefly reiterate the interconnection between criminology, colonialism, and genocide. To begin, we must recognise that Indigenous peoples have their own ways of responding to wrongdoing; however, settler domination imposed colonial systems and oppressed those pre-existing systems. Colonialism and genocide are ongoing and continue to displace, dispossess, oppress, and harm Indigenous peoples (Alfred, 2009; Alfred & Corntassel, 2005; Manuel, 2017).

Criminalisation and over-incarceration perpetuate colonial control and maintain the oppression of the *Indigenous other* (Chartrand, 2019; Cunneen & Tauri, 2019). Agozino (2004) suggests that criminology is an "inherently colonial enterprise" that has been utilized as a tool in the moral justification of slavery, genocide, and oppression (p. 345). The Canadian state and the Nations that pre-existed its imposed domination have different ways of understanding what crime is, what it means to be a criminal, and what constitutes justice. Moreover, Indigenous peoples' experiences of colonial oppression have been legitimized by Canadian law, which continues to criminalise, victimise, and incarcerate them without facing much accountability (Monture-Okanee, 1994; Palmater, 2019; Starblanket, 2018). Further, multiple studies have found systemic racism within police, courts, corrections and even juries (Anthony & Longman, 2017; Eby, 2011; Jackson, 2015; Palmater, 2016; Reasons et al., 2016; Rhoad, 2013; Roberts & Reid, 2017; Truth and Reconciliation Commission [TRC], 2015). These studies suggest that the criminal justice system and the court system are not immune to the grave effects of racism against Indigenous peoples.

Cunneen and Tauri (2019) argue that mainstream criminology actively denies the importance of colonialism as foundational to Indigenous persons' involvement with state justice systems. Indigenous peoples were dehumanised—by being subject to paternalistic policies, practices, societal erasure and extreme control, which meant that early theoretical perspectives ignored the relationship between the state and explanations for deviance. Western criminological research often portrays Indigenous persons as the sick, dysfunctional, other, whose misfortune is a product of their own behaviour. This portrayal ignores the continuation of colonialism, state violence and systemic racism which are criminogenic acts in themselves (Cunneen & Tauri, 2019; Monchalin, 2016).

Because learning theories are concerned with understanding how an individual's social environment shapes their experiences and reinforces patterns of behaviour, we must consider the historical (residential schools, day schools, pass system, *Indian*[1] agents, forced sterilisation, etc.) and ongoing (child apprehension, underfunded education, abuse, structural racism, etc.)

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1. This word is considered racist terminology and it is only utilized in this chapter in reference to its legislation (the Indian Act) or, historical processes/policies/practices such as the Indian agent.

horrific abuses to which Indigenous peoples are subject (TRC, 2015). Indigenous peoples have been targets of colonial policies and their over-incarceration is representative of the continuation of state-based genocidal tactics of control through confinement (Woolford & Gaceck, 2016). The main social influences impacting Indigenous peoples' justice involvement are structural racism, colonialism, and the Canadian state's complicity in continued suffering. Racism against Indigenous peoples is so deeply embedded that it has become normalised. A decolonial approach requires an understanding of the role of colonialism in criminological theories and the discipline as a whole. We ask that you keep the connection between criminology and colonialism in mind as we turn to our discussion of learning theories.

9.2 Learning Theories and Crime

DR. ZACHARY ROWAN AND MICHAELA MCGUIRE, M.A.

Take a moment to reflect on the last few tasks you completed before reading this chapter. Maybe you reviewed your notes from a lecture, made a meal, or even scrolled through your social media accounts. Each of these are distinct, yet all rely on one underlying thing—learned behaviours. As students, you figure out how to effectively study and process information from courses; understand how to read a recipe and put each of the ingredients together into a meal; generate content, pictures, or videos to portray your life (perhaps by receiving approval or attention through "likes" and comments). Each of these tasks require that you have learned the motivations and skills necessary to complete them. These behaviours were also not learned in a vacuum you are surrounded by friends, fellow students, family, and other acquaintances who have talked about or shown you their study habits, cooking skills, or social media engagement. Through these associations and social interactions, you *learn* behaviours. The social nature of our day-to-day lives has direct implications for our understanding of antisocial behaviour. Learning perspectives of crime suggest that we also *learn* the motivations, rationalizations, and skills of crime, substance use, and other deviant behaviour. For instance, in the context of shoplifting, individuals can be taught the specific skills necessary to remove clothing from a store without detection and be reinforced by peers as to why stealing from a profitable business is acceptable and should not be considered criminal.

9.3 Differential Association Theory

DR. ZACHARY ROWAN AND MICHAELA MCGUIRE, M.A.

In the early 1930s, Jerome Michael and Mortimer J. Adler (1933) published a report titled *Crime, Law, and Social Science* that examined the state of knowledge in criminology and criminal justice. The conclusions from this report suggested that criminological research was futile and reflected the poor theoretical development and research methods at the time (Michael & Adler, 1933). Partially in response to this critique, Edwin H. Sutherland argued that the field needed a sociological approach to theory that could be empirically tested and explain known correlates of crime (i.e., gender, race, socioeconomic status). For instance, a meaningful theory of crime needed to be able to explain why offending is concentrated in adolescence and young adulthood, and declines subsequently thereafter. Now recognised as one of the most important criminologists of the 20th century, Sutherland (1947) developed differential association theory. Sutherland aimed to establish an individual-level sociological theory of crime that refuted claims that criminality was inherited. Instead, Sutherland explored the role of the immediate social environment which was often discounted in broader macro-level theories, and suggested that behaviour was primarily learned within small group settings.

Importantly, Sutherland (1947) sought to articulate a formal theory by presenting propositions that could be used to explain how individuals come to engage in crime. In his *Principles of Criminology* textbook, Sutherland articulated the following nine propositions:

1. **Criminal behaviour is learned**. Stated differently, people are not born criminals. Experience and social interactions inform whether individuals engage in crime.
2. **Criminal behaviour is learned in interaction with other persons in process of communication**. This communication is inclusive of both direct and indirect forms of expression.
3. *The principal part of the learning of criminal behaviour occurs within intimate personal groups*. The important and key people in your social life are where such learning processes occur.
4. **When criminal behaviour is learned, the learning includes (a) techniques of committing the crime, which are sometimes very complicated, sometimes very simple; (b) the specific direction of motives, drives, rationalizations, and attitudes**. The learning process involves both instruction on how to commit crimes and why they might be committed.
5. **The specific direction of motives and drives is learned from definitions of the legal codes as favourable or unfavourable.** Definitions encompass an individual's attitude toward the law. Attitudes towards the legality of crimes, deviance, or antisocial behaviour can vary.
6. **A person becomes delinquent because of an excess of definitions favourable to violation of law over definitions unfavourable to violation of law**. The balance of exposure to definitions favourable or unfavourable to the law is the primary determinant of whether an individual will engage in crime. If exposed to more definitions that are unfavourable to the

law, individuals will be more likely to engage in crime.

7. **Differential associations may vary in frequency, duration, priority, and intensity**. Not all associations (or interactions) are created equal—how often one interacts with a peer, how much time one spends with a peer, how long someone has known a peer, and how much prestige we attach to certain peers determines the strength of a particular association.

8. **The process of learning criminal behaviour by association with criminal and anti-criminal patterns involves all of the mechanisms that are involved in any other learning**. Learning is a process not specific to crime but to all behaviour. Thus, the mechanisms through which we learn how to behave at work or in our families are the same general mechanisms that impact how we learn crime.

9. **While criminal behaviour is an expression of general needs and values, it is not explained by those general needs and values, since non-criminal behaviour is an expression of the same needs and values**. Behaviours can have the same end goal; however, the means to obtain this goal can vary. Selling drugs or working at a retail store may both reflect the need to earn money; thus, we cannot separate delinquent or non-delinquent acts by *different* goals. Other factors (e.g. the balance of definitions one is exposed to) determine whether or not a person engages in a specific behaviour (Sutherland & Cressey, 1978, pp. 80-83; italics specify text as originally written).

The primary component of the theory is the role of **differential association(s)**. Individuals have a vast array of social contacts and "intimate personal groups" with whom they interact. Figure 1 below depicts some examples of different sources of social influences including friends, family, siblings, neighbours, and co-workers; all serve as different sources of social influence but the extent of their influence depends on factors that characterize the interactions (i.e., frequency, duration, priority, and intensity). Not all peers/associates have the same level of influence. Consider your own social world—whom do you spend the most time with, trust more, look to regularly for help? These individuals comprise your own intimate personal group that facilitates the definitions you might have regarding deviant or **prosocial behaviour**. For instance, an individual whose friends are extremely important to them and that they have known for multiple years would be anticipated to have a greater degree of influence on an individual's behaviour than that of a new acquaintance from class or work. Overall, research demonstrates that affiliation with delinquent peers can explain the initiation, persistence, frequency, type of offending, and desistance (Elliott & Menard, 1996; Fergusson & Horwood, 1996; Matsueda & Anderson, 1998; Thomas, 2015; Warr, 1993, 1998).

(https://kpu.pressbooks.pub/app/uploads/sites/199/2021/
05/Figure1.jpg)
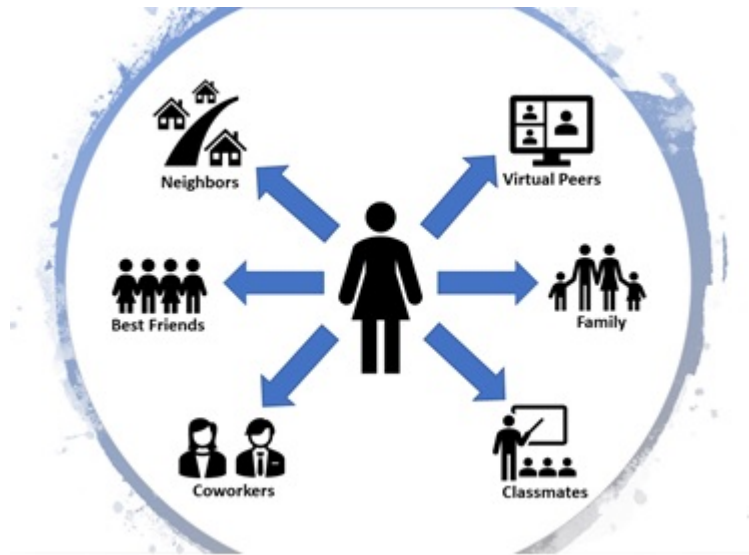
Figure 9.1 Variations in Sources of Social Influence

The effect of affiliation with deviant peers on criminal outcomes is attributable in part to how these sources of social influence inform the degree of definitions favourable/unfavourable towards the law. Although Sutherland (1947) did not clearly operationalise the concept of definitions at the time, it is generally understood that definitions reflect the attitudes favourable to crime that enable individuals to approve or rationalize behaviour across situations (e.g., Akers, 1998). Figure 9.2 provides some examples of what might serve as definitions favourable/unfavourable to crime. Individuals that internalise and accept definitions *more* favourable to crime will be more likely to actively participate in criminal behaviour.

(https://kpu.pressbooks.pub/app/uploads/sites/199/2022/03/definitions.jpg)

Figure 9.2 Definitions favourable and not favourable to crime.

9.4 Social Learning Theory

DR. ZACHARY ROWAN AND MICHAELA MCGUIRE, M.A.

While Sutherland (1947) developed one of the most well-known theories, one limitation was his description of precisely how learning occurred. In Proposition #8 of differential association theory, Sutherland (1947) states that all the mechanisms of learning play a role in the learning of criminal behaviour. This suggests that the acquisition of criminal behaviour involves more than the simple imitation of observable criminal behaviour, but Sutherland does not fully explain how exactly definitions from associates facilitate criminal behaviour. Building off the recommendations of C.R. Jeffery (1965) to integrate concepts of **operant behaviour theory** into differential association theory, Robert Burgess and Ronald Akers (1966) reformulated the propositions developed by Sutherland into what was initially called differential-reinforcement theory. Akers (1998) eventually modified differential reinforcement theory into its final form, social learning theory (SLT).

SLT is composed of four main components: 1) differential associations, 2) definitions, 3) differential reinforcement, and 4) imitation. The first two components are nearly identical to those observed in differential association theory. Differential association was expanded to be inclusive of both direct interactions with others who engage in criminal acts, and more indirect associations that expose individuals to various norms or values. For example, friends of friends who may not directly interact with an individual still exert indirect influence through reinforcing behaviours and definitions of a directly tied friend. Definitions were similarly described as attitudes or the meanings attributed to behaviours and can be both general and specific. General definitions reflect broad moral, religious, or other conventional values related to the favourability of committing a crime, whereas specific definitions contextualize or provide additional details surrounding one's view of acts of crime. For example, a general definition of crime may reflect an individual's belief that they should never hurt someone else, but the use of substances is acceptable because it does not harm anyone else. Recent efforts have also underscored that attitudes towards crime can be even more specific and depend on situational characteristics of the act (e.g., Thomas, 2018, 2019). For instance, an individual may hold the general definition that they should never fight someone; however, they may adopt a specific definition that suggests that if someone insulted your family or started the conflict first, then perhaps fighting is acceptable.

Borrowing from principles of operant conditioning, Burgess and Akers (1966) argued that **differential reinforcements** are the driver of whether individuals engage in crime. This concept refers to the idea that an individual's past, present, and anticipated future rewards and punishments for actions explain crime. If an individual experiences or anticipates that certain behaviours will result in positive benefits or occur without consequences, this will increase the likelihood that the behaviour will occur. This process is comprised of four types of reinforcements or punishments:

1. **Positive reinforcement**: reinforcements that reward behaviour, such as money, status from friends, and good feelings, that will *increase* the likelihood that an action is taken.
2. **Positive punishment**: the presentation of a negative or aversive consequence, such as getting arrested, injured, or caught, after a behaviour is exhibited to *decrease* the likelihood it will happen again.
3. **Negative reinforcement**: reinforcements that help a person avoid the negative consequences of a behaviour, such as avoiding getting caught, arrested, or facing disappointment from others, that will *increase* the likelihood that an action is taken.
4. **Negative punishment**: the removal of a positive reinforcement or stimulus after an undesired behaviour occurs to *decrease* the likelihood a person will engage in the behaviour again. For instance, if a child gets into a fight with a friend their parent may take away their cell phone, cut off their Netflix access, or remove other privileges.

Lastly, **imitation** is the mimicking of a behaviour after observing others participate in the behaviour. Within intimate personal groups, individuals will observe criminal acts or substance use that are often are used to facilitate the initiation of the behaviour. Once the behaviour has been engaged in, imitation plays less of a role in the maintenance of or desistance from that behaviour.

9.5 Research in Learning Theories

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Deviant sources of influence have been demonstrated to be one of the most robust predictors of crime. Research indicates that deviant association with friends (e.g., Fergusson et al., 2007; Haynie, 2002), best friends (e.g., Rees & Pogarsky, 2011), siblings (e.g., Hashimi et al., 2021; Rowan, 2016), co-workers (e.g., Piquero et al., 2005), gang members (e.g., Kissner & Pyrooz, 2009), romantic partners (e.g., Capaldi et al., 2008; Haynie et al., 2005), indirect ties (e.g., Payne & Cornwell, 2007), and university roommates (e.g., Duncan et al., 2005) can explain why individuals participate in criminal behaviour.

A meta-analysis, which synthesises all available research on a particular topic and provides an overall estimate of the empirical relationship, conducted by Pratt et al. (2010) indicated that the impact of deviant associations was moderately strong and equally as important as key factors identified by other criminological theories (i.e., self-control). Importantly, Pratt et al. (2010) examined the effects of each of the components of SLT separately and found that differential reinforcements (i.e., the main *addition* to the revised theory) had the overall weakest effects in explaining crime. While this does not negate the role that reinforcements play, it does suggest that Sutherland's (1947) concept of differential associations remains a significant factor in learning frameworks of crime.

Although most research testing SLT or differential association theory focuses on examining the relationship between deviant peers and crime, other research has demonstrated the role that peers play in explaining other important relationships in criminology. As stated, Sutherland (1947) argued that a *strong* theory should be able to explain key correlates of crime, such as age or gender. The research reviewed below provides some evidence to support the capacity of peers and learning mechanisms to help us understand these features of crime.

Age & Peers

Perhaps, the closest thing to a "fact" that exists in criminology is the relationship between age and crime, also known as the age-crime curve (e.g., Piquero et al., 2003). It has been established across a variety of contexts that criminal behaviour rapidly increases in adolescence until the late teenage years and quickly declines thereafter. Warr (1993) evaluated the extent to which peers could help explain this relationship. Warr (1993) noted that interactions with delinquent peers, time spent with peers, and the importance individuals assign to spending time with peers similarly mapped onto the age-crime curve. As youth enter their teenage years, they are more likely to have delinquent friends, spend time with them, and believe it is important to do so. Figure 3 demonstrates the typical relationship between age and crime and highlights when

individuals spend the most time with peers in social settings and place importance on choosing to spend their time in this way (Warr, 1993). In many ways, learning theories are specifically oriented towards explaining the crime phenomenon during adolescence and young adulthood (e.g., Ragan, 2020).
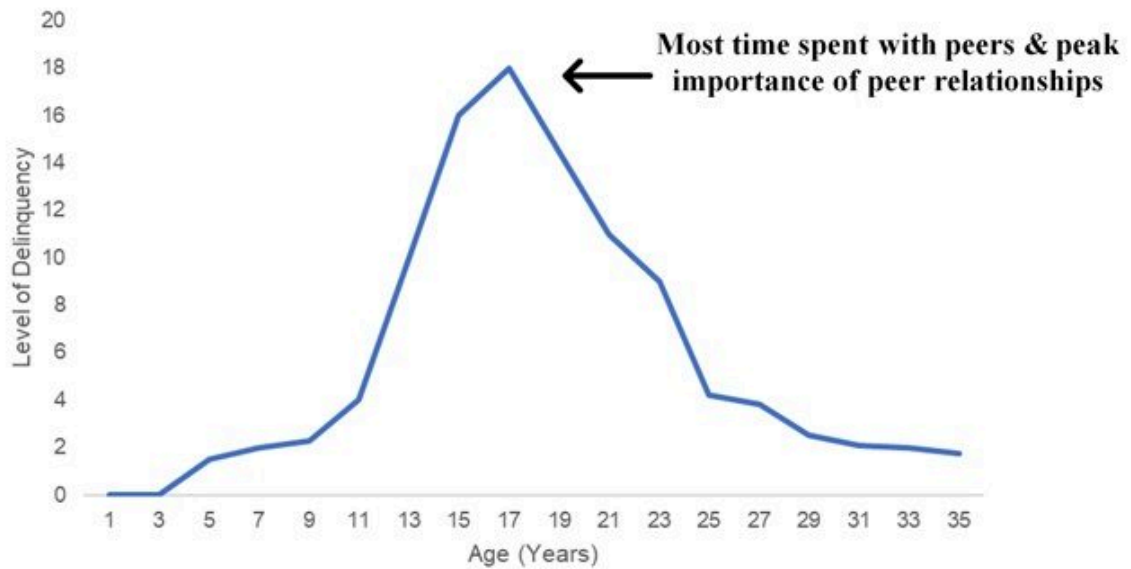
Figure 9.3: Relationship between Age & Crime

Gender & Peers

It is generally well established that males to commit the majority of crime (e.g., Mahony et al., 2018). Scholars have considered the role that peers and the learning mechanisms described by SLT play in differentiating the rates of crime by males and females. Research has suggested that males are exposed to deviant peers more than females (e.g., Mears et al., 1998; Smith & Paternoster, 1987) and differentially experience the impact of deviant peers. Females tend to have socialisation experiences that encourage morals that are not favourable to risk and therefore not supportive of crime (Hagan et al., 1990; Hagan et al., 1987) and females tend to be more closely supervised by their parents (LaGrange & Silverman, 1999, as cited in Koon-Magnin et al., 2016), both of which limit the impact that being exposed to deviant peers has on whether they engage in crime. Thus, males are not only more likely to be exposed to definitions favourable to crime, but relative to females, males are simply more susceptible to that exposure because of gender differences in socialization (Hagan et al., 1990; Hagan et al., 1987). Learning mechanisms can also go beyond explaining crime from a purely biological perspective, as research indicates that norms oriented around masculinity (e.g., controlling emotions, the drive to win, appearing heterosexual) are reinforced by peers and explain why

males who disproportionately express such norms engage in crime (e.g., Iwamoto & Smiler, 2013).

Turning Points & Peers

Considering the previously mentioned relationship between age and crime, we also know that there are factors that help change the trajectory of offending in early adulthood. Figure 4 illustrates the same age-crime relationship and highlights that when individuals enter adulthood, they find jobs, get married, and possibly serve in the military. Life course theorists have described these as "turning points" and have demonstrated that when individuals experience these turning points, they are more likely to desist from crime (e.g., Laub & Sampson, 1993). Warr (1998) discovered that married individuals report spending less time with friends and therefore reduce their number of delinquent associations. Wright and Cullen (2004) examined the role of employment in reducing crime and found that while having a job did reduce offending by increasing one's commitment and involvement with prosocial institutions, this reduction in offending was also explained by the fact that coworkers in those jobs disapproved of crime. Thus, peers in the workplace and the definitions they expose individuals to also play an important role in changing behaviour. These findings suggest that the impact of these turning points is due to more than just changes in attachment to sources of informal social control (e.g., partner, job), but additionally the social contacts that also change as a result of these shifts in adult responsibilities.
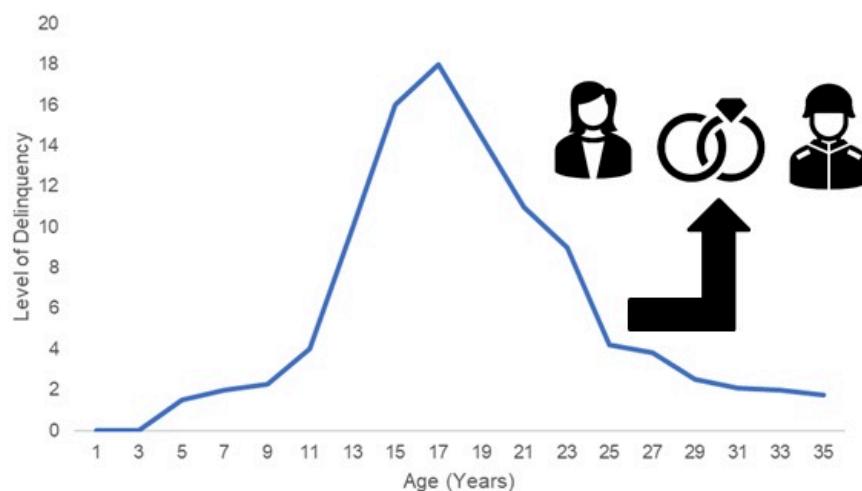
Figure 9.4: Age, Crime, & Turning Points based on hypothetical data. Decline in time spent with and importance of peer relations

9.6 Moving Past a Monolithic Approach to Learning Theory

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While this chapter does not represent the entirety of knowledge on learning theories, it represents the dominant approach used to situate learning theories within criminology. Some of this is a function of the fact that the scholars responsible for developing and testing the theories are white, western, and male and their ideas and methodologies are complicit in the colonial project through the silencing of Indigenous peoples (Deckert, 2014, 2016). Learning is universal, yet ironically (with some exceptions) the bulk of what we believe learning theory represents and explains is derived from frames of reference and samples of primarily white colonisers. When diversity is considered, it is largely relegated to descriptive differences as opposed to the elevation of truths or experiences of people who have lived on these lands since time immemorial. Learning theories are often operationalized within western research methodologies (such as quantitative research) that have been criticized and deemed silencing (Deckert, 2016). Indigenous knowledge has been disregarded as less esteemed/legitimate than western knowledge and of "little criminological value" (Cunneen & Tauri, 2019, p. 42). Given the over-representation of Indigenous peoples in the imposed justice system, this silencing of knowledge should be of concern. If learning theories were to incorporate the oppression of Nation-based governance into their frameworks, these theories would surely take a necessary step and arguably through such a consideration strengthen not falsify or detract from the explanatory power of the theory.

For example, learning theories do not question the role of the state or include reference to state culpability for human rights violations. Nor do these theories critically analyse how the oppression of Nation-based governance, law, and justice and the imposition of western systems impact socialisation experiences. Indeed, the primary socialising agents derived from learning theories are individuals rather than institutions that force exposure to particular associates or definitions. Still, we must be cautious about individualising the application of mainstream learning theories to Indigenous peoples and simply attributing blame to an individual's socialisation with such institutions. This would only perpetuate harm and ignore the role of colonial policies (Cunneen & Tauri, 2017). There are virtually no direct tests of learning theory, which if done, could arguably be an advancement within Indigenous communities; however, this type of research still represents a colonial adaptation to the study of deviance among Indigenous peoples and ignores how the imposed state-defined structures fundamentally change the social environments of Indigenous peoples. This *add Indigenous and stir* approach is highly contested and problematic. Learning theories that consider the oppression, racism, genocide, and colonial harm inflicted by the state have yet to be developed and tested.

Despite the above-noted shortcomings of learning theories, extensions of the theory do

acknowledge that society is differentially organised such that individuals are positioned within unique communities and structures that inform the extent of conditions conducive to crime (e.g., Matsueda & Heimer, 1987). Some communities may be organised towards definitions favourable to crime, which suggests individuals may not have an equal chance of exposure to such definitions. These group-level differences allude to the potential importance of cultural or social distinctions that structure learning processes. Thus, to a certain extent, updated versions of learning theory demand attention be paid to structural and contextual differences. However, all learning theories tend to assume that the mechanisms are the same across different groups (i.e., race, culture), but what varies may be the context or sources of such learning. For example, these theories certainly allow for the identification of different sources of influence within Indigenous communities and non-Indigenous communities. Perhaps the emphasis on interconnectedness amongst families within some Indigenous communities contributes to a stronger focus on family-based peers that may not be as important within non-Indigenous communities. Still, this approach discounts the very real possibility that within these communities, the mechanisms of learning are different or experienced differently based on distinct cultural variations. For instance, although SLT includes a consideration of the imitation of behaviours, it is primarily relegated to the initial acquisition of a particular behaviour. In contrast, Tanaka et al. (2007) summarise the extremely important role that mentorship, learning by doing, deep observation, and learning within communities has within Indigenous teaching and learning. Thus, among Indigenous peoples perhaps there is greater weight given to the role of imitation and related observatory learning practices.

It is also possible that mechanisms of learning are structured in fundamentally different ways based on state-driven actions. Learning theories might help explain intergenerational trauma and its influence on explaining (state-constructed) deviance among some Indigenous communities. For instance, learning theories could be utilised to examine the interconnections between childhood trauma in residential schools, subsequent trauma, and learned behaviours such as neglect or abuse culminating in intergenerational trauma and ongoing child apprehension. The over-incarceration of Indigenous youth and over-representation in foster care suggests that Canada has continued to take

Indigenous children away from their homes at unprecedented rates. In addition, these experiences also arguably impact the lens through which Indigenous children view other social interactions. Research suggests that childhood exposure to high-conflict relationships, adversity, and academic challenges contribute to increases in the likelihood that youth will attach to delinquent peer groups (e.g., Fergusson & Horwood, 1996). However, as has been previously emphasised, a surface level analysis would ignore the role of the state, imposed law and governance, colonialism, and racism. There is a direct connection between the multigenerational impacts of colonialism, genocide and racism and the continued state control of Indigenous peoples through confinement (reserves, day/residential schools, foster care/ group homes, incarceration) that require a substantially more meaningful consideration into learning frameworks that are beyond the scope of the current chapter (Monchalin, 2016; TRC, 2015; Woolford & Gacek, 2016).

This is not to suggest that the mechanisms outlined by Sutherland (1947) or Burgess and Akers (1966) have no place in understanding deviance within Indigenous communities. Indeed, these scholars argued there is consistency in how mechanisms operate across people, thereby providing a general explanation of deviance that repudiates strict biological determinism of crime by arguing individuals involved in crime are inherently not biologically different than those that refrain from crime. However, we must go further if we take seriously the unique lived experiences of Indigenous Nations, peoples, and communities. Simpson (2016) argues that the study of Indigenous peoples and justice (or lack thereof) often ignores the continuation of harm. In the context of learning theories, it is necessary to evaluate how state-based structures actually create and control the presence of definitions, values, and reinforcement mechanisms favourable towards crime and deviance.

9.7 A New Approach to Learning Theory

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In this chapter, we have provided an overview of the main tennts of learning theories that occupy an important role in the history and study of criminology. First and foremost, both theoretical perspectives emphasise the social nature of our world as the source of learning criminal and deviant behaviours. Peers, friends, romantic partners, and coworkers all have the capacity to inform our attitudes towards deviance and even teach us to commit crime. While empirical evidence strongly supports the role these theoretical perspectives have in explaining crime, much remains in the pursuit of an inclusive and critical development of learning theories. The different perspectives offered in this chapter represent our attempt at employing a decolonial approach to reviewing learning theories. Learning theories suggest that definitions acquired through associations are important. Contextualised through the material practices and ideologies of colonial states and by the resistances of Indigenous peoples, one can begin to uncover how the colonial state structures norms, values, and associations that may facilitate state-defined crime. As has been emphasized in this chapter, colonialism, genocide and the imposition of foreign laws, justice and governance coupled with displacement, dispossession and oppression (the reserve system, residential/day schools, foster care), and criminalisation and control (the pass system, *Indian Act* provisions, imposed criminal justice system) are the root causes of Indigenous over-incarceration. In other words, the state has created *the problem* it seeks to control.

In many ways, evaluating how the state contributes to the differential social and structural organisation between Indigenous and non-Indigenous communities takes seriously extensions of SLT that include a consideration of social structures (e.g., Akers, 1998). We do not mean to suggest that we should *only* understand how learning theories operate within Indigenous communities. A potential weakness of social learning theories is the assumption of the universality of mechanisms attached to learning. Research shows that the socialisation experiences of men/women, racialised/non-racialised young/old people are different. A critical adaptation of learning theory may help identify additional mechanisms of learning, develop a framework to understand how such mechanisms are mediated by colonial structural factors, and ultimately contribute to a deeper understanding of social influences. To move learning theories forward, we echo this statement made by Cunneen and Tauri (2017): "We believe that building 'from the ground up' a criminology that privileges the Indigenous perspective and requires a meaningful analysis of colonialism as an explanatory factor in Indigenous peoples' experiences of settler colonial justice, is a theoretical and practical necessity" (p. 153).

9.8 Discussion Questions

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1. Compare and contrast differential association theory and social learning theory. What are the major similarities and differences between the two learning theories?
2. Within social learning theory there are four types of reinforcement derived from principles of operant conditioning: positive reinforcement, positive punishment, negative reinforcement, and negative punishment. Do you think specific reinforcements are more or less effective at changing whether someone engages in crime? If so, answer the following questions:
   a. Which reinforcement mechanism is most important in explaining whether someone engages (or does not engage) in crime?
   b. Do you think that certain reinforcement mechanisms are better at explaining whether someone engages in a specific type of crime (e.g., drug use versus violence)? Why or why not?
   c. How might the mechanisms of reinforcement be more or less important at specific points in an individual's life course? Are certain mechanisms more important during adolescence versus adulthood?
3. Based on the explanation of crime put forward by learning theories, what might be some policy recommendations for controlling or preventing crime?
4. Social learning theory attempts to expand upon the mechanisms that explain the learning process of crime. Besides teaching someone the skills necessary to commit a crime, provide examples of other ways peers might increase the likelihood that someone will engage in crime.
5. Are there other state (government) related institutions or contexts that might be important in understanding how learning perspectives might be implicated in an understanding of deviance among Indigenous people? If so, explain how these institutions or contexts contribute to definitions, behaviours, or reinforcement mechanisms that support criminal behaviour.
6. Do you think it is possible to utilise social learning theory to examine the role of the state in criminalising and incarcerating Indigenous persons? If so, how might the theory be expanded to consider the state? If not, why not?

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10. CRITICAL CRIMINOLOGY

Kelly Gorkoff, PhD. University of Winnipeg

Positionality Statement

I am a cis-white female who grew up in a working-class home that was strongly leftist politically. I was raised, and completed my undergrad work, in Winnipeg, Treaty One Territory and homeland of the Metis people. As an MA student and for 6 years after, I worked with a national feminist research group established after the Montreal Massacre where I examined gender-based, colonial violence. I studied political economy and sociology in Ontario, on unceded Anishinabe Algonquin territory, and I landed back on Treaty One Territory where I continue to teach, research, and work to understand the dynamics of marginalisation and inequality, power and politics, ideology and subjectivity.

Kevin Walby, PhD. University of Winnipeg

Positionality Statement

I am a cis-white male who grew up in Saskatchewan, including in small towns and rural areas. I was raised, and completed my undergrad work, in Saskatoon, Treaty Six Territory and part of the homeland of the Metis people. I studied sociology in Ontario, on unceded Anishinabe Algonquin territory, and I landed on Treaty One Territory where I continue to teach, research, and work to understand the dynamics of policing, surveillance, and security using qualitative and investigative research methods.

Introduction

Critical criminology encompasses a set of concepts and ideas examining how crime and criminal justice agencies are used as a form of social power that benefits some groups over others. It investigates (in)equality by examining the oppressive nature of criminal justice agencies, law, and the social practices of criminalisation and marginalisation. That said, defining critical criminology is a difficult task and we agree with Ratner (2006) that it is "difficult to pin down." This is because almost any form of criminology that attempts to interrogate power and investigate dominant social institutions could be construed as critical criminology. By no means can we settle any debates about exactly what critical criminology includes and excludes in this short chapter. All we can do is provide an outline of some of the key works in this area, as we see it. This account includes the rendering or production of criminological knowledge (Lynch, 2000; Quinney, 1979) and certainly has gaps. Also, we will not be able to go into some critical criminological contributions deserving of attention, such as anarchist criminology (Walach et al., 2021; Walby, 2011), constitutive criminology (Henry & Milovanovic, 1991), or newer developments such as quantum criminology (Milovanovic, 2013). Nonetheless, we provide a critical explanation of some key texts, while pointing to current trends and future directions for critical criminology to consider and further develop.

The chapter begins with an understanding of what the critical turn in criminological scholarship means. Then it examines the foundations of critical thinking by examining the basics of the work of Marx and related approaches to studying criminology including the difference between instrumental and structural Marxism. It then examines the work of Foucault and his contemporaries. Here we explain the difference between Marxist power and Foucault's conception of **disciplinary power**. The chapter then examines the contemporary abolitionist thought as central to critical criminology moving forward. The chapter ends with a description of the use of freedom of information requests and computational methods as it relates to critical criminology research.

10.1 The Rise of Critical Criminology

KEVIN WALBY AND KELLY GORKOFF

Given our contention that defining critical criminology is a difficult task, we claim that critical criminology scholarship represents a break from the orthodoxy or custom of the discipline of criminology (Tierney, 2006; Martel et al., 2006; Ratner, 1984, 2006). Critical criminology initially evolved alongside criminological theories loosely called "new deviancy" that proposed new theories of crime such as labeling theory (see chapter 8.6 Labelling Theory), social reaction theory, transactionalism, and interactionism, and was a significant part of a general move in the social sciences away from the dominant **positivistic paradigm** of criminology (Tierney, 2006; Garland & Sparks, 2000; Hargreaves et al., 1976). In general, this dominant paradigm focused on identifying and studying causes of crime that could then be corrected, and the assumed purpose of criminological knowledge was to control crime. Lynch (2000) takes this further and suggests that traditional positivist criminology has had the effect of legitimising control of the lower classes and normalising punishment. This dominant knowledge was rarely questioned and became standardised in criminology/criminal justice language, practice, and research (Lynch, 2000). Critical criminology questioned this often taken-for-granted, normalised idea of crime and justice as well as its connection to crime control and punishment and encouraged research that questioned this and focused on thinking more broadly about crime in society (Martel et al., 2006). Ratner (2006) refers to this as "the push to construct an alternative to the ruling paradigm of a state-saturated field" (p. 648). By this, Ratner means we should question what crime means in society and the government's power to punish "criminals."

Most critical criminology adopts a critical social science position that is anti-positivist. A critical social science examines/critiques normative boundaries of criminological knowledge and its use. Critical social science research focuses on the big picture or **social structures** instead of individual determinants of people's behaviour (trauma, upbringing, psychological traits). This focus allows scholars to deconstruct taken-for-granted or dominant knowledge. It also allows one to engage in social change by questioning established ways of thinking or knowing. Sayer (2009) discusses denaturalising dominant knowledge as a way to propose that another world is possible and to re-think and re-constitute accepted ideas about how to administer justice (Kraska & Newman, 2011). For us, critical criminology is an attempt to investigate **power** relations and domination as they occur in social systems and social structures while providing alternatives to existing power relations and dominant social institutions. Critical criminology involves research and investigation, and it calls for activism and attempts to change things.

In what follows in this chapter, we examine the key thinkers critical criminology draws on, beginning with Marx, as well as a few emergent elements of critical criminology.

10.2 Marx and the basis of Critical Criminology

KEVIN WALBY AND KELLY GORKOFF

The tendency of critical criminology to investigate and attempt to transform the world begins with Karl Marx and subsequent Marxist criminological scholars.

Marx and the Critique of Capital

Most people would probably not identify Karl Marx as a criminologist, though he is often seen as a political economist, a critical historian of economics, and a sociologist. Marx's writings were concerned with the rise of social institutions during industrialisation which included the development of criminal law, the power of police and prisons, and processes of criminalisation. At the core of his work, Marx rejected the idea that societies operate based on a consensus (see chapter 1 What is Crime?). Instead, he suggests that societies are full of conflict, which is often reflected in, and stems from, its relations of production (the social relationships involved in producing the things we need to survive such as food, and shelter).

To provide some examples, in *Capital, Volume One*, Marx (2004) addresses these critical issues in chapters 26, 27 and 28. As he examines the **capitalist mode of production**, he explores the **social formation** that occurs alongside it. In chapter 26 on the secret of so-called primitive accumulation, Marx argues there is nothing natural about the creation of private property (e.g., owning land or factories), the extraction of resources from the land (e.g, cutting trees or drilling oil), or the extraction of value from those resources (e.g., paying for lumber/gas or profiting from selling lumber/gas). Marx argues that our capitalist order is a political and economic one formed through various attempts at social control of these processes of private property, extraction and value. He claimed that the process of so-called primitive accumulation and the extraction of value from the resources found in land is only possible through the development of a state apparatus (e.g., government) that supports capitalist exploitation. Part of that state apparatus, perhaps the main part, is social control agents such as police and prisons.

In chapter 27 of *Capital, Volume One*, which is on the expropriation of the agricultural population from the land, Marx (2004) argues that, instead of land being collectively governed and people benefiting in a collective way from the value of resources and land, the capitalist mode of production requires the expropriation of people from their land, their territory, and the resources found there. This goes for populations in the English countryside, and it could be further extended to colonial relations with Indigenous peoples in British colonies such as Canada. To achieve control of resources and land, social control agents of the state apparatus

forcibly expropriate populations from the land to privatise it and its resources (such as lumber, oil, and minerals) for capitalist landowners. The example of establishing Indigenous reserves in Canada is an example of the expropriation of people from their land, a process that continues today.

In chapter 28 of *Capital, Volume One*, Marx (2004) writes about **bloody legislation**, a swath of laws passed by the state apparatus in the 18th and 19th centuries in the Commonwealth countries that do two things. First, they enable the creation of private property, enabling the privatisation of wealth, value, resources, land, thereby creating a powerful capitalist class. Secondly, they are used against the working class and against the **lumpenproletariat** who cannot work or choose not to work. These laws allowed for the expropriation discussed above. These laws also force persons to work in the capitalist mode of production in factories. If people choose not to work, bloody legislation is applied to them, to criminalise and punish them. If persons are unhoused and move from region to region or from the country into the city because their land has been stolen from them by the capitalist class, they too have bloody legislation applied to them, specifically laws of vagabondage. Laws are also passed to dissuade labour organising and resistance (Poulantzas, 1975; Griffin et al., 1986; Kuriakose & Iyer, 2021).

This swath of laws is created to control the working class and the lumpenproletariat, and to enforce the capitalist mode of production. Although Marx is usually not identified as a criminologist per se, even this one work, *Capital, Volume One*, offers a rich history and analysis of the way the state apparatus was formed to support the capitalist mode of production and how criminal law in its origin emerged as a tool of control for elites. Criminal law, police and prisons from a Marxist perspective, exist to control the population, to force people to work, and to prevent people from collectivising (or equally sharing) land, resources and wealth.

Using Marx

A significant figure in early critical criminology, William Chambliss (1964), drew on Marx's ideas to analyse the origin of vagrancy laws (some enacted as early as 1349) and concluded that these laws were created to force people to work in factories and other places, by criminalising those who did not. These laws were pivotal in capital expansion and Chambliss (1964) notes how different categories of "the criminal" were created as capitalism expanded. These included individuals who made and sold goods in traveling shows, those who organised gambling events, and those who took goods that were in transit from one factory to another. Chambliss (1964) defined crime as "conduct that is defined and controlled by agents of the dominant economic class in a politically organized society, to benefit capitalism" (p. 71). To enforce these laws, policing, courts and prisons are obviously necessary.

Another Marxist, Louis Althusser (1969, 1971), named this set of agencies **"repressive state apparatuses"** and defined them as bodies granted the legal right to use physical force to control the masses. This includes the military, the police, the judiciary, and the prison system. It is

argued that these bodies are used to enforce laws and to demand obedience to laws based on unfair expropriation. Generally, the presence of these institutions is enough to gain compliance, but when the unfairness of capitalist/worker exchanges is questioned or laid bare, these bodies engage in explicit legalised violence. Gordon (2005, 2006) examines how the rise of law-and-order policing, and the over-policing of poverty and the poor, coincided with changes in the capitalist order. He identifies governmental changes in policing alongside shifts in economic policies such as the shifts from **Keynesianism** (pre-1960s) to **monetarism** (1960-80s) to **neoliberalism** (1980s-present).

As Marx traces this out in detail in chapters 26, 27 and 28 of *Capital, Volume One* and as critical criminologists such as Chambliss and Althusser argued, the criminal justice system is essentially a tool of the capitalist class. However, this view that the system always operates as an arm, or instrument of, capitalism has been critiqued as overly conspiratorial. Some Marxist criminologists debate whether things are really so instrumental.

A Marxist criminologist named Richard Quinney (1978) argued that there are instrumental and structuralist Marxist positions. An **instrumental Marxist** position continues the understanding put forward by Marx, that the state apparatus and criminal law exists as a direct result of capitalism to uphold capitalism and the capitalist mode of production. A **structuralist Marxist** position argues that governments are somewhat autonomous and are not simply installed by the owning class. For example, structural Marxists Leo Panitch (1977) and Nicos Poulantzas (1975) argue that the state acts on behalf of capital, not at its behest. Theorists such as these suggest that although governments might pass laws that appear to help protect the population (i.e., minimum wage, labour law) and reduce the power of the owning class, *overall*, police and corrections operate to maintain the capitalist economy (which as discussed above is, at its base, unequal and supports the wealth and power of a small number over the majority).

Structural Marxists agree that law works to ensure capitalist accumulation and to maintain conditions where the generation of wealth is possible. This is often called the structural imperative or the way social structures create reality. Louis Althusser (1969, 1971) was also interested in how law and criminal justice are legitimised or normalised in the thoughts of the general population. Therefore, structural Marxists focus less on the coercive nature of law alone and more on the ideological function of law. Quinney and others examine how ideas of crime and criminals are shared in the general population. Marx and Engels wrote in *The German Ideology* (1947) about how the mode of production of capitalism gave rise to people's false beliefs about society and their role in it. They referred to this as "phantoms formed in the human brain that appear upside down..... that sublimate material life processes." Contemporary Marxists argue ideologies are necessary to support and legitimate the actions of the state to enforce definitions of crime in law, policing and corrections. These ideologies are often detached from the broader social system and individuals are thought to be responsible for their behaviour. Ideologies are comprised of all the ideas we form about crime and criminals that are communicated by social institutions from family, school, media and politics, but are essentially about supporting ideas that hide the coercive nature of the capitalist mode of production.

Althusser (1971) called these institutions the ideological state apparatus. These concepts about

crime include ideas like criminals are bad, punishment is good and helpful, and law is equal. However, according to Marxist theory, laws are created to make sure capitalism continues to thrive and to control the conduct of individuals who might threaten it. This is also known as **hegemony**, or when the ideas of the dominant class become the ideas of everyone (Gramsci, 1971).

Structuralists offer a compelling set of arguments about the law-society relationship. This includes how ideas of human rights and democracy become used to justify and legitimate oppressive law. Anatole France, a French novelist, captured this ideology of equality in his quote *"the Law in all its majestic impartiality forbids both rich and poor alike to sleep under bridges, to beg in the streets, and to steal bread."* This quote speaks to the ideological dimension of law, which often clouds the exploitive relations of law itself. This ideology of capitalism and crime is the illusion that capitalism is noncoercive; therefore, the law itself is an ideological form (Reiman, 2013, p. 229).

Another dimension of Marxism we find in critical criminology is the study of corporate crime or crimes of the powerful (see chapter 15 Crimes of the Powerful). Sutherland (1949) distinguished between working class crime and crimes of the elite or "white-collar crime." The criminalisation of both categories of acts are related to capital accumulation: working class crimes such as theft uphold private property relations, assault upholds the need of a healthy body to work, and crimes of the elite such as fraud or insider trading uphold "proper" relations of capital accumulation. However, it is more difficult to criminalise wrongdoings of the powerful. Laureen Snider and Steven Bittle study Canadian corporate crime and its legislation. Their research shows that police rarely enforce legislation such as Bill C-45 (Bittle, 2012). Bill C-45, often referred to as The Westray Bill, amended the *Criminal Code* to outline the criminal liability of organisations/corporations. The Westray Disaster saw 26 miners in Nova Scotia die in an explosion in 1992. The disaster was said to be the fault of the corporation that owned the mine, but they could not be criminally charged under the legislation of the time. Bill C-45 defines criminal liability for corporations. However, Bittle (2012) contends the new legislation is rarely enforced for several reasons including the contention that criminalising actions of capitalists is dangerous and could harm capital accumulation, thereby affecting jobs and profits (Bittle & Snider, 2015). For more on the dangers of exposing these crimes see chapter 15 Crimes of the Powerful.

Summary

Marx himself and later Marxists provide an important foundation for thinking about critical criminology and for thinking about the role of law, police and prisons in our society. By examining how the relations of capitalist production create systems such as police, courts, and corrections to maintain and legitimate the expropriation and exploitation of land and people,

as well as studying ideologies that cloud this exploitive dynamic, Marxist conceptions of critical criminology are an important foundation of critical criminology.

10.3 Post-Structuralism: Foucault and Critical Criminology

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Foucault, Marx and Power

Another key figure in critical criminology is Michel Foucault. While not a Marxist, the influence of Marx is evident in his work. As discussed above, for Marx, power is always connected to economic power and how it manifests at the level of the state. Marx's contemporaries focus on how bloody legislation and state repression to uphold capitalist relations of production/capitalist social structures. Foucault reconsidered how power works, and he has been called a [pb_glossary id="2606″]post-structuralist[/pb_glossary]. He argued that simply focusing on power as equal to the law creates a kind of "sterilizing political consequence" (1990, p. 79). Instead, he views power via language and how we think and know about things, or in other words, how power works *between* people, not *on* people.

What makes Foucault's work important is that he extends or broadens the analysis of power away from economic re/oppression into thinking about power existing flowing/circulating between people and groups/institutions. A student of Althusser, Foucault rejected the idea that people were duped into submission by ideology, arguing instead that people actively engaged with power on a daily basis. For Foucault, power operates like a network of relations that we are all a part of. This encompasses more than economic power, and includes power in the form of language and action. He argued that thinking about power this way encourages us to understand power similar to a building block in how things get made, composed or constituted. As critical criminologists, if what we are interested in is investigating power relations, turning to Foucault helps broaden our scope of analysis.

Phases of Foucauldian Thought

Foucault's arguments changed over time. Although it is difficult to periodise or categorise Foucault's work, some have argued that there are three movements or phases to Foucault's thinking. The first is called the archaeological phase, the second is the genealogical phase, and the third is the phase of ethics.

In the archaeological phase, Foucault (1972) is interested in the emergence of **discourses** and how these are translated into techniques or methods of power. In this case, power is not

thought of as repressive but is based in knowledge and takes the form of charts, maps, diagrams and tables that make human activity understandable.. A discourse is the general domain of all statements and classifications about some topic or issue, such as the discourse of child development (e.g., benchmarks of biological, emotional, and psychological changes occurring in young people as they grow) or discourse of victimhood (e.g., the condition of being hurt, damaged or made to suffer) (Gorkoff, 2011). Grounded in this way of thinking, rather than seeing law simply as a bloody mechanism or a mechanism of force, Foucault understands law as a discourse or a mechanism for categorising and classifying people, and he uses developments in the human and natural sciences to do this.

Discourse is like a system of categories captured in language that creates the way we perceive reality. Foucault said discourse is both an instrument and an effect of power. In the study of criminology, discourse is important. Discourses that come from and are used by courts, tribunals, commissions of inquiry, and the law itself operate as a machine for trying to produce truth out of complexity and for trying to categorise human beings in particular ways. Discourse therefore becomes a transfer point of relations of power between groups (such as prisoners, advocates, and politicians) and how a social issue/occurrence gets framed or thought about as a problem.

For instance, *the criminal* is a key discursive category. Public discourses about *the criminal* as immoral, violent, troubled, abnormal, and to be feared or avoided appear commonsense. These discourses become entwined with discourses of law, punishment, and justice. Foucault would encourage us to examine these descriptors and their relations, and how they create particular realities. This language extends beyond the criminal justice system and we can examine how *the criminal* is amplified and reinforced in crime literature and television/movies that feed on the fascination with the sensationalistic imagery of criminal life. We can focus on how these notions of criminality inscribe meaning and play a central role in historical and contemporary social and cultural life (see chapter 12 Cultural Criminology), as well as the role these discourses play as mediators of social debates and crises (Atack, 2001).

Many other categories and classifications are important for Foucault as well. In this archaeological phase of his work, Foucault is trying to locate or dig up where these classifications and categories we take for granted today emerged.

In the second phase of Foucault's work, which we can call genealogy, Foucault (1975) is interested in not only techniques of classification, but how these types of classifications or discourses turn into different mechanisms of discipline and normalisation. For instance, he examines how techniques of discipline and normalisation that developed in the criminal justice system developed and operated in parallel ways in other institutions such as in education, factories, hospitals, and asylums. He details the historical development of timetables that organise one's day and discipline one's activity. In prisons, prisoners are subjected to a timetable that structures their day, requiring them to rise, eat, work, and sleep at certain times. This disciplinary timetable was used in numerous social institutions that developed around the same time. Schools used timetables to organise the day and discipline students into routines. Factories used timetables to order shifts and ensure the discipline of workers. Foucault argues

that all these places tend to resemble one another to the extent that they deploy similar techniques of discipline and normalisation. Foucault uses the term **the carceral** to articulate the multiple networks of diverse elements and the power of normalisation that extends into the entire social body, how these things are tethered to one another, and how they reinforce one another over time.

In his key genealogical work, *Discipline and Punish* (1975), Foucault focuses on a detailed history of how punishment changes from the body of the condemned (hanging, beheading) to the soul of the convicted (therapy, reflection, confinement, etc.). In the primary punishing institution, prison, the soul of the convicted is no longer tortured in public, but instead is subjected to hierarchical observation, normalising judgements, and practices of discipline. These practices and techniques of punishment eventually become normalised. These techniques of disciplinary power are not about the use of the bloody power of the state on the individual, but how things such as a daily schedule, self-control over posture and bodily functions, and the use of surveillance become the mechanisms people find themselves exposed to, and how institutions, programs, and polices are created. This approach is nuanced enough to understand how domination operates and develops in different ways in various social settings. For Foucault, power and domination are not limited to the state. There are power relations operating that do not simply stem from law or from the state apparatus, but are actually located in individual relationships (e.g., guard/prisoner; lawyer/accused) though they may reinforce them at some points in time. The terms and processes Foucault advances allow for critical criminologists to locate power relations and domination in a multitude of sites and further, in a genealogical way.

The third phase of Foucault's work is often referred to as the phase of ethics, where Foucault (1990) turns from an interest in the genealogy of disciplinary institutions to self-control or self-discipline and ultimately to how individuals engage in "care of the self" or makes themselves up as people or what he called an "ethical self." In *The History of Sexuality*, *Volume One*, and elsewhere, Foucault (1982) shifts from studying technologies of institutions to technologies of the self. In his book, he examines how sex is spoken about and how it is known, then how individuals who engage in sexuality form themselves as sexual beings based on this knowledge. This includes understanding how we conduct ourselves as people. It is focused on how we make ourselves good students, good workers, good athletes, good partners, etc. In other words. Foucault was interested in how people governed themselves in a free society, how we make ourselves into members of society, and how we control our own behaviour.

Foucault is careful to note that self-governance does not happen in a vacuum. It may happen in relation to those forms of knowledge (discourses) Foucault uncovered in his archaeological work, or in relation to the discourses Foucault investigated in his genealogical work. This raises a number of interesting questions such as how we make ourselves into subjects of law (juridical subjects) including being, or not being, a law-abiding citizen. He thought that although we seemingly have the freedom to control our own actions (e.g., freely obey the law), Foucault outlined that these choices are not truly free, and that we are "governed from a distance" by the discourses and knowledge that we experience.

Foucault's work allows us to think about power as an intersection between a knowledge about

something, and techniques of organising the behaviour of others and/or ourselves. He gives this the term **governmentality**, which is the analysis of who can govern and who is governed but also the means by which our own and others activities are shaped (Foucault, 1990, 2005, 2011). In his final lectures, Foucault offers this concept as a tool for looking at the intersection of these different phases of his work. The goal is to examine how a governmental rationality or some kind of classificatory system intersects with the way a whole population starts to govern itself or make itself intelligible.

Locating Foucault

Again, these are simply our musings about Foucault's work. Not everyone will agree with this distilling of Foucault's whole corpus into these movements of thought and there have been some interesting adaptations and debates. For example, Alan Hunt (1992), an important Marxist figure in legal studies and criminology, suggested that by broadening the scope of what power means, and at times offering multiple fluid definitions of power, Foucault expels law from his analysis. Remember, according to Foucault, equating power with law and the state creates a sterilising political consequence meaning that it stops any other way of thinking about law except as oppressive. However, Hunt suggests it might be equally sterilising to argue that power is so fluid that it is found everywhere, including in one's own governance of their thoughts and bodily practices. Hunt (2004) has further developed this into the conceptual framework of law as governance, bringing Foucault and Marx together, in some ways. His work on governing consumption brought together how law (around food, clothing, etc.) and self-regulation (deciding what to eat and how to dress) work together to construct dominant and normative moral positions.

Foucault remains incredibly important for a critical criminologist because he allows for a more open analysis of power and domination, that is not reducible to the state apparatus, law or capital. Some Marxists, including Alan Hunt (2004), found it appealing, and fruitful to work with Foucault and Marx together, seeing as how they complement one another. Foucault's work has led to a whole area of study referred to as governmentality studies. Scholars such as Mariana Valverde (2010), Nicholas Rose (1993), and David Garland (2001) have identified themselves as governmentality scholars and contributed much to critical criminology in this vein. David Garland's work on cultures of control could be construed as a type of governmentality studies. We discuss his work below.

Garland, Governmentality and the Culture of Control

David Garland picked up on Foucault's concept of governmentality and his method of genealogy

or history of the present to write several articles (1997) and a book (2001) analysing how crime is problematised and controlled by examining the structure of the crime control apparatus that has emerged out of cultural, social, and economic shifts in society. Garland linked Foucault's idea of the self-governing subject and how power creates people, to a history of crime control policies (both governmental rationalities and technologies of crime control) in the United States and Britain between 1970 and 2000.

He was particularly interested in how the **penal welfare state** that was designed to assess, diagnose, and treat offenders changed into a third sector of crime control characterised by the rise of prevention and security apparatuses. He details how the system moved from a system of punishment and rehabilitative justice (where those convicted of crimes received treatment for what caused their offending) to one of safety and risk management (the management of spaces and people who were risky). He details the rise of victims' rights movements and interest groups such as women's groups calling on the criminal justice system to address rape and domestic violence and neighbourhood groups asking for more police presence or safety programs in their community.

Garland details how this creates a new culture of crime control focused on three things: first, the transformation of penal welfarism/rehabilitative punishment; second, a criminology of control; and third, one that uses economic styles of reasoning (risk) over social reasoning.

In the *transformation of penal welfarism*, Garland outlines how rehabilitation gets redefined away from the offender's needs to the safety of the victim and protection of society. For instance, whereas an offender who may have committed a crime because they suffered from addiction would be given community treatment under penal welfarism, if that prisoner rates as high risk on a risk assessment tool, they could be incarcerated where they could be more easily managed.

This transformation affects how prisoners are treated in prisons, where they are tracked, monitored, and *controlled* based on the *risk* they are said to pose to society at large. This process often includes the use of tools and knowledge such as abstract risk categories, which Garland suggests are ways to "govern offenders from a distance" and engage them in their own self-responsibilisation. This is accompanied by a change in normative criminology to study the criminology of everyday life and the criminology of the other, which is based on the desire for expressive justice, zero tolerance and individual safety. Such interventions are assessed based on cost-benefit analyses and techniques of managerialism in which the point of crime control is to manage risk.

Garland details how these changes occur as political, cultural and economic structures take on a neo-liberal form, similar to the way Gordon (2005) talked about changes in policing we discussed earlier in this chapter. These changes result in different forms of governmental power (e.g., new types of punishment) how we govern our own conduct and the conduct of others, and how we make ourselves up within these new sets of social relations. For the criminal justice system, he argues that new culture of crime control changes the way we think about people who break the law; we begin to see them not as people who need rehabilitation, but as others

that pose risk and as delinquents to be feared, controlled, and responsibilised. This changes the way we think about crime and the criminogenic situation as one to be managed using law and order practices, securitising places and spaces using more aggressive individualised surveillance practices. We can see examples of this in the many security or CCTV cameras in the spaces and places we go such as shopping malls, parking lots, and schools. Garland argues that this new culture of control does not help communities become safe spaces but instead makes us afraid of those around us.

These three elements of control become entwined in a way that cannot be reduced to a single formula. Instead, they constitute a field of power relations that draws attention to the impact of new knowledges and technologies upon the power relations between governmental actors as well as between the rulers and the ruled (Garland, 1997, p. 188).

Summary

Foucault gave critical criminologists concepts that expand the ways we think about law, control, and power. By engaging the subject, he outlines the ways in which knowledge itself becomes a form of power by which laws get created and maintained, how people interact with discourses to regulate their own conduct and the conduct of others, and how this translates into systems of carceral control. Foucault's concepts have been taken up in a variety of ways in critical criminology, and he remains a key figure in these discussions.

10.4 Emergent Elements of Critical Criminology

KEVIN WALBY AND KELLY GORKOFF

This next section focuses on three emergent elements in critical criminology: one we believe is core to the area of contemporary critical criminology and two that can contribute to critical criminology and are methodological in orientation. The first has to do with the expansion of discussions of police and penal abolition (and relatedly, **convict criminology**). The second pertains to the use of freedom of information (FOI) requests and computational methods in criminology and criminal justice studies, which are both investigative techniques that have major methodological implications for performing critical criminology research.

Police and Penal Abolition

When one thinks of abolition, they likely think about abolishing prison before abolishing police. Prison abolition, sometimes called penal abolition, focuses on the whole set of sanctions, rules and punishments involved in institutional and community corrections. However, the idea of police abolition has recently become more popular. Since the police killing of George Floyd in May of 2020, police abolition has become a frequent and popular topic of public discussion. Police abolitionists argue that public police exist only to enforce social order. Public police do not provide real safety, though they cause much harm through violence, racism, and corruption. Here we elaborate on some of the roots of police and penal abolition while discussing contemporary developments. At its theoretical core, much abolitionist work draws on both Marxist and Foucauldian conceptions that posit criminal justice systems as part of the social structure and discourse.

Discussions about police abolition have roots in the Black radical tradition in the United States, and the Black feminist tradition. Police abolition was also a core feature of the Black Panther Party. The Black Panther Party and movement called for more community responses rather than state responses to transgression and critiques of the violence of the state articulated through police (Jeffries, 2002). A number of Black feminist scholars, from Beth Richie (2012) to Andrea Ritchie (2017) among others building on the work of Angela Davis (2011), have been calling for police abolition for some time and in regard to particular transgressions such as violence against women and domestic violence. Thus, even for these types of transgressions, the Black feminist tradition recognises that police often cause more harm, and amplify harm, to women in these scenarios.

Before 2020 in Canada, a very important work, *Policing Black Lives* by Robyn Maynard (2017),

was published. Maynard's book called for police defunding and abolition, arguing the police are an institution that upholds white supremacy and does not address transgression in a way that decreases harm. Instead, policing increases harm, and state violence and police as an instrument of state violence need to be reduced and dismantled. This explicitly abolitionist work then became important in the spring and summer of 2020 when the police abolition movement in Canada and the United States flourished in mass mobilisation and protests against police.

In the two years since that mass mobilisation against police, a number of other important abolitionist works have emerged. In Canada, for instance, *Until We Are Free: Reflections on Black Lives Matter in Canada*, edited by Diverlus, Hudson and Ware (2020), is an abolitionist work focusing on the intersection of social control and white supremacy in our society. *Disarm, Defund, Dismantle: Police Abolition in Canada*, edited by Pasternak, Walby, and Stadnyk (2022), brings together activists and academics to explain why police abolition is necessary to move toward a free and just society. And *Insurgent Love: Abolition and Domestic Homicide* by Ardath Whynacht (2021) adopts an abolitionist view to assess the failures of policing to address the most serious forms of harm and transgression in our society.

These works do not all identify as criminology and are not popular within the discipline of criminology as they represent a critique of its orthodoxy. However, we would argue that an abolitionist approach fits well among Marxist and Foucauldian concepts that ground critical criminology. Similarly, we could claim that Purnell's (2021) *Becoming Abolitionists: Police, Protests, and the Pursuit of Freedom* in the United States is adjacent to criminology and criminal law. Most criminologists would not have heard of it, unless they pay attention to abolition. Yet we would argue that Purnell's text has much to offer regarding why even people who work in the criminal justice system should take abolition seriously. This is among the works that should be incorporated into critical criminology as it adopts more of an abolitionist point of view. Purnell is someone who has experience working in the criminal justice system. It is from those experiences that they developed an abolitionist perspective.

There are some criminological works that do provide an abolitionist perspective. For instance, McDowell's (2019) article on insurgent safety theorises alternatives to policing and argues that state-sponsored social control fails to provide real safety against harm/transgression and fails to reduce it. They argue that community-based safety is the only way to reduce harm/transgression and achieve safety. Fernandez (2019) likewise argues that critical sociology and critical criminology should adopt an abolitionist perspective. McDowell and Fernandez (2018) wrote about the practice of police abolition in the journal *Critical Criminology*. This is a landmark article for discussions of police abolition, which shows that this topic predated the 2020 mass mobilisations against police and that there is an affinity between discussions of police abolition and critical criminology. This article makes a compelling case for disbanding, disempowering and disarming police and argues that criminologists should orient their research agendas in this regard. Alex Vitale's (2017) *The End of Policing* makes the argument that police fail to reduce harm/transgression. Vitale argues that **police reform** (making changes to the existing structure of policing) is a failed endeavour and reforming police actually allows

them to accumulate more resources for police and less to community-based safety. It never changes the institution. This is a common argument against reform made by several critical criminologists who claim that the system works as it is supposed to work to support the relations of marginalisation and capitalist power (Lynch, 2000; Colaguori, 2005; Gordon, 2005). There is also Siegel's (2017) work on abolitionist police history and police work as violence work. All these contributions demonstrate the affinity between a police abolitionist approach and critical criminology and are among the major contributing schools of thought in the abolitionist line of argumentation.

Prison abolition and penal abolition are more well-known in criminology compared to police abolition contributions back to the 1970s. Claire Culhane was a prominent prison abolitionist in Canada who began her work in 1974 when she became a teacher in a provincial prison for women. She became an activist and advocate for human and legal rights of prisoners and was a founding member of the Vancouver activist group Prisoners' Rights Group and hosted a cable TV show called *Instead of Prisons*. In Culhane's (1991) book *No Longer Barred from Prison*, she made connections between the politics of imprisonment and the socio-economic practices of the state. She argued that the reliance on imprisonment for addressing social problems speaks more to our failure as a society to provide for all its members than it does to success in maintaining public safety.

The most well-known prison abolition works are those of Thomas Mathiesen, who in the 1970s and 80s argued for prison and penal abolition. Mathiesen (1974) offers some useful concepts. For example, Mathiesen focuses on positive and negative reforms and argues it is not contradictory for abolitionists or critical scholars to advocate for **negative reforms**, that is reforms that diminish the power of the state and diminish the power of carceral institutions. However, it is contradictory to argue for positive reforms or reforms that do add to the power of the carceral state. Mathiesen also gives us the concept of **the unfinished**. Mathiesen argues there is no precise or exact formula for abolitionist inquiry or activism. Instead, there is a terrain of shifting tactics and strategies. Questions of negative reform and penal power constantly emerge. The project of abolition is ongoing and requires constant struggle and analysis.

The works of Mathiesen have inspired a generation of penal abolitionists. In Canada, the works of Justin Piché (2014) are explicitly abolitionists and have focused on penal and carceral abolition. These works focus on penal expansion, and prison and jail construction/development. Piché has noted that there are shifting targets of penal and carceral abolition that may extend toward immigration detention practices (Piché & Larsen, 2010). Nicolas Carrier has written about the blind spots of abolitionist thinking, and the need for penal abolitionists to think seriously about the kinds of limit cases or the most difficult cases for abolitionists to address. These would include mass murderers or offenders who hurt children (Carrier & Piché, 2015a, 2015b). Carrier pushes abolitionists thinking to address the toughest cases, not the lower hanging fruit such as crimes related to poverty or disorder, Piché et al. (2019) and Carrier et al. (2019) have provided a history of penal abolition scholarship in Canada (also see Walby, 2011).

There are other penal abolitionists outside of Canada who have contributed to this school of thought that criminologists should be aware of and that critical criminologists should engage

with. In the United States, McLeod (2015) argued that prison abolition should be an accepted perspective within legal studies and criminal law and argued that prison abolition is necessary for justice to exist in the world. Saleh-Hannah (2017) argues that abolitionist approaches to prison must take seriously the issues of racial justice and gender that feminists and critical race scholars have pointed to (see chapter 4 Race and Crime). An abolitionist perspective that does not account for other forms of domination, such as racism and sexism would not be a complete abolitionist theory. Complete penal abolition needs to account also for racial domination and gender domination.

Consistent with critical criminologists' contention that rethinking what we perceive as normal is necessary, critical scholars and activists focus on ways to undo these infrastructures and institutions not only physically but mentally. This requires us to develop new ways of speaking about and responding to harm/transgression, which is a common theme across police and prison abolitionist work. It also reminds us of the ideas of how ideology and hegemonic thinking about crime needs to be unravelled. Whalley & Hackett (2017) argued that feminist scholars need to take penal abolition more seriously because any kind of **carceral feminism**, or feminism that advocates for police and prison responses to things like gendered violence, is contradictory and undermines the goal of both feminism and critical/**abolitionist criminology** to live in a world free of domination. Whalley and Hackett (2017) make a strong argument for the abolitionist project and against carceral feminism that Garland outlined in *Culture of Control*. Similar to Carrier, Davis & Rodriguez (2000) argue that prison abolition does involve challenges, such as how to respond to a transgression and how to respond to harm that occurs in the community. These are key questions that police in prison abolitionists and penal abolitionists must address.

Brown & Schept (2017) argued that there is a new abolition emerging in critical criminology and critical carceral studies in the United States. They argue that this approach brings together critical geography and critical criminology. For example, Brankamp's (2022) article on the humanitarian border and immigration migration camps and detention centres is part of this new abolition. Whether this is a new abolition or an extension of current discussions of penal/carceral abolition is an open question. Brown and Schept (2017) do not point to the Canadian or UK work in this area when advancing these claims about new abolitionist schools of thought. The point is that there is a movement to go beyond prison abolition and focus on penal, and carceral abolition, which would include all kinds of carceral sites that need to be investigated and confronted. This is consistent with Marx and Foucault who argued that the criminal justice system is entwined with other social formations, discourses, and institutions and social transformation cannot happen in one system alone.

There are also some adjacent works that do not explicitly identify as abolitionist, but provide compelling tools and arguments in this vein. For instance, Pemberton's (2007) work on social harm is useful for showing how prisons and police create social harm. Instead of being conceived as a response to harm, it is argued that they create social harm in numerous ways including harming entire communities and neighbourhoods that become criminalized. The concept of social harm is useful for thinking about the negative consequences of the criminal justice system and also for introducing some language not based on the ideological language

of crime and criminal law, which reproduces stereotypes (like the discourse of "the criminal" discussed above) and assumptions regarding who is engaging in harm/transgression.

Clear's (2009) *Imprisoning Communities* is an incredibly important book on how imprisonment creates more harm than it avoids. Using quantitative data, Clear demonstrates that imprisonment undoes social bonds in neighbourhoods and communities where criminalization is high. Imprisonment increases divorce rates, decreases education rates, decreases employment rates, and dissolves the community. Pemberton's (2007) notion of social harm and Clear's (2009) notion of imprisoning communities show that prisons and jails are not only failed institutions in the sense that they fail to produce rehabilitation at an individual level, but they are damaging and harmful institutions at a social level because they have the capacity to damage entire communities and neighbourhoods where policing and criminalisation is high, often in already marginalised and racialised communities.

Hil & Robertson (2003) wrote about the future of critical criminology and the need to continue the project undertaken early on by those studying "new deviancy" to create different terminology and language that is an alternative to criminology itself. Today, it is difficult to imagine critical criminology without the terms and insights that police abolition and penal abolition work has provided. The future of critical criminology needs this abolitionist work to truly provide not only an alternative to criminology but an alternative to the criminal justice system. One major difference between abolitionist critical criminology and some forms of critical criminology which remain mostly analytical, is that it is engage and scholar activist oriented. Abolitionist critical criminology provides analyses and it provides investigations, but it also advocates for material change. It follows the path of critical social sciences with a focus on deconstructing dominant knowledge and engaging in social transformation by questioning taken-for-granted ways of thinking or knowing.

Convict Criminology

Another important approach somewhat connected to abolitionist work is convict criminology. Convict criminology is an approach to criminology that privileges the voices and standpoints of persons who have been criminalised or who have been affected by the criminal justice system (Richards & Ross, 2001). Experiential people combine their time inside prisons with their academic knowledge to provide new insights into the operation of the criminal justice system. Convict criminology began two decades ago (Jones et al., 2009) and was largely a US-based approach bringing together scholars who had experience behind bars or experience being criminalised to use their insights as a platform for analysing the criminal justice system and exploring the power relations involved in the criminal justice apparatus. Using ethnographic methods and empirical research, they highlight the destructive impact of prisons and penality from an experiential position.

Convict criminology has now branched out and become a global phenomenon (Ross et al., 2014).

What is important about this expansion is that convict criminologists in different countries are uniquely positioned to shed light on and investigate the criminal justice system in each country, and to provide comparative insights. The works of convict criminology are experiential and provide insights from inside prisons and jails, which is important because scholarly criminological work that is more or less based on deductive academic concepts can not only be wrong, but also be harmful and alienating to people who have experienced the harms of the criminal justice system. Rather than providing a deductive armchair approach, convict criminology provides a more inductive and immanent understanding of criminal justice processes. *The Journal of Prisoners on Prisons* is the official journal publication of convict criminology. Today, it is almost impossible to think about what critical criminology would be without including convict criminologists and the kinds of inquiries they provide.

In sum, abolitionist thinking provides the alternative to criminology and the criminal justice system that critical criminology should be seeking. Convict criminology provides experiential voices that are pivotal to critical criminological studies.

New Research Tools for Critical Criminology

In addition to the vast range of empirical and ethnographic methods of research used by critical criminologists, many methods of critical criminology are anti-positivist in orientation. This means the use of the scientific method or natural science methods (see chapter 5 Methods and Counting Crime) is viewed as problematic in the social sciences because according to Habermas (1967), the social has a symbolically pre-structured reality which cannot be considered objective. This concept is parallel to what Foucault claimed – that what we think of as normal or observable is not always what it seems and is often embedded with power relations. Therefore, critical criminology requires an orientation to research that recognises this.

Most critical criminology uses **historical ethnography**, **qualitative methods**, **institutional ethnography**, and **critical discourse analyses**, which we will not explore here. In addition, many critical researchers realise that the trustworthiness or credibility of interviews with police or corrections workers can often be low. To overcome this concern, the records of related government agencies need to be examined to identify broad patterns. This would allow research to work around the rhetoric or clouded information that criminal justice agencies make public which has been argued to be a form of camouflage used to protect their own interests and budgets (Mussel et al., 2022; Piché et al., 2017). Based on this concern, two methodological developments can aid in critical criminological research: the use of **FOI requests** and the use of **computational methods**. We argue that these methodological considerations should be considered as part of the future of critical criminology.

First, more critical criminologists are turning to FOI requests as a form of qualitative research to investigate state and criminal justice practices. FOI requests allow access to state records that would otherwise not be disclosed (Walby & Luscombe, 2017, 2019). These records could include

anything from planning and budget documents to meeting minutes to emails between criminal justice officials and occurrence reports of police officers and prison guards. As a number of works have found, FOI requests can provide illuminating investigative accounts of criminal justice. In Canada, the works of Justin Piché (Piché et al., 2017; Piché, 2011, 2012) have used FOI to compare front stage rhetoric (or what we see in the public) to the backstage practices (what really goes on) of prisons and jails. FOI has been used to investigate paid duty or special duty policing (Lippert et al., 2019) and to police militarisation and SWAT team deployment (Roziere & Walby, 2020). FOI research has been used to address police responses to social movements and police surveillance of social movements, notably in the work of Jeffrey Monaghan (Monaghan & Walby, 2012a, 2012b). This method allows for the release of information about the nature of state action and inaction and provides evidence of changes in criminal justice work and the nature of state power.

For example, Roziere and Walby (2020) gathered FOI data on the deployment of SWAT teams by Canadian police. They found that, contrary to police communications, the use of SWAT teams in major Canadian cities has escalated, and they are used in routine law enforcement activities such as traffic enforcement and in responding to mental health crises. This is critical evidence that police in Canada are becoming increasingly militarised.

As some of this research has made clear, there are benefits to using FOI in critical criminology and investigative research more generally. Luscombe and Walby (2015) have advocated for using FOI in conjunction with other investigative techniques, such as computational social science (also see Luscombe et al., 2017), another emerging research method (Luscombe et al., 2022; Luscombe et al., in press; Williams & Burnap, 2016; Al-Zaidy et al., 2012). Here we argue that critical criminology can harness the power of computational social science to add another investigative tool to its methodological toolkit. Computational social science involves using computers to model, simulate and analyse social phenomena, and to assess patterns and trends in working with big data. Big data could be anything from corporate databases or government data, which could be obtained using FOI (Luscombe & Walby, 2022). Or it could be any other kind of open-source record from government deliberations to social media data. This could include studying image data from newspapers or social media, police news releases, or legal decisions spanning decades. It could also include scraping websites, which involve writing a computer code that scans through websites to collect select data. The point is one wants to work with a gigantic dataset that could not feasibly be examined by humans using discourse or content analysis.

In computational research, what one does is write a code (using R or Python) to perform different tasks on the dataset that reveal something about trends or patterns in that data. For example, one approach is topic modelling. Topic modelling gives one a sense of the various topics emerging and their frequency in a large dataset. Others are sentiment analysis (SA) and social media sentiment analysis (SMSA) or "opinion mining", which allows one to trace out the sentiments or emotional terminology appearing in, for example, a large social media dataset. This could reveal how certain speakers or authors are framing, or discussing a social issue such as transgression, crime or responses to these phenomena. Prichard and colleagues (2015) argue

that SMSA is a powerful tool for researching public attitudes toward crime and crime control and can summarise publicly expressed thoughts, beliefs and arguments about what behaviour is criminalised, how categories of criminals are perceived and how police operate.

An example of this method is found in research focusing on attitudes toward the health of incarcerated people during the COVID-19 pandemic as it relates to prison reform (Ramjee et al.,2022). Utilising SA to assess emotions and opinions in newspapers, they found support for the urgency of criminal justice reform in the USA as it related to the health of racialized minorities who were incarcerated.

These computational techniques alone do not necessarily provide a definitive investigative outcome, but what they do is tell critical criminologists where to look in a large dataset. They can tell critical criminologists what is happening in a certain area of practice with a certain set of records, which the critical criminologist can then explore more deeply in depth using other investigative and qualitative techniques.

Computational research requires a particular skill set that involves computer coding and even some quantitative techniques. But we would argue that when it comes to critical criminology, what computational social science can add is insights about where to look for what is happening with records (Luscombe et al., 2022; Luscombe & Walby, 2022). Narrowing down exactly where certain trends or patterns are emerging in a large data set is useful for making particular arguments and conclusions about the criminal justice system. Computational social science also allows researchers to work with the increasingly prevalent forms of online and digital data. More digital data are produced every month and computational research is designed to pry open big data and see what trends and patterns are there. A more digital information flows become integrated into criminal justice work practices, computational social science will become an increasingly important tool for critical criminologists.

FOI requests and computational social science techniques provide investigative tools that can be useful to a critical criminologist. It is not surprising that investigative journalists are increasingly using FOI requests and computational social science techniques because they are also encountering barriers to traditional investigative techniques like interviewing or keeping insider sources. We argue that critical criminology should move in the same direction. FOI requests, computational techniques, and other investigative techniques should be used to both examine state criminal justice practices and confront them.

Summary

We have argued that police and penal abolition should be central to critical criminology, and that critical criminology should embrace police and penal abolitionist works even if they do not explicitly identify as criminological. These works on police and penal abolition provide insights into criminal justice practices and alternatives to both criminology and the criminal justice

system which we have argued critical criminology is all about. It is not surprising that police and penal abolitionist works have provided such a useful set of terms and insights for resisting not only the criminal justice system but criminology itself, precisely because many of these works are located outside the discipline of criminology and outside the institutional networks that exist between the criminal justice system in criminology.

We have also argued that FOI requests and computational social science can provide methodological tools for critical criminologists to use to investigate criminal justice practices and institutions. FOI requests and computational techniques are promising investigative tools. They have limits and barriers, but they provide an alternative to positivist methods and overcome some of the limits associated with qualitative research methods.

10.5 Conclusion

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Critical criminology appears abstract and difficult, but in many ways, it is simple. It has its beginnings in the critical theories of Marx and the conception of repressive power as it is linked to the state and the capitalist economy. It was expanded by Foucault who thought about power as constitutive and all- encompassing, considering people as part of the processes of power in how they regulate themselves and others. Contemporary critical criminology has largely settled on abolitionist thought. All these different ways of thinking about criminal justice share the idea that existing systems are inherently violent therefore, they must be rethought, denaturalised, and deconstructed in an effort to emancipate and create material change.

10.6 Discussion Questions

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1. What are Marx's main contributions to understanding law and criminal justice?
2. What are the main phases of Foucault's work? How are they similar and how are they different?
3. What are the primary differences between Marx and Foucault's understanding of power?
4. How do abolitionists understand criminal justice reform?
5. What critical research tools can scholars use to investigate criminal justice agencies?

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11. FEMINIST CRIMINOLOGY

Dr. Rochelle Stevens, Thompson Rivers University

Positionality Statement

My name is Rochelle Stevenson, and I identify as a white, heterosexual, cisgender woman. I currently live in Kamloops, BC, on the lands of the Tk'emlúps te Secwépemc within Secwépemc'ulucw, the traditional and unceded territory of the Secwépemc peoples. I am an uninvited guest in their territory, and I am grateful for the hospitality of the Secwépemc people as I live, work, and learn on their lands. I share my life with my partner, and we are parents to a wonderful Standard Poodle and two adorable cats.

I was born and raised in Oakville, Ontario. My parents were both Canadian-born, as were my grandparents. My great-grandparents immigrated to Canada from Ireland and France, settling in Quebec and Ontario. Despite the fact that neither of my parents had attended university, we enjoyed a great deal of financial and social privilege. It was not until returning to university as a mature student to pursue my degree in Criminology that I truly realized the extent of that privilege. Confronting my privilege was very uncomfortable, but critical to my growth as a scholar and a person. My early studies opened my eyes to the stark contrasts in experience, comparing my own experiences of private ski clubs and private schools to reading about women who didn't leave abusive relationships because they had no resources. More than once I questioned whether I was in the right space, but my desire to effect change was the driving force to continue.

My research is firmly centred in a feminist space with its anti-oppression framework, paired with the non-speciesism of the human-animal bond. My work over the past 15 years has centred on the intersection of intimate partner violence and animal mistreatment, recognizing that companion animals are family members too, and domestic violence can include abuse towards animals in the home. My drive for change includes advocating for pet-friendly spaces, such as domestic violence shelters and housing, so that the family (animals included) can remain together while healing from violence. Though this work is emotionally challenging (even heartbreaking) at times, and I consistently wrestle with my own position of relative privilege, my furry family members are my inspiration to keep moving forward to create a safe and inclusive society.

Dr. Jennifer Kusz, Simon Fraser University

Positionality Statement

My name is Jennifer Kusz, and I am white, heterosexual, settler. My background is English/ Scottish and Italian. My father was RCMP for 31 years, and as a child we moved around B.C. a lot. I spent time living in small communities, including Port Hardy, Masset and then back to Vancouver Island as a young adult. My mother worked as a 911 operator, and then various bookkeeping jobs. I grew up believing we were middle class, but relative to the many people we were living alongside we lived a privileged life. There was always food on our table, we were able to plan for family vacations to Disneyland and Hawaii, and when we lived in what the RCMP defined as remote communities, there was funding available for us to travel. Neither of my parents completed university and being able to pay for both their daughters to attend university was an important goal for them. My sister and I went to university straight out of high school and graduated with our undergraduate degrees without any student debt, thanks to the generosity and privilege bestowed upon us by our parents. Currently, I live with my partner, three children, five cats and a dog. We live, work, teach, and learn on the ancestral, traditional, and unceded Indigenous territories of the Snuneymuxw, Quw'utsun and Tla'Amin peoples.

I am a feminist and a criminologist. I have spent more than 10 years researching and supporting victims of domestic and sexual violence. My line of work and research intersects with the intergenerational violence that Indigenous peoples have experienced for centuries. Over time, my understanding of the harms has broadened to consider how Indigenous people, particularly women, are simultaneously impacted through their experiences as women, interests with their experiences through colonization, intergenerational trauma, and systemic discrimination.

I continue to work through and unpack my own privilege, and attempt to use my power and privilege to educate students, colleagues, family and friends about privilege, power, racism, and discrimination. I will continue to be an ally with those who are in positions of less power and privilege than I.

Dr. Sheri Fabian, Simon Fraser University

Positionality Statement

My name is Sheri Fabian and I identify as a white, heterosexual, settler woman. I now live in

Coquitlam, BC on the unceded traditional, ancestral, and occupied lands of the Coast Salish peoples including the xʷməθkwəy̓əm, Skwxwú7mesh, Səl̓ílwətaɬ, and Kʷikʷəƛ̓əm Nations. I acknowledge these are stolen lands, the harms and mistakes of the past and present, and I dedicate myself to moving forward as an accomplice with Indigenous communities in a spirit of reconciliation and collaboration.

My paternal grandparents immigrated from Scotland and Ireland, and my maternal grandfather was Slovakian, born in what was then Czechoslovakia, immigrating to Canada alone at 14. My maternal grandmother was born in Saskatchewan and she and my grandfather relocated to Kelowna, in the interior of BC. My father was born in Salmon Arm, BC, my mother was born in Kelowna, as were I and my brother and sister. Growing up, I was one of very few my age whose parents were born in BC, and it was even more unlikely that my classmates' grandparents were born in Canada, let alone BC. My husband and I have one daughter who lives in Edmonton, and we are about to be first-time grandparents. I live with my husband and four cats.

I moved Vancouver in 1980 to attend UBC, completing a BA in English and Sociology as a first generation university graduate. I've remained in the greater Vancouver area since then and I am now a University Lecturer in the School of Criminology at Simon Fraser University. I only began to understand my own privilege when I attended university. I became more aware of that privilege as I spent 15 years validating residential school survivor claims. That research helped me better understand the colonial project of the Canadian government that continues to harm Indigenous peoples today. That work continues to shape who I am, my relationships and interactions with others, and how I teach. One of my greatest joys is helping students see their own potential, paying forward the very gift my mentors gave to me.

Dr. Tara Lyons (she/her), Kwantlen Polytechnic University

Positionality Statement

I am a queer cisgender woman of English, French, Irish, and other mixed European descent. I grew up on unceded, ancestral, and traditional Lheidli T'enneh territories and currently live on unceded, ancestral, and traditional Səl̓ílwətaʔ/Selilwitulh (Tsleil-Waututh), Kʷikʷəƛ̓əm (Kwikwetlem), xʷməθkwəy̓əm (Musqueam), Skwxwú7mesh (Squamish), and Stó:lō territories.

It took me some time to find my way through an undergraduate degree including stops at BCIT, Douglas College, and Simon Fraser University. Gender studies classes at Douglas College were the first to open up my views of patriarchy and how my positionality shapes my experiences and understandings of the world I occupy. These and subsequent classes pushed me to think critically about the harms of feminist approaches that are exclusionary and narrowly focused on cisgender White women perspectives. My most valued learnings

throughout graduate studies at Concordia University and Carleton University were call ins, collaboration, and actions with communities of folks engaged in drug policy, prison abolition, and anti-capitalist activism. I am one of the first in my family to attend a post-secondary institution.

Introduction

At the 2019 American Society of Criminology conference, Meda Chesney-Lind's address focused on the overwhelming role gender still plays in the criminal justice system, both in the victimisation and criminalisation of women, and the presence of sexism and racism in criminology at large (Chesney-Lind, 2020). Chesney-Lind has been referred to as the "mother of feminist criminology" (Belknap, 2004, p. 2), and her critique stings, especially considering the past 50 years of work by feminist criminologists. Feminist criminology, at its core, highlights issues of inequality and power rooted in patriarchy (for an explanation of patriarchy, see What is patriarchy?[1]), and the intersecting and embedded oppressions of race, colonialism, class, sexualities, and gender within the context of crime and criminality. As Chesney-Lind (2020) points out, as a discipline, "criminology needs to be more clearly engaged in [feminist] research to undo its history of sexism and racism" (p. 419).

In this chapter, we feature feminist criminology as an important area within the broader discipline of criminology. First, we identify the foundations of feminist criminology, the contributions of feminist thought to existing explanations for criminality, victimsation, and offending, and the issues that brought feminist criminology to the surface. Next, we focus on the treatment of women in the criminal justice system and how intersecting social identities impact women's experiences of violence and criminalisation. We include the human rights crisis of murdered and missing Indigenous women as one example of this **intersectionality** reflected in the criminal justice system. We end with a summary of historical and contemporary critiques of feminist criminology. Throughout the chapter, we also incorporate the important work of Kimberlé Crenshaw (1989) on intersectionality (see Kimberlé Crenshaw: The urgency

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1. Scan the QR code to access https://www.youtube.com/watch?v=R0LXAC2PXuU

of intersectionality[2]), and the work of Black scholars like Angela Davis, Hillary Potter, and Crenshaw to shift feminist criminology's focus away from primarily White, middle-class, heterosexual women.

2. Scan the QR code to access https://www.ted.com/talks/
kimberle_crenshaw_the_urgency_of_intersectionality?language=en

11.1 Foundations of Feminist Criminology

DR. ROCHELLE STEVENSON; DR. JENNIFER KUSZ; DR. TARA LYONS; AND DR. SHERI FABIAN

It is helpful to begin with a brief definition of feminism. A central definition can be challenging, because as the Break Out Box below illustrates, there are many kinds of feminism, each with their own unique focus. However, there are features common to every type of feminism that we can use to establish a solid foundation when exploring feminist criminology. Primarily, feminism argues that women suffer discrimination because they belong to a particular sex category (female) or gender (woman), and that women's needs are denied or ignored because of their sex. Feminism centres the notion of patriarchy in understandings of inequality, and largely argues that major changes are required to various social structures and institutions establish gender equality. The common root of all feminisms is the drive towards equity and justice.

Break Out Box: Different Feminisms

Feminist perspectives in criminology comprise a broad category of theories that address the theoretical shortcomings of criminological theories which have historically rendered women invisible (Belknap, 2015; Comack, 2020; Winterdyk, 2020). These perspectives have considered factors such as patriarchy, power, capitalism, gender inequality and intersectionality in the role of female offending and victimization. The six main feminist perspectives are outlined below.

Liberal Feminism

According to Winterdyk (2020) and Simpson (1989), liberal feminism focuses on achieving gender equality in society. Liberal feminists believe that inequality and sexism permeate all aspects of the social structure, including employment, education, and the criminal justice system. To create an equal society, these discriminatory policies and practices need to be abolished. From a criminological perspective, liberal feminists argue that women require the same access as men to employment and educational opportunities (Belknap, 2015). For example, a liberal feminist would argue that to address the needs of female offenders, imprisoned women need equal access to the same programs as incarcerated men (Belknap, 2015). The problem with the liberal feminist perspective is the failure to consider how women's needs and risk factors differ from men (Belknap, 2015).

Radical Feminism

Radical feminism views the existing social structure as patriarchal (Gerassi, 2015; Winterdyk, 2020). In this type of gendered social structure, men structure society in a way to maintain power over women (Gerassi, 2015; Winterdyk, 2020). Violence against women functions as a means to further subjugate women and maintain men's control and power over women (Gerassi, 2015). The criminal justice system, as well, becomes a tool utilized by men to control women (Winterdyk, 2020). It is only through removing the existing patriarchal social structure that violence against women can be addressed (Winterdyk, 2020).

Marxist Feminism

Like the radical feminist perspective, Marxist feminists view society as oppressive against women. However, where the two differ is that Marxist feminists see the capitalist system as the main oppressor of women (Belknap, 2015; Gerassi, 2015). Within a classist, capitalist system, women are a group of people that are exploited (Winterdyk, 2020). Exploitation in a capitalist system results in women having unequal access to jobs, with women often only having access to low paying jobs. This unequal access has led to women being disproportionately involved in property crime and sex work (Winterdyk, 2020). Like other Marxist perspectives, it is only through the fall of capitalism and the restructuring of society that women may escape from the oppression they experience.

Socialist Feminism

Social feminists represent a combination of radical and Marxist theories (Belknap, 2015; Winterdyk, 2020). Like radical feminists, they view the existing social structure as oppressive against women. However, rather than attributing these unequal power structures to patriarchy, they are the result of a combination of patriarchy and capitalism. Addressing these unequal power structures calls for the removal of the capitalist culture and gender inequality. Socialist feminists argue these differences in power and class can account for gendered differences in offending – particularly in how men commit more violent crime than women (Winterdyk, 2020).

Post-modern Feminism

Ugwudike (2015) outlines how postmodern feminism focuses on the construction of

knowledge. Unlike other perspectives outlined above, which suggest there is "one reality" of feminism, postmodern feminists believe that the diversity of women needs to be highlighted when one considers how gender, crime and deviance intersects to inform reality (Ugwudike, 2015, p. 157). For postmodern feminists, they acknowledge the power differentials that exist within society, including gendered differences, and focus on how those constructed differences inform dominant discourses on gender. Of importance is the focus on "deconstructing the language and other means of communication that are used to construct the accepted 'truth' about women" (p. 158). Also of importance is the acknowledgement of postmodern feminism regarding how other variables, like race, sexuality, and class, influence women's reality (Ugwudike, 2015).

Intersectional Feminism

Winterdyk (2020) notes that some academics add a sixth perspective. Intersectional feminists address the failure of the above perspectives to consider how gender intersects with other inequalities, including race, class, ethnicity, ability, gender identities, and sexual orientation (Belknap, 2015). Some of the above theories attempt to paint the lived experiences of all women as equal, whereas intersectional perspectives acknowledge that women may experience more than one inequality (Winterdyk, 2020). There is an inherent need to examine how these inequalities intersect to influence a women's pathway to offending and/or risk of victimization. Recently, Indigenous Feminism has emerged as a critical discourse on feminist theory that considers the intersection of gender, race, as well as colonial and patriarchal practices that had been perpetuated against Indigenous women (Suzack, 2015).

Feminist activism has proceeded in four 'waves' (for a discussion of the waves of feminism, see A Timeline | Aesthetics of Feminism[1]). The first wave of feminism began in the late 1800s and early 1900s with the suffragette movement and advocacy for women's right to vote. The second wave of feminism started in the 1960s and called for gender equality and attention to a wide variety of issues directly and disproportionately affecting women, including domestic violence and intimate partner violence [IPV] employment discrimination, and reproductive rights. Beginning in the mid-1990s, the third wave focused on diverse and varied experiences of discrimination and sexism, including the ways in which aspects such as race, class, income, and education impacted such experiences. It is in the third wave that we see the concept of

1. Scan the QR code to access https://www.youtube.com/watch?v=bQK6FvJybG0

intersectionality come forward as a way to understand these differences. The fourth wave, our current wave, began around 2010 and is characterised by activism using online tools, such as Twitter. For example, the #MeToo movement is a significant part of the fourth wave. The fourth wave is arguably a more inclusive feminism – a feminism that is sex-positive, body-positive, trans-inclusive, and has its foundations in "the queering of gender and sexuality based binaries" (Sollee, 2015). This wave has been defined by "'call out' culture, in which sexism or misogyny can be 'called out' and challenged" (Munro, 2013).

We return to the second wave of feminism, in a time of social change, where feminist criminology was born. The emerging liberation of women meant newfound freedoms in the workforce and in family law, including the availability and acceptability of divorce, but these relative freedoms rendered gender discrimination even more visible. In the 1960s and 1970s, North American society specifically was full of unrest, with demonstrations and marches fighting for civil rights for Black Americans, advocating for gay and lesbian rights, and protesting the Vietnam War. Marginalised groups were calling out inequality and oppression, and demanding change. Feminist activism brought attention to the inequalities facing women, including their victimisation, as well as the challenges female offenders faced within the criminal justice system. The breadth and extent of domestic violence, specifically men's violence against women within intimate relationships, was demonstrated by the need for domestic violence shelters and the voices of women trying to escape violence. Conversations at the national level led to government-funded shelters as well as private donor funding from those who saw the need for safe havens from abuse.

At the same time, the historic and systemic trauma of women involved in the criminal justice system as offenders was being recognized, including attention to their histories of abuse, poverty, homelessness, and other systemic discriminations. In the late 1970s and early 1980s, feminist scholars recognised the absence of women within criminological theory; more specifically, as Chesney-Lind and Faith (2001, p. 287) highlight, feminist theorists during this time "challenged the overall masculinist nature of criminology by pointing to the repeated omission and misrepresentation of women in criminological theory."

Feminist criminology, mainly driven by American feminist scholars and activists, began with feminist theorists' call to action to address racism and sexism within criminology and the criminal justice system.

11.2 Critiques of Existing Criminological Theory

DR. ROCHELLE STEVENSON; DR. JENNIFER KUSZ; DR. TARA LYONS; AND DR. SHERI FABIAN

When feminist criminology emerged in the 1970s, the focus was mainly on how women were accounted for in criminological theories. Feminist criminologists recognised that theories of crime and deviance regarding women's offending tended to take one of three paths: (1) theories were openly misogynistic, negatively portraying women or situating them as "less than" men; (2) theories were gender blind and completely ignored gender; or (3) theories took an "add women and stir" approach, meaning that the theory was primarily about men and assumed explanations for crime and deviance could be applied to women without question. Most criminological theories were silent on the victimisation of women.

Cesare Lombroso is referred to as the "father of criminology" (Belknap, 2015; Deutschmann, 2007; Williams & McShane, 2010). His theory is openly misogynistic, viewing women as "less than" men and discussing them in a negative manner; thus, Lombroso's theory serves as an excellent example of the first path theories tend to take regarding women's offending.

In the late 1800s, Lombroso studied both male and female incarcerated offenders in Italy, examining their physical characteristics to see what differentiated criminals from non-criminals. He developed the concept of the born criminal—individuals who were **atavistic**, more primitive and less evolved than non-criminals, and thus more prone to engage in criminal activity (Williams & McShane, 2010). Lombroso argued that women were typically less evolved than men, but their criminal tendencies were balanced by their lack of intelligence and passive natures. Deutschmann (2007) summarised Lombroso's gendered approach:

> "The typical woman…was characterized by piety, maternal feelings, sexual coldness, and an underdeveloped intelligence. Criminal women, on the other hand, were either born with masculine qualities (intelligence and activeness) conducive to criminal activity, or encouraged to develop these qualities through such things as education and exercise." (p. 163)

The second path theories take regarding female offending is exemplified by the original social bond theory by Travis Hirschi, which completely ignored gender and the female experience. Social bond theory examined why people conform to rules and laws, avoiding offending. Hirshi (1969) posited that four key bonds discouraged criminal activities: attachment, commitment, involvement, and belief. When initially testing his theory, Hirschi focused exclusively on boys, even though both girls *and* boys were included in his sample (Belknap, 2015). As a result, the female experience is invisible in social bond theory. Hirschi's exclusive focus on boys and men in research while developing and testing theory was not unique at the time; social bond theory simply represents one example of how a degree of gender blindness was (and still is) common

in many criminological theories. Such gender blindness results in theories of criminality based entirely on data and experiences of boys and men, actively erasing the unique perspectives and experiences of girls and women.

Lastly, Cloward and Ohlin's (1960) opportunity theory demonstrates the "add women and stir" approach in criminological theory, the third path that theories on crime and deviance tended to take regarding women's offending. Drawing on Merton's idea of strain as the gap between socially prescribed goals and the inability to achieve those goals, Cloward and Ohlin (1960) argued that there were both legitimate and illegitimate ways to achieve goals, and these opportunities differed based on someone's race, neighbourhood, class, and gender (Deutschmann, 2007; Williams & McShane, 2010). Rather than theorising how men and women may experience strain differently, Cloward and Ohlin viewed boys as having "legitimate concerns" around money and status, while girls were seen as experiencing "frivolous concerns" related to finding romantic partners (Belknap, 2015, p. 33). While they mentioned gender in their theory, Cloward and Ohlin (1960) made assumptions about the goals of women, and actively ignored the unique strains faced by women, such as discrimination, parenting and childrearing responsibilities, limited education and employment opportunities, and disproportionate victimisation.

The many androcentric (male-centred) explanations for crime and criminality not only centred on men as the primary focus of explanations, but were mainly the work of male theorists. This reality called for a new theorising of women, created by women, related to both victimisation and criminalisation. Feminist criminologists demanded a centring of gender as a key factor in understanding crime and criminality. Here we see the scholarship of ground-breaking feminist criminologists like Meda Chesney-Lind, Carol Smart, and Karlene Faith, and the theorists and criminologists they have inspired, such as Elizabeth Comack, Gillian Balfour, Joanne Belknap, and others.

11.3 Issues that Brought Feminist Criminology to the Surface

DR. ROCHELLE STEVENSON; DR. JENNIFER KUSZ; DR. TARA LYONS; AND DR. SHERI FABIAN

The key issues that brought feminist criminology to the surface involved domestic violence or violence against women (Dobash & Dobash, 1979; Johnson, 1996; Johnson & Dawson, 2011) and the differential and unequal treatment of women as offenders within the criminal justice system (Britton, 2000; Chesney-Lind & Pasko, 2004; Comack, 1996). We discuss the issue of women as offenders later in this chapter. We look now to how the contributions of feminist criminology have shaped our understandings of women's victimisation.

Victimisation

"Feminist criminology has perhaps made its greatest impact on mainstream criminology in the area of women's victimization" (Britton, 2000, p. 64).

Gender-based violence is disproportionately experienced by women in Canada (Cotter & Savage, 2019, p. 3) and around the world (World Health Organization, 2021). As Bruckert and Law (2018) note, violence against women stems from a broad range of systemic issues, including those rooted in patriarchal beliefs, such as colonialism, neoliberalism and capitalism (p. 9). Such social structures intersect with aspects of identity (such as sexual orientation, gender expression, age, ability, ethnicity) which can increase risk of victimisation.

Female victims account for two-thirds of police-reported family violence in Canada (Conroy, 2021). Women are much more likely to be murdered by their male intimate partners than male partners are to be murdered by their female partners; in fact, women make up approximately 80% of all victims of **intimate partner homicide** (Conroy, 2021).

The trend of the disproportionate victimisation of women grows larger when looking at the victimization of women along intersectional social positions and identities:

While anyone in Canada can experience violence, women, girls and young women, Indigenous women and girls, lesbian, gay and bisexual people, women living with a disability and women living in rural and remote regions, are at greater risk of violence. (Government of Canada)

Specifically, women with disabilities experience double the rate of violent crime compared to women without disabilities (Cotter, 2018). With regards to lesbian, bisexual, transgender and non-binary people's experiences of violence, there is a lack of comprehensive statistics, but the available evidence indicates that bisexual women and transgender individuals face very high

levels of violence compared to their heterosexual and cisgender counterparts (Jaffray, 2020; Langenderfer-Magruder et al., 2016). In particular, bisexual women in Canada have the highest rates of violent victimisation and physical assault, and transgender people are more likely to experience violence compared to cisgender people in Canada (Jaffray, 2020). When considering intersections of transphobia and racism, experiences of violence are higher among racialised transgender and non-binary individuals (Chih et al., 2020). While the lack of comprehensive data on transgender women and non-binary people's experience of victimisation is glaring (see Experiences of violent victimization and unwanted sexual behaviours among gay, lesbian, bisexual and other sexual minority people, and the transgender population, in Canada, 2018 (https://www150.statcan.gc.ca/n1/pub/85-002-x/2020001/article/00009-eng.htm)), as is the lack of available data on Black women's victimisation, what we do know is that Black women's experiences of violence are rooted in misogynoir, a concept coined by Moya Bailey and defined as "the virulent and often unseen hatred directed at Black women due to the intersections of anti-Blackness, misogyny and racism in society" (Maynard, 2017, p. 130). Feminist criminology critically interrogates statistics such as the ones presented above, and points to the gendered elements of such violence, calling for wide recognition and social and criminal justice reforms.

Indigenous women's experiences of violence are also situated within intersectional social identities as well as colonial and gendered structural inequities. In particular, Indigenous women's experiences of violence are directly linked to the colonial history of Canada, beginning with the *Indian Act*, and permeating through past and present discriminatory policies and practices within various social institutions, including but not limited to health care, criminal justice and education. The intergenerational trauma of the residential school system, as well as pervasive systemic racism, have resulted in higher levels of domestic violence, substance abuse, and suicide (Comack, 2018). Indigenous women are also much more likely to be the victims of violent assaults and victimisation than non-Indigenous women, and this violence tends to be more severe (Monchalin, 2016) (see 'Nobody wants to look for a 40 year-old Native woman down here' (https://www.aptnnews.ca/national-news/nobody-wants-to-look-for-a-40-year-old-native-woman-down-here/)). For example, in Canada, Indigenous women are three times more likely to experience intimate partner violence than women who are not Indigenous (Boyce, 2016). A crisis of violence against Indigenous women and girls in this country exists, yet too often the victimization of Indigenous women continues to be dismissed and ignored by legal and law enforcement systems.

11.4 Sexualised Violence

DR. ROCHELLE STEVENSON; DR. JENNIFER KUSZ; DR. TARA LYONS; AND DR. SHERI FABIAN

The majority of victims who experience sexualised violence (e.g., sexual assaults, sexual harassment, unwanted touching, revenge pornography) are women. Young women and girls face greater rates of sexual violence, representing nearly nine out of every ten (87%) survivors of sexual assault (Rotenberg, 2017). Age plays a role as well, with 12- to 17-year-olds comprising approximately one-third of victims, and 18- to 24-year-olds comprising 21% of victims (Rotenberg, 2017, p. 13). In data collected from 2009 to 2014 on sexual assaults against men and women, men were the perpetrators of sexual assault in 98% of the cases where charges were laid (Rotenberg, 2017). As with all other forms of victimisation, women's experiences depend on their interlocking social identities. For example, women with disabilities reported double the rate of sexual assaults in the last 12 months compared to women without disabilities (Cotter, 2018). Moreover, bisexual women were close to four times more likely to experience sexual violence in the past year compared to heterosexual women (Jaffray, 2020). Bisexual women are also more likely to report sexual assault and unwanted sexual behaviours online and in public compared to heterosexual and gay women and men (Jaffray, 2020). Similarly, transgender people are more likely to report unwanted sexual behaviour online and in public compared to cisgender people in Canada (Jaffray, 2020). As with other forms of violence, certain groups of women are more likely to experience sexual violence due to racism, colonialism, transphobia, and ableism (Government of Canada, n.d.; Lyons et al., 2017b). The risk of violence also increases for gender and sexual minorities, particular for those who are Black, Indigenous, or racialized. Griner et al.'s (2020) survey of US college students found transgender people were much more likely than cisgender people to experience violent victimisation and especially sexual assault (p. 5716). The 2018 Statistics Canada Survey of Safety in Public and Private Spaces shows similar findings that "a higher proportion of transgender Canadians … had experienced physical or sexual assault in their lifetimes than cisgender Canadians" (Jaffray, 2020, p. 12).

Not only do women experience sexualised violence at disproportionately higher rates than men, women are also much more likely to be blamed for their own victimisation, such as in cases of sexual assault. One of the more glaring examples of the pervasiveness of **victim-blaming** can be seen in the judgment delivered by ()Robin Camp, an Alberta judge who asked a sexual assault complainant in a sexual assault trial why she couldn't simply "keep her knees together." Camp subsequently resigned his position as a judge because of the social outcry over his attitude towards sexual assault victims (for more on this case, see 'Knees together' judge in sexual assault

trial says he will resign from the bench[1]), however he was reinstated as a lawyer in Alberta less than a year later (see 'Knees together' judge Robin Camp wins bid to be reinstated as lawyer in Alberta[2]). Victim blaming has also been found to be pervasive when women report sexual assaults to police. The *Globe & Mail* Unfounded investigation (see Unfounded: Police dismiss 1 in 5 sexual assault claims as baseless, Globe investigation reveals[3]) revealed that police dismiss 20% of sexual assault claims because they do not believe a crime has been committed (Doolittle, 2017). Fear of victim blaming is also one of the reasons for the underreporting of sexual assaults (and other forms of sexualised violence). Assessing self-reports of victimisation from the General Social Survey, Conroy and Cotter (2017) reveal that over 8 in 10 sexual assaults are not reported to the police, a proportion that has remained constant over several decades. Reasons for the lack of reporting include feelings of shame, guilt, and worry about what people will think of them should their assault be known (Conroy & Cotter, 2017).

What feminist criminology does, then, is point to the role of patriarchy, colonialism, capitalism and other social structures and relationships in our broader society regarding the disproportionate victimisation of women. While patriarchy privileges men and the male experience over women and the female experience, establishing men as more important and more valued and positioning women in a perpetual state of vulnerability, third wave feminism, which spans from the mid-1990s to approximately 2010 (Delago, 2021), and critical race scholars established the vital importance of intersectional analyses of gender-based violence (Bruckert & Law, 2018).

Feminist criminology challenges social institutions including police, courts, and corrections

1. Scan the QR code to access https://www.thestar.com/news/canada/knees-together-judge-in-sexual-assault-trial-says-he-will-resign-from-the-bench/article_9c8ff73e-3584-551a-ae2b-a20247f5ab49.html

2. Scan the QR code to access https://globalnews.ca/news/4227215/knees-together-judge-robin-camp-law-society-alberta/

3. Scan the QR code to access https://www.theglobeandmail.com/news/investigations/unfounded-sexual-assault-canada-main/article33891309/

within the criminal justice system to acknowledge and address the disproportionate impact of gender on women's victimization. Feminist criminologists acknowledge that due to systemic factors, including violence, colonialization, and inequality, women are much more likely to suffer from childhood sexual abuse than men. They also acknowledge that alcohol or substance use is often a coping mechanism that may result in increased likelihood of contact with the criminal justice system. Lastly, they understand that there is a high proportion of incarcerated women who have experienced trauma (Comack, 2018; Shdaimah & Wiechelt, 2013). In essence, feminist criminologists ask us to examine how the criminalisation of women is intertwined with the victimization of women. The question becomes: how can the criminal justice system respond to the unique needs of women given this victimisation-criminalisation continuum (Chesney-Lind & Pasko, 2004; Comack, 1996)?

11.5 Criminalisation of Women

DR. ROCHELLE STEVENSON; DR. JENNIFER KUSZ; DR. TARA LYONS; AND DR. SHERI FABIAN

Comack (2020) argues that criminology has focused on men as offenders. This focus has been justified because the majority of police-reported offenders are men (Comack, 2020; Savage, 2019). While comprising a much smaller proportion than male offenders, female offenders are still represented in adult, youth, and violent offence statistics (Belknap, 2015). Accordingly, we must consider the unique pathways of women as offenders to inform criminal justice system responses to women as offenders.

Traditional criminological theories rarely account for female offending (Belknap, 2015). With the rise of feminist criminology in the 1970s, a variety of theories have attempted to explain female offending. For example, Adler and Simon's liberation thesis (1975, cited in Belknap, 2015) accounted for female offending by connecting the women's liberation movement with what was believed to be an increase in female crime rates in the 1960s and 70s. This theory attempted to address the gender-ratio crime problem, as well as account for changes in women's crime rates (O'Grady, 2018). While both Adler and Simon connected their theory to women's liberation, they differed on the overall effect on crime. Adler posed that violent crime would increase, while Simon suggested that only property crime would increase for women (Belknap, 2015). On the other hand, according to Simon, female violent crime would decrease because women would be less frustrated as they gained equal access to opportunities (Belknap, 2015). This theory, in its simplest form, argued that women's liberation leads to convergence in gender roles, and increased opportunities for employment for women. Adler and Simon claimed increased employment also increased opportunities for crime including corporate and white-collar crime, ultimately leading to a convergence in crime rates (Tavcer & Dekeseredy, 2018). While a substantial gender gap in offending remains, the theory was important because it considered women and located women's engagement in crime within social systems and outside of the biological realm.

Hagan and colleagues' power control theory (1985, cited in Belknap, 2015) outlined the role of social control in accounting for gendered differences in crime. They theorised that the gendered power dynamic between parents was often replicated with their children. In a patriarchal home, where women had less power, children were socialised into gendered roles where boys were encouraged to take risks and given more freedom, while girls were more restricted in their activities and socialized to be obedient and quiet. In such households, girls had fewer opportunities, to engage in deviance. According to Hagan and colleagues, in egalitarian households, with equal power between parents, relatively equal freedoms and levels of parental supervision, were given to daughters and sons, which allowed for more opportunities for girls to engage in deviant behaviour (Belknap, 2015). Note that while this theory does least attempt to explain female offending, it is not without its critics. Of particular concern is how the theory blames mothers who work outside of the home for their daughters' delinquency (O'Grady, 2018). The theory has also been criticised "for its simplistic conceptualization of social class and the gendered division of labor in the home and workplace,

and for its lack of attention to racial/ethnic differences in gender socialization and to single-parent families, most of which are headed by women" (Renzetti, 2018, p. 78).

Feminist theories have also attempted to account for female offending through the cycle of violence and pathways theories. Widom (1989) examined the relationship between trauma and offending in their cycle of violence theory (cited in Belknap, 2015). This theory posits that girls and women who experience trauma are more likely to be arrested later in life. For example, some evidence suggests that when faced with a traumatic experience, a person may turn to substance use as a coping mechanism (Barker, 2018). This type of coping method can lead to increased involvement with the criminal justice system if individuals are utilising illegal substances, are engaging in illegal activity to support their substance use (e.g., theft), or engaging in illegal activity due to their substance use (e.g., driving under the influence) (Barker, 2018). Support for this theory of offending has been mixed, at best (Belknap, 2015). Pathways theory focuses on the route for offending among female offenders. Not unlike the cycle of violence theory, pathways theory considers the role of childhood abuse and trauma in female offending, which is particularly important as evidence shows that female offenders report higher rates of childhood trauma than the general population (Comack, 2018; Shdaimah & Wiechelt, 2013).

11.6 Crime Statistics on Women

DR. ROCHELLE STEVENSON; DR. JENNIFER KUSZ; DR. TARA LYONS; AND DR. SHERI FABIAN

The above theories about the criminalisation of women aim to explain general crime statistics that reveal clear gender differences. Savage (2019) reports that in 2017, female offenders represented approximately one in four of all police-reported crime in Canada, with the most common offences being property crime (35%). Moreover, female offenders are four times less likely than male offenders to be charged with a violent crime. When women are charged with a violent crime, 70% of those charges are for assault, and of those, 76% are common (level 1) assault (Savage, 2019). Gender differences also emerge with sexual violence offenders; for sexual assault and sexual offences against children, 95% of offenders were male (Savage, 2019). A similar trend emerges for homicide, with 89% of homicide offenders being male. Here, evidence of the overrepresentation of female Indigenous[1] offenders is clear: the rate of women accused of homicide is 27 times higher for Indigenous women than non-Indigenous women (Savage, 2019). There are also gender differences within Indigenous populations, which includes First Nations, Inuit, Metis and those of unspecified Indigenous identity. From 2007 to 2017, 49% of women accused of homicide identified as Indigenous versus 28% of men (Savage, 2019).

History of Women's Incarceration in Canada

Historically, women in Canada have faced dreadful conditions while incarcerated. These conditions have been documented by numerous commissions and reports beginning in 1849 with the *Brown Commission* report. These documents criticized the incarceration of women alongside men, noted the abuse and brutal punishment of women, and recommended gender-segregated penitentiaries (Barker, 2018).

The Prison for Women (P4W) in Kingston, Ontario opened for women in 1934 and was a response to calls for women-only prisons. However, only four years after its opening, the Archambault report (1938) recommended the closure of P4W. Other reports followed, including the Subcommittee on the Penitentiary System (1977), which stated that P4W was "unfit for bears, much less women" (Barker, 2018, p. 11).

A central report in the history of incarcerated women in Canada is the Task Force of Federally

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1. While Statistics Canada uses the term Aboriginal to refer to First Nations peoples in Canada in some reports, for consistency we have embraced the term Indigenous, as this is a more inclusive reference, and is how First Nations peoples prefer to be addressed.

Sentenced Women (TFFSW) *Creating Choices Report* (Canada, TFFSW, 1990) (see the Women Offender Programs and Issues Report[2]). Like previous reports, this one documented a lack of programming and treatment, as well as details on how women's conditions were troublesome. For example, P4W was constructed as a maximum-security prison, and as such most women in P4W were restricted to higher security protocols than warranted given their offences and risk levels (Canada, TFFSW, 1990). Women were isolated from their families, and Indigenous and Francophone women lacked cultural and language appropriate services (Canada, TFFSW, 1990). *Creating Choices* called for the closure of P4W and the implementation of five regional institutions and a healing lodge.

While plans for the new regional facilities were underway, there was an incident at P4W, made worse by the subsequent actions of correctional officers. On April 22, 1994, a fight occurred involving both prisoners and correctional staff while some women were waiting for medication, after which a number of women prisoners were placed in segregation. While in segregation they were denied access to lawyers, exercise, and hygiene items like toilet paper and soap (Arbour, 1996). In the four days following the incident, there were periods of tension between the women in the segregation unit and the correctional officers. In response, on April 26, 1994, the warden of P4W called in an all-male Institutional Emergency Response Team (IERT) to do cell extractions, where the women were forcibly held down, handcuffed and shackled while their clothing was cut off their bodies (Arbour, 1996). They were then "left lying on the floor of her cell in restraints —body belt and leg irons — and with a small paper gown" (Arbour, 1996, p. 72). The following day some women were coerced into agreeing to a body cavity search in exchange for a cigarette and a shower. Most women remained in segregation for up to nine months. It was not until February 21, 1995 when the CBC's *Fifth Estate* aired parts of the IERT videotapes that the events of April 1994 were widely known and condemned.

The Commission of inquiry into certain events at the Prison for Women in Kingston[3], also known as the Arbour Inquiry, was commissioned in response to the IERT footage. The report strongly condemned CSC's treatment of women prisoners as well as the organization's lack of commitment to justice and truth (Barker, 2018). The Arbour Inquiry is a significant report in the history of women's incarceration and its findings mirrored many of those in previous

2. Scan the QR code to access https://www.csc-scc.gc.ca/women/toce-eng.shtml

3. Scan the QR code to access https://publications.gc.ca/collections/collection_2017/bcp-pco/JS42-73-1996-eng.pdf

reports, including Creating Choices. Largely in response to the decades of critiques and revelations of abuses, P4W was closed in 2000.

In line with offending statistics, women represent a minority of incarcerated persons. According to Correctional Service Canada (CSC, 2019), women represent 6% of federal prisoners in Canada and within that group, Indigenous women are greatly overrepresented. The 2016 Canadian Census data showed that Indigenous persons make up approximately 4.9% of the total population (Statistics Canada, 2017), yet CSC (2019) reported that 42% of federally incarcerated women were Indigenous, and 27% of women who were under community supervision identified as Indigenous—a clear indication of the overrepresentation of Indigenous women within the criminal justice system.

CSC reports consistently highlight the differences between male and female prisoners. Female prisoners, when compared to male prisoners, report higher rates of physical and sexual abuse (CSC, 2019; Tam & Derkzen, 2014). For instance, in Lynch, Fritch, and Heath's (2012) study looking at incarcerated women's experiences of victimisation, they noted "between 77% and 98% [of female inmates] have a history of some type of IPV exposure" (p. 382). Similarly, female prisoners have up to four times the rate of mental health problems and/or substance use problems when compared to both the general Canadian population and male prisoners (Brown et al., 2018; Correctional Service Canada, 2019), with almost three-quarters of incarcerated women in Canada reporting substance use problems (Brown et al., 2018).

The Story of Ashley Smith

On October 19, 2007, Ashley Smith died at Grand Valley Institution for Women in Kitchener, Ontario while correctional officers watched through her segregation cell window as she was strangled by the ligature around her neck. She was 19 years old. Five years earlier, she was charged with mischief for throwing crab apples at a mail carrier. During one year of her incarceration, she was moved 17 times across 8 different prisons (Tavcer, 2018). A Correctional Investigator report found "Ms. Smith received virtually no treatment; a comprehensive treatment plan was never put into place despite almost daily contact with institutional psychologists; and attempts to obtain a full psychological assessment were thwarted, in part by the decision to constantly transfer Ms. Smith from one institution to another" (Tavcer, 2018, 171-2). Ashley Smith's treatment while incarcerated, and subsequently her death, point to

These statistics illustrate that gender, trauma-informed, and culturally appropriate programming for federally sentenced female prisoners is required to address their **criminogenic needs** (Tam & Derkzen, 2014; Wardrop & Pardoel, 2018). Derkzen (2019) expands that gender-responsive programming helps in assessing risk and provides a more holistic approach to respond to the needs of female offenders. Despite efforts to identify such programming in Canadian institutions, none were located. Although recommendations to develop gender-responsive programming may have been addressed, evidence is not provided in government documents and websites. Stewart et al. (2017) compared the criminogenic needs of female and male offenders, noting that women, particularly Indigenous women, scored higher on almost all risk elements than men. Beaudette et al. (2014) point out that Indigenous women are over-represented in Canadian federal prisons and present with more **criminogenic risk factors** than non-Indigenous women due to historic and ongoing colonial factors. For example, Indigenous women are younger, and have lower education levels, as well as possess high needs levels related to substance use, employment, and emotional needs (Beaudette et al., 2014). These barriers are directly linked to colonial practices (Monchalin, 2016).

4. Scan the QR code to access https://www.youtube.com/watch?v=yryXNq00_c0

5. Scan the QR code to access https://www.falconers.ca/wp-content/uploads/2015/07/Smith-A-Preventable-Death.pdf

11.7 Treatment in the Criminal Justice System

DR. ROCHELLE STEVENSON; DR. JENNIFER KUSZ; DR. TARA LYONS; AND DR. SHERI FABIAN

As our discussion of victims and offenders highlights, feminist criminology examines the different pathways into offending as well as myriad ways in which women are uniquely victimised. From the above, you should have some understanding of the role of gender in criminology and within the Canadian criminal justice system. At the same time, we must understand the intersectionality of gender with other forms of identity. Early universal notions of women's lives failed to account for the unique experiences of women, and other aspects of women's identities such as race, Indigeneity, ethnicity, socio-economic status, and sexualities.

The above-noted "add women and stir model" sometimes used to explain female criminal offending and victimisation assumes that gender has no role in the treatment of women in the criminal justice system (i.e., explanations for male criminality can be applied to women), while other approaches either blame women for their circumstances, openly see women as less than men, or ignore gender completely. For example, rape culture "encourages male sexual aggression and supports violence against women in the form of words, jokes, advertising, media, objectification, and gendered norms" (Tavcer et al., 2018, p. 196). When such attitudes are prevalent, sexual assault is commonly linked to rape myths that suggest women who dress provocatively, drink or use drugs, or who walk alone are somehow responsible for the assault. Rape culture shifts the blame to women, rather than focusing on the problem of glamorised and normalised male violence. Sexual assault prevention programs often focus on the behaviours of women and how to avoid an assault, rather than on campaigns directed at men and what they can do to ensure they do not sexually assault someone. Moreover, these attitudes often result in the double victimisation of women: first by the man who assaulted her, and then by the criminal justice system in which she is re-traumatised, blamed for the assault, and has her character questioned. While rape shield laws are supposed to protect women, they fail women far too often (see Sexual Assault Criminal Law, Rape Shield, Evidence, and Sentencing in Canada[1]).

Women are also victimized when they are incarcerated. As noted above, incarcerated women have disproportionate histories of physical and psychological trauma. This reality means that they are not necessarily incarcerated for their behaviour; instead, they are incarcerated for

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1. Scan the QR code to access https://www.sexassault.ca/criminalprocess.htm

responses to their histories of trauma (Comack & Balfour, 2014). Similarly, trauma can be associated with mental illness, and the treatment of mentally ill prisoners in a corrections setting is problematic at best, and harmful at worst. Most correctional programs are designed for men and fail to draw on the strengths of women, instead focusing on their deficiencies (Folsom, 2018; Gobeil et al., 2016). In addition, most programs do not address gender diversity. For example, anger management programs address an identified problem or deficit and follow the same format for men and women. The alternative is to apply a strength-based approach, focusing for example on positive personal factors such as faith or morality (Ronel & Elisha, 2011, as cited in Kewley, 2017), and to use those factors as a foundation to positively move forward.

Sometimes it seems that efforts to advance gender rights and the treatment of women within the criminal justice system do not have an immediate impact, but it is important to note some successes. For example, feminists successfully advocated for the 1983 updates to Canada's responses to intimate partner violence. Such changes included redefining sexual assault to include assaults perpetrated by husbands (prior to this, sexual assault within marriage was not a criminal offence). Advocates had long argued that the challenges faced by women leaving violent relationships were a social problem that needed consistent responses by law enforcement and the courts. These responses must also take into account the variation in impacts on racialised women.

Today our responses are much more likely to be women-centred and less likely to blame women. While woman-blaming does still happen, the responses to such attitudes (as noted above with the response to Alberta judge Robin Camp) indicate the increasing social pushback and demands for change. We continue to see laws evolve and change to better address women's needs. While we do not suggest gendered inequality has ended, we must acknowledge that progress has been made, albeit too slowly for many of us (see Canada's Women Foundation[2]). It is important to remember that gender equality is situated within colonialism, racism, and capitalism and therefore not all women have received the same benefits, as illustrated above with the experiences of racialised and sexualised populations such as Indigenous women or transgender or bisexual women.

2. Scan the QR code to access https://canadianwomen.org/the-facts/the-metoo-movement-in-canada/

CASE STUDY: Canada's Missing and Murdered Indigenous Women and Girls (MMIWG)

()As demonstrated throughout this chapter, feminist criminology highlights the different pathways into offending as well as myriad ways in which women are uniquely victimized. This approach also calls attention to the intersectionality of gender with other forms of identity. The case of murdered and missing Indigenous women offers one example of this intersectionality reflected in the criminal justice system.*Red Dresses on Bare Trees* is an edited collection that brought together "authors with good minds, hearts and spirits (fuelled by good intentions)" (Hankard & Dillen, 2021, p. v) to address through stories and reflections the challenging human rights violations of Indigenous women and of the Missing and Murdered Indigenous Women and Girls that have plagued colonial Canada for too many decades (The text provides reflections of those affected by the pain of MMIWG and honours their voices and their stories. See the stories at RED DRESSES on BARE TREES: Stories and Reflections on Missing and Murdered Indigenous Women and Girls[3]). In "Decolonizing the violence against Indigenous women," Jacobs (2017) argues that decolonization must include a goal of returning safety and respect to Indigenous peoples and especially Indigenous women and girls and the stolen lands settlers occupy (p. 51). Many provincial and national inquiries have produced reports that examine the circumstances of Canada's Indigenous Peoples that are the direct consequence of its colonial history and the intergenerational trauma associated with Canada's past and present: a history built on Eurocentric norms and systems; the removal of Indigenous children from their families, placing them in residential schools, often fraught with physical, sexual, and psychological abuses; and the Sixties Scoop during which Indigenous children were placed in foster care. But make no mistake: the colonial oppression of, and violence against, Indigenous peoples is ever present in Canada today.

The first public inquiry into Canada's treatment of its Indigenous peoples followed the Oka Crisis in the summer of 1990, which drew international attention and forced the federal government to seriously consider its historical and ongoing treatment of its First Peoples (The Oka Crisis, as it came to be known, was a dispute over a golf course on the lands and burial grounds of the Kanien'kéhaka (Mohawk) in Québec which involved heavy military enforcement. The National Film Board of Canada produced the award winning documentary of

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3. Scan the QR code to access https://www.jcharltonpublishing.com/product/red-dresses-on-bare-trees-stories-and-reflections-on-missing-and-murdered-indigenous-women-and-girls/

the 78 day standoff that resulted in two fatalities: Kanehsatake: 270 Years of Resistance. See Kanehsatake: 270 Years of Resistance by Alanis Obomsawin[4]). Although the Royal Commission on Aboriginal Peoples' (RCAP) report (Hamilton & Sinclair, 1996) did not focus specifically on Indigenous women and girls, it provides a detailed history of the colonial practices that harmed Indigenous peoples for centuries with a focus on including Indigenous voices (Hamilton & Sinclair, 1996). At the same time, the Native Women's Association of Canada (NWAC) began demanding action to address the continued news of Indigenous women and girls across Canada who have gone missing or have been found murdered (Tavcer, 2018). According to the final report of the National Inquiry on Missing and Murdered Indigenous Women and Girls (MMIWG): *Reclaiming Power and Place* (2019) (established as one of the Calls to Action by the Truth and Reconciliation Commission. For more information about the inquiry see the National Inquiry into Missing and Murdered Indigenous Women and Girls[5]; check out the Timeline of Key Milestones[6]), the Royal Canadian Mounted Police (RCMP) now confirm 1,181 cases of "police-recorded incidents of Aboriginal female homicides and unresolved missing Aboriginal females" between 1980 and 2012. Between 1996 and 2019, many other commissions and inquiries addressing MMIWG have issued similar reports that highlight the dangers of being an Indigenous woman or girl in Canada (for example, see Report of the Royal Commission on Aboriginal Peoples[7]; & The Aboriginal Justice Implementation

4. Scan the QR code to access https://www.nfb.ca/film/kanehsatake_270_years_of_resistance/

5. Scan the QR code to access https://www.mmiwg-ffada.ca/

6. Scan the QR code to access https://www.mmiwg-ffada.ca/timeline/

7. Scan the QR code to access https://www.bac-lac.gc.ca/eng/discover/aboriginal-heritage/royal-commission-aboriginal-peoples/Pages/final-report.aspx

Commission[8]). Several of the inquiries have focussed on British Columbia because it has the highest proportion of MMIWG. The Highway of Tears—a 725 km corridor of highway stretching from Prince Rupert to Prince George, BC—is where at least 30 Indigenous women and girls have gone missing since 1974 (see the Highway of Tears[9]). BC is also the site of serial killer Robert Pickton's farm where DNA from 33 female victims was found, 12 of whom were Indigenous. As this case study indicates, we are long past inquiries and commissions to address the ongoing oppression of, and systemic racism against, Canada's Indigenous peoples. It is time for meaningful action (for examples, see the BC Society of Transition Houses[10]; The Government of Canada[11] and Specialized Courts[12]). We continue to see the overrepresentation

8. Scan the QR code to access http://www.ajic.mb.ca/volumell/toc.html

9. Scan the QR code to access https://highwayoftears.org/highway-of-tears/

10. Scan the QR code to access https://bcsth.ca/project/cedar-blankets/

11. Scan the QR code to access https://www.canada.ca/en/department-justice/news/2020/11/government-of-canada-supports-restorative-justice-initiatives-across-the-country-including-those-supporting-indigenous-communities-and-youth.html

12. Scan the QR code to access https://www.provincialcourt.bc.ca/about-the-court/specialized-courts#IndigenousCourts

of Indigenous peoples—women in particular—in all aspects of the Canadian criminal justice system, as both offenders and victims.

In 1996, the RCAP asked "Why in a society where justice is supposed to be blind are the inmates of our prisons selected so overwhelmingly from a single ethnic group?" (Hamilton & Sinclair, 1996). How is that we continue to ask the same question today?

11.8 Critiques of Feminist Criminology

DR. ROCHELLE STEVENSON; DR. JENNIFER KUSZ; DR. TARA LYONS; AND DR. SHERI FABIAN

Like any other group of theories, feminist criminology is not without its critics. The main critiques, and the ways in which feminist criminology has and continues to respond to these critiques, are detailed here. A key critique of feminist criminology is its exclusive focus on cisgender women. Recent scholarship illustrates this is not the case. The work by Connell (2000, 2005) highlights how patriarchy and inequality disproportionately affect men as well, and how existing gendered notions of masculinity and femininity are harmful to everyone. Adams (2000) points out the similarities between the treatment of female agricultural animals and women in the emphasis on controlled reproduction and dominated labour. Others have clearly linked the violence against animals and women in cases of domestic violence, calling for a species inclusive approach (Barrett et al., 2017; Barrett et al., 2018; Fitzgerald al., 2019; Stevenson et al., 2018). Feminism is not about bringing men down, but about raising women up. Feminism is about equality. Feminist criminology offers more comprehensive theories about criminality and crime as well as inclusivity in understanding the circumstances of the victimisation and criminalisation of both men and women and the disproportionate factors that affect them in unique ways.

As discussed throughout this chapter, another critique of feminist criminology is its tendency to focus on the experiences of white and cisgender women and to ignore or minimise the experiences of racialised, transgender or other marginalised women. While this may be a valid critique of early feminist criminology, more recently, we see a renewed and concentrated focus on intersectionality. Intersectionality is a framework that examines how race, class, gender, sexuality, and ethnicity layer on each other in interlocking ways to multiply the effects of victimisation or criminalisation (Crenshaw, 1995). For example, feminist criminologists now focus on how Indigenous women in Canada experience victimisation at different rates than non-Indigenous women due to intersecting social identities and structural factors including colonialism, racism, and misogyny. Feminist criminologists also look at how Black, transgender, or marginalised women experience intimate partner violence, or street level harassment, and how they are affected by such violence against them. Other research focuses on how structural inequalities including racism and transphobia, embedded within policing and the criminal justice system harm Black, Indigenous, and women of colour (Maynard, 2017; Monchalin, 2016; Lyons et al., 2017a; Lyons et al., 2017b) as well as the dismissal and derision transgender people experience within the criminal justice system (Kendig et al., 2019).

Overall, feminist criminology centres gender together with other aspects of identity in crime and criminology rather than minimising or treating gender as an add-on. Rather than taking the male experience for granted, feminist criminology actively theorises the female experience of both criminalisation and victimisation, with critical attention to racism, classism, sexism, and other bases of discrimination and marginalisation. This chapter has illustrated the unique and critical lens that feminist criminology brings to issues of incarcerated women as well

as gender based violence and victimisation. Sharing feminist roots with the diverse feminist theories, feminist criminology emphasizes the role of patriarchy, inequality, and gender in all explanations of crime and criminality.

11.9 Discussion Questions

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1. We find young people in particular often feel uncomfortable identifying as feminists. What is your definition of feminism and why do you think people may reject the label?
2. Consider the offence of theft. How would each of the six feminist perspectives explain the role and impact of gender?
3. How can we use feminist criminology to understand the #MeToo movement – both the offenders and the victims?
4. While Crenshaw talks about intersectionality within education (Kimberlé Crenshaw: What is Intersectionality?[1]), (https://youtu.be/ViDtnfQ9FHc) how can we think about the same ideas within the criminal justice system?
5. Thinking about intersectionality, what are some ways Black, Indigenous, and women of colour may be harmed by policy changes such as mandatory domestic violence charging, or the criminalisation of sex work?
6. As noted in the case study of MMIWG, in 1996, the RCAP asked "Why in a society where justice is supposed to be blind are the inmates of our prisons selected so overwhelmingly from a single ethnic group [Indigenous peoples]?" (Hamilton & Sinclair, 1996). Today we know that Indigenous peoples continue to be over-represented throughout the criminal justice system at alarming rates, and these rates are now even more pronounced for Indigenous women. How can the information about feminism and feminist criminology presented in this chapter help explain these findings?

1. Scan the QR code to access https://www.youtube.com/watch?v=ViDtnfQ9FHc

11.10 References

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12. CULTURAL CRIMINOLOGY

DR. STEVEN KOHM, UNIVERSITY OF WINNIPEG

Positionality Statement

I AM A NON-INDIGENOUS, WHITE SETTLER SCHOLAR OF MIXED EUROPEAN AND ASHKENAZI JEWISH ANCESTRY, BORN AND CURRENTLY RESIDING ON TRADITIONAL TERRITORIES OF THE ANISHINAABEG, CREE, DAKOTA, DENE, MÉTIS, AND OJI-CREE NATIONS IN WHAT IS NOW WINNIPEG, CANADA. AT THE UNIVERSITY OF WINNIPEG WHERE I TEACH COURSES IN CRIMINOLOGY AND CRIMINAL JUSTICE, FORMAL LAND ACKNOWLEDGEMENTS USUALLY BEGIN BY RECOGNIZING THAT THIS AREA IS WITHIN TREATY 1 TERRITORY—THE FIRST OF SEVERAL NUMBERED TREATIES BETWEEN BRITISH COLONIZERS AND INDIGENOUS PEOPLES IN WHAT IS NOW WESTERN

CANADA. ALTHOUGH THIS LAND WAS TAKEN FROM INDIGENOUS PEOPLES USING THE LEGAL FRAMEWORK OF A TREATY, THOSE WHO LIVE HERE TODAY ARE HAUNTED BY THE GHOSTS OF COLONIALISM. MY CHILDHOOD HOME WAS LOCATED TWO BLOCKS FROM THE FORMER ASSINIBOIA RESIDENTIAL SCHOOL, WHICH OPERATED FROM 1958 TO 1973. BY THE TIME I WAS OLD ENOUGH TO NOTICE, IT WAS LONG ABANDONED, BOARDED UP AND LEFT FOR BORED TEENAGERS TO BREAK INTO AT NIGHT. I'M STILL HAUNTED BY THE MEMORY OF THE DUSTY ROOMS, RUSTY METAL BEDFRAMES, AND DARKENED HALLWAYS LEFT BEHIND AS TRACES OF A GENOCIDE THAT TOOK PLACE RIGHT IN MY OWN BACKYARD. GROWING UP IN WINNIPEG, I NEVER GAVE CLEAN, PLENTIFUL DRINKING WATER MUCH THOUGHT. HOWEVER, YEARS LATER I DISCOVERED THAT THE CITY'S WATER IS SOURCED FROM SHOAL LAKE 40 FIRST NATION VIA AN AQUEDUCT CONNECTING THE CITY TO A SMALL INDIGENOUS COMMUNITY IN NORTHWESTERN ONTARIO. IN ORDER TO ENSURE WHITE SETTLERS HAD CLEAN WATER, THIS INDIGENOUS COMMUNITY WAS FORCED TO MOVE TO AN ISLAND THAT WAS CUT OFF FROM THE MAINLAND WITHOUT ALL-WEATHER ROAD ACCESS FOR ONE HUNDRED YEARS UNTIL

THE COMPLETION OF "FREEDOM ROAD" IN 2019. IRONICALLY, THE COMMUNITY ENDURED FOR MORE THAN 25 YEARS UNDER A BOIL WATER ADVISORY WHILE WE ENJOYED CLEAN, PLENTIFUL DRINKING WATER. I AM HAUNTED BY THE COLONIAL FOUNDATIONS OF THIS NATION AND THIS CITY, WHICH HAVE BROUGHT ME AND MY SETTLER ANCESTORS GREAT BENEFIT WHILE DISPLACING, MARGINALIZING AND CRIMINALIZING INDIGENOUS PEOPLE. THIS CHAPTER IS A SMALL REFLECTION OF MY COMMITMENT TO RECONCILIATION AND RECKONING WITH COLONIALISM, AND I HOPE IT DEMONSTRATES THAT CULTURAL CRIMINOLOGY CAN PLAY A ROLE IN EXPOSING AND CRITIQUING THE COLONIAL INJUSTICES THAT CONTINUE TODAY.

Introduction: Something Old, Something New, Something Borrowed, and Something [Black and] Blue

This chapter introduces students to cultural criminology, a perspective that reworks and breathes new life into the study of crime and crime control by adapting older methods and theories to present contexts. **Culture** is a foundational concept of the perspective, and cultural criminology views culture as dynamic—always shifting and evolving. Cultural criminology examines the way culture both reflects and affects crime and crime control, while also examining how certain cultural practices are criminalised. Cultural criminology was influenced by the Chicago School of Sociology; the new deviance theory of the 1960s, including subcultural and labeling theories; as well as interactionist theories from Britain, most notably moral panic theory. Cultural criminology shifts the focus of criminology away from background factors such as age, social class, and racialised identity; and emphasises instead the immediate "existential

'foreground' of crime" (Hayward, 2016, p. 299), or the immediate pleasures and experiences of those who break the law. Cultural criminology is a critical perspective that examines social and economic shifts in contemporary times—an era referred to by social theorists as **late modernity** (Giddens, 1984, 1990). Cultural criminologists argue that capitalism is transformed in important ways in late modernity, resulting in the commodification of lifestyles and the image and treating crime and punishment as objects to be consumed pleasurably as popular entertainment in film, TV, music and video games (Young, 2007). In summary, cultural criminology is a rapidly evolving subfield that includes many approaches, but at core is a three-part "framework concerned with meaning, power, and existential accounts of crime, punishment and control" (Hayward, 2016: 300, original emphasis).

12.1 Something Old

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Jeff Ferrell (2006), one of the leading scholars of cultural criminology, spent a year between academic jobs scrounging the back alleys of Dallas, Texas, learning about those who made a small living dumpster diving and trash picking in America—and sometimes running afoul of the law. Ferrell discovered a wide array of useful items discarded by a society characterised by hyper consumption on a global scale. Americans, it seems (and Canadians too—see Walby & Kohm, 2020), can't stop buying stuff. We also can't stop throwing stuff away—even perfectly good things end up in the trash, including brand-new items never opened or used. Yesterday's fad or fashion is today's trash. Ferrell discovered a cornucopia of discarded scrap metal, aluminum cans, electronics and consumer goods, clothing, and even books that could be reused, redeemed for deposit, or sold at scrap metal yards to eke out a small living. Ferrell (2006) chronicled his experience as an urban scrounger in his book *Empire of Scrounge: Inside the Urban Underground of Dumpster Diving, Trash Picking, and Street Scavenging.*

Shortly after the publication of his book, I listened to Ferrell give a speech at an academic conference where he delighted the crowd by showing off all the useful items he had scavenged from dumpsters and trashcans – from his shiny new shoes to his distinguished looking blazer. Like a mischievous schoolboy, he used these examples as a way to make us think about how criminology itself might sift through its previously discarded and disused theories and find new applications for ideas that still hold some value, even if they are out of fashion. If we can recycle aluminum cans, beer bottles, or even shoes, why can't we look to past criminological theories for inspiration in our present world? Maybe a theory of deviance from the 1960s could be applied in new ways in the 2000s and beyond. Or perhaps a method used by early 20th century sociologists to study urban subcultures in Chicago could be used to study contemporary cultural life in other places and spaces in our present. Using the metaphor of recycling, Ferrell illustrated a key feature of cultural criminology: its propensity to revisit and rework older ideas and breathe new life into the study of crime and crime control. While I think this is a strength of the perspective, some find fault with this approach. One critic charged that cultural criminology is "a theoretical soup that has not condensed into a criminological analytic that moves beyond previous criminologies" (Spencer, 2011, p. 198). Ouch!

I concede that perhaps cultural criminology is a stew of ideas borrowed from the past, brought together with fresh seasonings and presented with new style and pizzazz. However, I think that critics miss the point of cultural criminology if they focus too much on substance over style. While the critiques of this theoretical approach are outlined in more detail toward the end of this chapter, it is important to emphasise here that the aim of cultural criminology is to shake up the established order and bring new interest and energy to a topic that has become boring and lifeless—where criminologists seem stuck in an analytical rut, and the subject matter is reduced to a pale shadow of the real experience of crime, victimisation and control. Cultural criminology tries to bring the experience of crime to life by focusing on the foreground, rather

than abstract background factors, like age and social class. Cultural criminology focuses on the smaller moments and events surrounding crime, but it also draws our attention to the broader social forces that shape and constrain these everyday moments. Cultural criminology analyses how popular culture reflects crime back to us in ways that are enjoyable and highly profitable, but it also shapes how we think about crime and its control. For example, while learning about how scrap metal scroungers drift in and out of crime in the back alleys of Winnipeg, Kevin Walby and I discovered something about the broader forces of global capitalism that demand a never-ending supply of cheap raw materials to feed distant factories in places like China (Walby & Kohm, 2020). We also discovered that when scrap metal theft was reported in the local news, stories tended to gloss over corporate criminal abuse while focusing moral outrage on the actions of the most minor players in an industry driven by global commodity prices (Kohm & Walby, 2020). So while the building blocks of cultural criminology may not be entirely new, the perspective offers fresh insight by shifting our analytical lens to the everyday, the ordinary, and the mass-mediated world where crime and culture merge and collide in sometimes unexpected ways.

12.2 Something Borrowed

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Cultural criminology borrows from several sociological theories of deviance. The earliest is the work of the Chicago School of Sociology of the early 20th century (see chapter 1 What is Crime?). Also influential was the so-called "new deviance theory" from the 1950s and 1960s in the United States, which included subcultural theory and labelling theory (Ferrell et al., 2008, p. 26; Hayward, 2016, p. 298). While mainstream criminology viewed crime and deviance as an expression of cultural dysfunction, new deviance theory granted "criminal and deviant behaviour cultural meaning" (Ferrell et al., 2008, p. 32 original emphasis). Ferrell et. al (2008) link the rise of this approach with increased awareness of cultural differences in Western nations in the 1960s, resulting from the civil rights movement, international immigration, the mass media, and the rise of mass tourism. These shifts also brought worries about what diversity might mean for society. Subcultural theory shifted the way we thought about deviance and demonstrated that "subcultural responses are not empty, not absurd, but meaningful" (Ferrell et al., 2008, p. 34, original emphasis). Equally important was labelling theory. Howard Becker (1963) argued that deviance was not the result of a failure of social control, but rather reflected its success (Ferrell et al., 2008, p. 37). Also key to the development of cultural criminology was Matza and Sykes's (1961) techniques of neutralisation [link to chapter??] which are the "cultural work necessary to commit crimes" (Ferrell et al., 2008, p. 39, original emphasis). Matza and Sykes asserted that deviant culture is similar to the dominant culture in that both value aggression, violence and toughness. Thus, cultural criminology focuses on the paradox that while criminal violence is condemned by law, it is also "widely commodified, consumed and celebrated" (Ferrell et al., 2008, p. 41).

On the other side of the Atlantic at roughly the same time, British subcultural theory was taking shape. The National Deviancy Conference and the Centre for Contemporary Cultural Studies were influenced by the new deviancy work from the United States. British work was a blend of American subcultural theory and labelling theory that was "given a zest, an energy" (Ferrell et al., 2008, p. 44). British theorists sought to understand action and reaction, as well as incorporate wider societal analyses alongside the dynamics of small-scale situations.

The most important contribution to what would become cultural criminology was moral panic theory developed by Jock Young (1971) and Stanley Cohen (1972) (see chapter 3 Media and Crime). Moral panic theory drew from the insights of American labelling theory to make sense of "seemingly ill-conceived and irrational reactions to deviance by authorities and the wider public" (Ferrell et al., 2008, p. 47). Later works like Hall et al.'s Policing the Crisis (1978) expanded moral panic theory to include questions about race, crime and politics in Britain.

Despite its interest in diversity and conflict, the perspective remains mainly a Western-centric one. And while cultural criminology would likely welcome works giving critical attention to issues of colonialism and indigeneity, so far the movement has been dominated by White,

Western, male criminologists (Naegler & Salman, 2016). While this is still considered a Eurocentric perspective, given cultural criminology's focus on culture, diversity, and conflict, one would think the ongoing struggles of Indigenous peoples for recognition and action in the face of colonial systems of oppression would draw serious attention to this perspective. Indeed, Indigenous peoples were victims of a state-sponsored program of genocide and have seen their cultural practices criminalised and their way of life subject to erasure in residential schools. In turn, Indigenous peoples have engaged in many forms of resistance to colonial power. For some, art and cultural expression is a powerful way to protest these actions and pursue a political agenda of decolonisation. Writing in an Australian settler colonial context, Chris Cunneen (2011) argues that "indigenous art unhinges colonial law as an abstract expression of power and grounds it firmly in the lived experiences of Aboriginal people" (p. 259, original emphasis). In this way, Indigenous art acts as a counterbalance to settler-colonial histories that erase genocide from the official record by providing "documentary evidence that certain things occurred (such as massacres)" (Cunneen, 2010, p. 120). In Canada, some Indigenous activists have recently targeted the public cultural symbols of colonization and oppression that erase acts of historical violence, such as when a statue of Queen Victoria in front of the Manitoba Legislature was toppled on July 1, 2021. In its place, a new grassroots cultural and political monument was erected by some Indigenous activists (see Figure 12.1). In this way, the collision of crime, protest, art and culture can be seen in present day struggles for recognition and decolonisation by Indigenous peoples. Cultural criminology could be a valuable approach to analysing the way art and culture are used to both further the project of colonialism and to promote social change. However, as yet, a cultural criminological analysis of colonialism and anti-colonial protest has yet to be written.

(https://kpu.pressbooks.pub/app/uploads/sites/199/2022/01/image.jpg)

Figure 12.1: A Cultural Criminology of Anti-Colonial Protest. The pedestal of a statue of Queen Victoria has been converted to a memorial to the victims of Canada's residential schools. One form of public art celebrating colonialism is replaced with a new form of public art drawing attention to genocide and state sanctioned crime.

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12.3 Culture and Late Modernity

DR. STEVEN KOHM

Culture is a foundational concept of this perspective. Cultural criminology takes its starting point from the assumption that culture is "the stuff of collective meaning and collective identity... Culture suggests the search for meaning" (Ferrell et al., 2008, p. 2). Interrogating culture therefore amounts to a search for the ways in which we create meaning through interaction with others in the world around us. Because cultural criminology asserts that crime and culture are intimately linked, crime itself cannot be understood apart from these very same interactive cultural dynamics. Cultural criminology further asserts that culture is fluid, continually in motion and always resisting efforts to definitively pin it down. The conception that culture is dynamic is a second foundational principal of cultural criminology. These two foundational tenets of cultural criminology imply an affinity with the sociological theory of symbolic interactionism and the related concept of social constructionism (see chapter 1 What is Crime?). A third key concept in cultural criminology is the idea that we are living in a time period known as late modernity. While there is debate among theorists about how best to characterize our current age, most agree the so-called modern age that characterised most of the twentieth century has been transformed in recent years (Hayward, 2016). Some theorists describe the complete demise of modernity and claim we now inhabit an era of postmodernity (e.g., Baudrillard, 1981; Lyotard, 1984). Other theorists argue that our current time period is a continuation of modernity, but with important transformations in culture, communications and the economy resulting in an era of liquid modernity (Bauman, 2000) or late modernity (Giddens 1990). Cultural criminologists like Ferrell et al. (2008) do not take sides in this debate, but claim the need for "a criminology that is not just aware of these debates... but capable of understanding, documenting, and reacting to the particulars of contemporary circumstances" (p. 63). Cultural criminology is a "criminology of the now" (Hayward, 2016, p. 300), uniquely situated to analyse current transformations, which cultural criminologists refer to as late modernity. Characterised as "a world always in flux" (Ferrell et al., 2008, p. 6), capitalism is transformed, becoming focused on selling lifestyles, experience and the image (Ferrell et al., 2008, pp. 14-15). Within late modernity, crime is feared but is also highly valued as an entertaining form of public spectacle. The logic of late modern capitalism and the rise of new forms of communication and creative production mean that the spectacle of crime can be transmitted and consumed in ways never before imagined by criminology. Today, a crime may be committed entirely for the purpose of filming and sharing on social media (Yar, 2012). Crime is packaged and sold in new and unexpected ways in late modernity. For example, iconic American guitar manufacturer Gibson was raided twice by the US Department of Justice and accused of illegally purchasing endangered exotic wood species protected by US federal law. Gibson settled the case out of court and released a series of 1750 guitars made with the illicit wood (Faughnder, 2014). The guitars sold out in minutes and, according to the company, owning an instrument made from wood with a checkered criminal past will make "a bold statement for any revolutionary rocker" ("Gibson.com: Government Series II Les Paul," n.d.).

Cultural criminology tries to make sense of instances such as this where culture, crime and global capitalism collide in unexpected ways in late modern times.

A fourth key feature of cultural criminology is its commitment to critical and politically engaged research. Cultural criminologists focus on the way everyday moments and aspects of culture are intimately linked to broader structures of power—and resistance to power. Crime draws meaning from and gives meaning to contemporary culture, and it is the role of cultural criminology to untangle these multiple threads of meaning to flesh out crime's central place in our cultural lives. This sounds like a lot of ground to cover in one short chapter—and it is! To help you appreciate the overall feel of the perspective, I will borrow some of the playful spirit of cultural criminology, as lived and embodied by the likes of Jeff Ferrell – a key figure in the movement. The remainder of the chapter is organised into five sections: 1) Boredom and Crime, 2) Crime as Pleasure, 3) Methods of Cultural Criminology, 4) Media, Popular Culture and the Carnival of Crime, and 5) Critiques of Cultural Criminology. In the end, you may be left with more questions than answers, and I think that's exactly the point.

12.4 Boredom and Crime

DR. STEVEN KOHM

In the middle class suburb where I grew up, there wasn't much to do, so we made our own fun—often by breaking things. Everybody knows it's fun to break stuff. Heck, I can remember one year when the carnival came to town they sold tickets for a chance to swing a sledgehammer three times against a new car. So yeah, breaking stuff was always a thrill and when I was kid, we broke shit whenever we got the chance. So I didn't give it much thought when I saw some empty wine bottles laying in the alley behind the old boarded up gas station near my house. I had probably smashed three of them against the cinderblock wall of the abandoned service station before I heard an angry voice ring out behind me: "Hey, what are you doing?" I felt a hot jolt of humiliation rising up from my gut and spreading like fire across my cheeks as I spun around and saw a middle aged woman with folded arms standing behind me in the lane. I hesitated and then shot back with a lie – "nothing!" – but it was no use. She scolded me and ordered me to pick up the broken glass and put it in a nearby dumpster. I did so and the red hot sting of humiliation completely washed over me like a swarm of fire ants. The woman demanded to know my name and where I lived, so I lied again – this time with complete confidence and without hesitation. I jumped on my bike and pedaled quickly away from the scene. That overwhelming feeling of humiliation was now giving way to anger and just a little bit of excitement and exhilaration. The further I pedalled, the more energised I felt. I also felt satisfied that my parents would probably never find out, and I got away with it. Also, I realised that I was anything but bored in that moment.

The above anecdote is a slightly fictionalised amalgam of my experiences growing up in a dull, middle-class suburb in a Canadian city and is meant to illustrate the immediate sensations of minor acts of vandalism and transgression a key focus of cultural criminology. This account probably strikes many of you as very different from most detached analyses in typical criminology textbooks. Reading many mainstream accounts, you would think crime is like a bad rash, or a sprained ankle—most criminology treats crime as if it were an unfortunate affliction caused by bad luck, poor decision-making, or even social, psychological, biological or environmental conditions that drive human behaviour. For many criminologists, the search for the elusive all-purpose explanation of crime amounts to a Quixotic quest for determinate *background* factors that exist behind the day-to-day immediacy of human life that are thought to condition human behaviour. Crime has been blamed on factors including under-socialisation, over-socialisation, the influence of delinquent peers, poor environment, a lack of social control, flawed biology, and abnormal psychology. As Ferrell et al. (2008) lament, mainstream criminology with its Likert scale surveys, government datasets, high-powered statistical analyses and detached scientific objectivity drains the life out of its subject matter—often to the disappointment of students—and reduces "the vivid experiential agony of crime victimization… into abstract empiricism, the sensuality of the criminal event tabulated and footnoted" (p. 166).

What accounts for the multiple—often minor—and seemingly irrational episodes of

transgression and violence that occur every day in the back alleys and streets of contemporary cities? Is *breaking shit* an outcome of background causal factors or a deliberate attempt to find meaning and excitement in the dull and dehumanising routines of late modern life? Cultural criminology takes as a starting point the realisation that contemporary life in Western nations like Canada is structured by features that can lead to a condition of institutionalised *boredom*. Ironically, widespread boredom seems to characterise a time period in which our culture is "saturated with an unprecedented range of activities designed to engage and entertain" (Steinmetz et al., 2017, p. 343). Moreover, society's key institutions appear designed to produce well-socialised—and bored—citizens:

> public schools emerge as training centers for the new boredom, rehearsal halls for the sublimation of individuality to disciplined efficiency; and for those insufficiently socialized to the new order, the mental hospital, the prison, the juvenile lockup offer entire institutions dedicated to the enforcement of tedium. (Ferrell, 2004, p. 291)

Boredom may generate "turmoil for the individual, triggering resistance ranging from the mundane to the explosive" (Steinmetz et al., 2017, p. 356). For Ferrell (2004, p. 293), this raises an intriguing question for criminology: "Are certain crimes committed not against people or property as such, but against boredom?" It is certainly an oversimplification to claim that *all* crime is a reaction to boredom—just as it is overly simplistic to attribute all crime directly to class conflict (e.g., Chambliss, 1975). However, cultural criminology aims to counter mainstream criminological theories focusing on background factors by shifting the analysis to the immediate feelings and experiences of the criminal event itself (Ferrell et al., 2008). Cultural criminology therefore analyses the foreground of crime, "the immediate, interactional dynamic through which criminals construct crime" (Ferrell, 1992, p. 110). Hayward and Young (2004) urge criminologists to examine "the adrenaline rush of crime... the various feelings of anger, humiliation, exuberance, excitement, and fear" (p. 264) that reverberate through the whole process, including "the intense gutted feelings of the victim, to the thrill of the car chase, to the drama of the dock, to the trauma of imprisonment" (p. 264).

As the opening vignette illustrates, the decision to engage in low level deviance may be a deliberate reaction against the tedium of modern life and a search for excitement. Cultural criminology invites us to explore actions spanning a continuum of transgression from breaking shit in the back alleys of middle class suburban communities, to the organised protests of urban cyclists who gather together in critical masses on the streets of cities, to thrill-seeking car thieves and joyriders whose crimes seem motivated by the search for meaning and excitement in a world of conformity and sanitised consumption. Rather than viewing crime as the end result of poor socialisation, blocked opportunities, or rational forms of cost-benefit analysis, cultural criminology invites us to appreciate the immediate experience of crime as an action filled with emotions such as fear, anger and excitement. Crime for some is a "sneaky thrill" (Katz, 1988, p. 52) and an escape from the everyday. After all, as Wilson and Kelling (1982, para. 11) pointed out several decades ago, breaking windows is free and "it has always been fun."

12.5 Crime as Pleasure

DR. STEVEN KOHM

Cultural criminology acknowledges the paradox of crime in late modern times. Crime provokes a great deal of worry and anxiety, but it is also a source of great pleasure in popular culture. The humiliation of offenders in news media and reality TV seems particularly popular in late modern times (Pratt, 2000; Presdee, 2000; Kohm, 2009). Reality TV programs of this type include the popular daytime courtroom show *Judge Judy*, as well as documentary-style programs that claim to show the raw reality of prison and policing, such as *Beyond Scared Straight*, and *Cops*. For Michelle Brown (2009), cultural engagement with punishment through prison museums, film and television provide opportunities for the general public to be "penal spectators" (p. 8), who vicariously enjoy the state-sanctioned infliction of pain. For example, some years ago while on a self-guided tour of historic Eastern State Penitentiary in Philadelphia, PA, I watched a middle-aged father showing the death chamber to his two young children: "Look! That's where they executed the prisoners!" he exclaimed with excitement. Meanwhile, elsewhere in the penitentiary, an art installation provided a critical take on punishment by recreating the chain link cages of the American military prison at Guantanamo Bay, Cuba, used to confine accused terrorists (without due process) following the World Trade Center attacks of 9/11 (Figure 2). This strange juxtaposition suggests that culture is anything but straightforward, and the meaning of something like a prison is always up for negotiation. Cultural criminology tries to untangle the way meaning about crime and punishment circulates through these kinds of cultural performances and venues, feeding back into the way we think about the problem of crime. Touring a prison can be experienced as fun and can also offer moments of critique. For a CSC virtual prison tour, visit Beyond the Fence.[1]

Cultural criminology shifts the lens to the immediate experience of crime, suffering, and punishment and attends to the often conflicting feelings associated with them. Boredom and pleasure are key concepts that cultural criminology uses to make sense of actions that appear senseless. Expanding the analysis to a range of emotions beyond fear of crime, cultural criminology attempts to reinvigorate the study of crime and punishment by engaging with the subject in ways that acknowledge the seductions of crime reflected in popular culture and entertainment such as films, TV and even prison museums.

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1. Scan the QR code to access https://www.csc-scc.gc.ca/csc-virtual-tour/HTMLEn/index.html

(https://kpu.pressbooks.pub/app/uploads/sites/199/2022/01/Picture2.jpg)

Figure 12.2: Prison Within a Prison. This art installation at Eastern State Penitentiary museum is a replica of the cages used to house "enemy combatants" from America's war on terror in Guantanamo Bay, Cuba.

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12.6 The Methods of Cultural Criminology

DR. STEVEN KOHM

6:45 AM. *The clock radio was blaring the closing notes of some banal pop song from the 1980s when the announcer chimed in with the daily news and weather. It was going to be a hot one today—34 degrees Celsius and it wasn't yet June! The announcer made a quip about global warming before moving on to the traffic report. Gridlock on Portage Avenue due to a protest in front of RCMP headquarters. The discovery of hundreds of unmarked graves at a former residential school had been in the news this week. I wonder if this protest was related to that? It also made me think about the red dress hanging in my neighbour's front yard [Figure 3]. I made a mental note to avoid Portage Avenue on my morning commute downtown.*

I switched off the radio, but before my feet could hit the floor I picked up my phone and upon recognising my face, the device unlocked revealing a dozen unread emails. I quickly scrolled through to see if anything was urgent. The first message screamed in all-caps: WINNER!!!!!!! CLAIM YOURE FREE iPhone 11 Now!! I quickly swiped that message and several more like it in to the trash before concluding there wasn't anything important to deal with.

(https://kpu.pressbooks.pub/app/uploads/sites/199/2022/01/Picture3.jpg)

Figure 12.3: A Red Dress: Art or Politics? In solidarity with murdered and missing Indigenous women and girls. Is this a political or artistic act? Check out the Redress Project at https://www.jaimeblackartist.com/ exhibitions/.

After a quick shower and coffee, I punched the code into the alarm keypad by the front door, arming the system before heading to the garage for my bike. I gave the tires a quick squeeze to ensure they were fully inflated and checked to make sure my Abus Granit XPlus™ bike lock was secured in its holster. I marvelled at how heavy it was, and I recalled watching a YouTube video showing the same type of lock being cut with an angle grinder. The lock could be defeated, but it would take some time. Surely a thief would pass my bike over in favour of easier prey?

I cycled down the back alley and noticed some new graffiti on a dumpster behind an apartment complex. I was trying to decipher the colourful letters when I almost collided with a man pushing a shopping cart. The cart was filled with cans and bottles and all sorts of metal odds and ends. Before I could mutter an apology for nearly running into the man, I heard shouts and I looked to see a uniformed security guard running from the apartment complex gesturing at the man with the cart. I decided to keep riding and ignore the ruckus.

(https://kpu.pressbooks.pub/app/uploads/sites/199/2022/01/Picture4.jpg)

Figure 12.4: Never Forgotten. The mural depicting Murdered and Missing Indigenous Women and Girls was commissioned by the city and local business community. Just out of frame, a homeless encampment under the overpass provides shelter for the unhoused while an unauthorized graffiti tags says "FUCK BANKS."

A bit farther along my ride, I noticed several tarps and tents strung up under a highway overpass, and I wondered who might be living there. I also noticed the colourful mural dedicated to Missing and Murdered Indigenous Women and Girls on the side abutment of the overpass. While reading the names of the women depicted in the mural I saw that someone had added a new graffiti tag on the overpass that read "FUCK BANKS." The whole scene made me feel uneasy, and I quickly pedaled away [Figure 12.4].

Later, while stopped at a red light, I noticed an advertisement on a bus bench had been recently vandalised. This bench bore the same message since the very start of the COVID-19 pandemic: "Act Responsibly to keep our businesses open" [Figure 12.5]. Today, it gave me a chuckle to see that above this slogan someone had added "Government should" in black marker. The light turned green, and I continued on.

(https://kpu.pressbooks.pub/app/uploads/sites/199/2022/01/Picture5.jpg)

Figure 12.5: (Government Should) Act Responsibly. Shortly after this photo was taken, a guerilla graffiti artist added "Government Should" to the message.

Part of my commute to work follows a bike lane along a busy stretch of road downtown. Aside from a white line of paint on the asphalt, nothing separates cars from cyclists and I felt a bit nervous, especially at intersections where cars sometimes turn in front of me without looking. Sometimes drivers even yell and make threatening gestures or cut me off in traffic [Figure 12.6]. Today, a car pulled into the bike lane and stopped suddenly in front of me. I braked hard to avoid a collision and looked on incredulously as a well-dressed man stepped out of the car without even acknowledging me. "What the hell?" I shouted angrily, gesturing toward the no parking signs. "Fuck you!" he replied, and all of a sudden he reached into his car and produced a tire iron. I quickly pushed my bike up onto the sidewalk and pedalled hard past the scene. My heart was pounding and I was shaking just a bit.

"Just another fucking Monday." I muttered to myself as I made the rest of my way to work.

(https://kpu.pressbooks.pub/app/uploads/sites/199/2022/01/Picture6.jpg)

Figure 12.6: Please Give Me Space. A public awareness campaign urges drivers to be careful around cyclists. However, cyclists are often the target of road rage, while the failure of governments to provide safe cycling infrastructure leads to unnecessary deaths. Meanwhile, Winnipeg police have increased the number of tickets issued to cyclists who ride on sidewalks to avoid dangerous streets (Sellar, 2021). Who is the criminal in this situation?

 This vignette is meant to illustrate how everyday moments contain within them opportunities to think about how crime and control are woven into our daily lives, as well as the way power is both exercised and resisted from below in late modern life. It also shows how crime and control play out through moments embedded in culture. Take a moment to think about the range of crimes implied by this anecdote. Everything from minor graffiti and the pilfering of scrap metal, to online fraud, to state sponsored acts of murder and colonial genocide all weave their way in and out of our everyday culture, as do acts of resistance to the exercise of control. Individuals with power and privilege can rely on private security and home alarm systems for protection, while those who are unhoused are vulnerable to exploitation and criminalisation for engaging in acts of survival. Conflicts between motorists and cyclists boil over into violent confrontation, and protests take the form of traffic blockades, pop-up art installations and guerilla graffiti aiming to subvert government messaging. Imagine your own day and think about how crime and justice weave seamlessly into your own lives and into culture.

For students trained in social science, this sort of criminology of the everyday may not seem like a method of analysis at all. However, cultural criminology reaches back into the history of the discipline to reclaim earlier approaches to studying crime. Looking to the origin of the discipline, we can see that "many of criminology's foundational works emerged out of an idiosyncratic, impressionistic approach to ethnographic inquiry" (Ferrell, 2004, p. 295). Regarded as the intellectual foundation of American criminology, the Chicago School of Sociology in the early twentieth century epitomised this idiosyncratic approach. Chicago School sociologists undertook their research far from their university offices and viewed the city as an unknown territory ripe for scholarly investigation. They used a form of field research adapted from anthropology called ethnography that involved long-term interaction and the observation of cultural groups in their natural settings (see chapter on Methods and Measuring Crime) to study unconventional groups and behaviours found throughout the city—from Depression-era hobos (Anderson, 1923) to juvenile delinquents (Shaw, 1930). Frederic Thrasher spent seven years undertaking immersive field research before writing his 571-page book *The Gang* (1927). Robert Park, a leading figure of the Chicago School, was a former newspaper reporter and used a similar approach to gathering stories from those living in the city. These rich, detailed and experiential accounts of human behaviour nowadays seem almost romantic and hardly resemble contemporary academic criminology. Also, it seems incredibly impractical to spend seven years on field research. Can these approaches be updated and modernised for late modern times when the world appears to be moving faster and faster?

In answer, many cultural criminologists propose that researchers engage in instant **ethnography**—an approach that recognises that late modern life unfolds in unpredictable and haphazard ways. Researchers can gain important insights into crime and control by observing these fleeting moments which appear when researchers take the time to simply look around. As the opening anecdote illustrates, keeping our eyes open to the way crime and control seeps into our day-to-day culture can provide insight lacking in more traditional and planned approaches. Cultural criminology celebrates and uses the unpredictability of late modern life to analyse and offer social and political critique about crime and control. Take a few moments to look around your world today. You may be surprised at what you see.

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12.7 Crime Media and Popular Culture

DR. STEVEN KOHM

> Visit Los Santos & Blaine County. A *true paradise of golf courses, strip malls, environmental degradation and trailer parks – including … Peace of Mind. The Los Santos Police Department is famous for tackling crime in the most aggressive and unhinged way possible. This is through community outreach like stop and frisk, spectacular police chases and liberal use of stun guns and service revolvers.* -Grand Theft Auto V, *Rockstar Games*

Violent, immersive video games such as those offered by Rockstar Games—including *Manhunt*, the wildly popular *Grand Theft Auto* series, and *True Crime: Streets of LA*—have captured the attention of cultural criminologists (Rowlands et al., 2016; Steinmetz, 2018; Fawcett & Kohm, 2020). Video games have for decades been a source of spiralling mediated moral panic about the presumed corrosive effects of violent media on youth (Rowlands et al., 2016). As Ferrell et al. (2008) point out, moral panics about video games and other violent forms of culture today follow many features of Stanley Cohen's (1972) classic model. However, the moral panic of late modern times unfurls "faster and more furiously" (Ferrell et al., 2008, p. 133). Rather than something to be avoided, the logic of capitalism in late modern times sees great benefit in harnessing the media attention spawned by a moral panic because, as the old adage goes, there is no such thing as bad publicity. Today, "panic-inducing images of crime and deviance are now prime marketing tools for selling products in the youth market" (Ferrell et al., 2008, p. 140), a process identified in earlier time periods (e.g. McRobie & Thornton, 1995) but is accelerating in late modern times along with the proliferation of interactive digital technologies and social media. For example, Hier (2019) suggests that digital media logic produces a new kind of panic akin to a wildfire or firestorm that burns intensely, but ends quickly.

Cultural criminology sees in crime media, such as violent video games, something more telling about contemporary culture and the nature of global capitalism in late modern times. Video games like *Grand Theft Auto* and others "exemplify the broader trend toward the commodification of violence and the marketing of transgression" (Ferrell et al., 2008, p. 139). Atkinson and Rodgers (2016) argue that violent video games and explicit online pornography are appealing in late modern times precisely because of the longstanding historical trend toward what Norbert Elias called the civilising process. Over time, violence moved from being a visible and commonplace part of our lives to being largely invisible and the exclusive domain of state authorities. Michel Foucault (1977) vividly described this shift in his book *Discipline and Punish*, which begins with a detailed description of the public torture, dismemberment and execution of a criminal in France. However, just a few short years later, Foucault showed that punishment had been transformed. No longer a public spectacle, punishment moved behind the walls of newly developed penitentiaries and rituals of violence were replaced by self-regulating forms of discipline enforced by new surveillance technologies. Thus, Atkinson and Rodgers (2016) argue that as life has become more sanitised, safe and generally free of the threat of everyday violence,

new forms of entertainment like violent videogames have become an outlet for our repressed violent impulses. The cultural industries have responded by offering a wide variety of products that play on our interest in participating in or witnessing forms of violence and humiliation that were once a common feature of public life. So while public executions are long gone, these public rituals have been replaced by violent first-person videogames and the public humiliation and punishment of putative criminal offenders on reality TV programs like *Cops* and *Dateline NBC: To Catch a Predator* (Kohm, 2009).

Media and pop culture are important sites for cultural criminology to analyse the collision of culture, crime and control. Drawing from postmodern theory, cultural criminology asserts that reality and representation can no longer be analytically separated:

> In this world the street scripts the screen and the screen scripts the street; there is no clearly linear sequence, but rather a shifting interplay between the real and the virtual, the factual and the fictional. (Ferrell et al., 2008, p. 123-124)

Previously, cultural meaning was thought to be linear. In other words, reality comes first and its representation in media comes only after the fact. For example, a crime takes place, and then the news media reports the facts of that crime. But what if this linear order of meaning was disrupted? For example, Kohm (2009) showed how the popular NBC TV news magazine *Dateline NBC: To Catch a Predator* staged phony criminal situations to entrap men chatting online with actors pretending to be minors. The television program not only created the story it would later broadcast as "news," but TV producers also choreographed police officers on the scene to ensure dramatic arrests for the camera (Kohm, 2009). This example shows how a simple linear conception of meaning may no longer be tenable in late modern times where news and entertainment have merged into "infotainment" and news programs actively create the content they report as news (Kohm, 2009). For a more detailed look at this issue, see part 1 of this two-part series by 20/20 that investigates the program *To Catch a Predator.*[1]

Cultural criminologists employ the concept of loops to encapsulate the complex and non-linear way meaning flows through media and popular culture. They describe "an ongoing process by which everyday life recreates itself in its own image" (Ferrell et al., 2008, p. 130). Jeff Ferrell (1999, p. 397) describes this state of affairs as akin to a "hall of mirrors." If you can imagine the disorienting effect of a fun house filled with multiple mirrors, reflected images, and *images of images*, you get a sense of the cultural and media loops that characterise late modern life, wherein "images… bounce endlessly one off the other" (Ferrell, 1999, p. 397). When a crime or a reaction to a crime is taken up by media, the effect is to "amplify, distort, and define

1. Scan the QR code to access https://www.youtube.com/watch?v=tOgsPglrFdc

the experience of crime" (Ferrell et al., 2008, p. 130). Nowhere is this more evident than in so-called reality TV, a genre of television purporting to show real-life situations and events. For example, several reality programs used footage from ride-alongs with police claiming to realistically depict crime and urban policing in North America. The long running American series *Cops* is the best known of these reality TV police programs, while in Canada, *To Serve and Protect* imitated the formula using footage from police ride-alongs in Surrey, BC, Edmonton, AB and Winnipeg, MB. *To Serve and Protect* initially aired in the 1990s and early 2000s, but was rebranded and rereleased on Netflix in 2017 as *Under Arrest*. To bolster its claim to reality, each episode begins with a voiceover: "*This program contains actual police footage. No reporters, no recreations*" along with the caveat that "*Any suspects shown are innocent unless proven guilty in a court of law*." However, once a suspect is captured on camera, any distinction between legal innocence or guilt becomes a moot point as often shirtless (and frequently non-white) bodies with blurred faces are tackled and violently subdued by uniformed officers who speak directly to the camera claiming the righteousness of their actions. As Doyle (2003) points out, reality TV police programs are far from reality and depict policing from the point of view of law enforcement, who exercise control over the content of the TV program. However, reality policing programs result in a looping effect whereby police, suspects and the general public come to believe that "appropriate law enforcement correlates with high-speed chases, blocking and tackling, drawn weapons, and a shoot-first, think-later mind set" (Rapaport, 2007, as cited in Ferrell et al., 2008, p. 132). Even more telling, Pamela Donovan (1998) describes a scene in a suburban neighbourhood where crowds of onlookers watching police serve an arrest warrant spontaneously break into the chorus of Full Circle's "Bad Boys," the theme song of Cops (Bad Boys (Theme From Cops)[2]). In that case, it seems clear that the screen was indeed "scripting the street" (Hayward & Young, 2004).

Another concept employed by cultural criminology to describe the dynamic interplay between crime, control and media representation is that of the spiral. Like the discarded items Jeff Ferrell (2006) found during his time as an urban scrounger, cultural criminology has re-discovered an older concept in the sociology of deviance and put it to new use in analysing crime and media in late modern times. As far back as the early 1970s, interactionists documented the interplay between media, moral entrepreneurs, and subcultural groups resulting in a deviance amplification spiral that, in effect, caused those labelled deviant to become more entrenched in behaviour deemed troubling by authorities and news reporters (Young, 1971; Cohen, 1972). We can think of media loops building over time into a spiral that in turn feeds back into society through politics, public opinion about crime, and the actions of police and other agencies of crime control. And while the contemporary mediated spiral resembles the moral panic of the

2. Scan the QR code to access https://www.youtube.com/watch?v=bBD8M3WFrAw

early 1970s, cultural criminologists like Ferrell et al. (2008) claim that late modernity fosters the conditions for a sustained spiraling panic that is ongoing, rather than the short-lived episodes described by Cohen (1972) and others. Whether conceived as a moral panic or a spiral of media representation, cultural criminology continues the analytical tradition begun 50 years ago in seeking to explain the seemingly irrational effects when crime, media and culture collide.

12.8 Critiques

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Sometimes cultural criminology has been accused of romanticism by portraying criminals and deviants as cultural heroes who are fighting back against oppression through purposeful acts of transgression and deviance (Hall & Winlow, 2007). In response to this criticism, cultural criminologists would argue that mainstream criminology, particularly positivist, rational choice variants that reduce human action to a cost-benefit analysis, focuses too much on statistical equations and mathematical models and lacks any empathy for the plight of criminals. In fact, cultural criminologists have suggested that this can make criminology boring and take away from what makes crime and criminology fascinating to students and the general public alike.

Cultural criminology is also criticised for placing less emphasis on wider social structures and giving more attention to individual human action. However, proponents argue that this ignores the objective of cultural criminology to critique power. Cultural criminology takes up a critical position against power resulting from broader structures that produce inequality, such as capitalism. For example, cultural criminology examines the way violence reflects power relations in society. Certain forms of violence may be deemed entertainment when filtered through the lens of media and popular culture, while acts of state-perpetrated violence or abuse in times of war, such as in the aftermath of 9/11, may be deemed justified and culturally appropriate given the threat posed by foreign terrorists. For cultural criminology, "violence, it seems, is never only violence. It emerges from inequalities both political and perceptual" (Ferrell et al., 2008, p. 13). A cultural criminological analysis of power examines how we understand particular acts of violence. For instance, some cultural criminologists have called for a new visual criminology that analyses the way images are central to the meaning of crime and violence (Brown, 2014; Rafter, 2014; Brown & Carrabine, 2017). Some of the most iconic and horrific photographic images of violence are captured in times of war. However, the meaning assigned to these images exemplifies the work of power. For example, stark black and white images of liberated World War II concentration camps evoke horror and outrage over the atrocities committed by the Nazi state against humanity. These images unambiguously attest to the total corruption of the Nazi state and confirm that genocide must be understood as *the* crime of all crimes (Rafter, 2016). Alternatively, shocking digital photographs of American soldiers sexually humiliating prisoners at Abu Ghraib prison in Iraq were invested with a very different meaning. Rather than suggesting a political culture of criminal corruption and state sanctioned torture among the occupying US military, public outrage focused only on the individual soldiers caught smiling for the camera. Carrabine (2012) points out that images of Abu Ghraib failed to provoke the same outrage as photographs of the Nazi Holocaust because they bore a resemblance to other forms of popular culture that celebrate violence and humiliation such as internet pornography and reality TV. In fact, he argued that "these violations of humanity scarcely trouble consciences" (Carrabine, 2012, p. 486). Images such as these reflect power, and are themselves powerful to look at. I will not reproduce these images of torture here,

but the photographs are widely circulated on the Internet, and there are several documentaries that provide greater context and commentary. *Ghosts of Abu Ghraib* (2007) and *Standard Operating Procedure* (2008) provide a critical look at this incident and the meaning of the photographs.

A final critique of cultural criminology is that it is primarily the view of white male academics from a Western-centric point of view. Naegler and Salman (2016) point out that the kinds of crime that interest cultural criminology are mostly masculine pursuits, like graffiti-writing, joyriding and base-jumping. As noted above, the struggles of Indigenous activists for recognition and decolonisation have not yet been the subject of cultural criminological analyses. However, that does not mean the perspective can not offer the tools to engage with Indigenous struggles for justice. Cultural criminology would be well positioned to analyse the way culture may be used to advance an anti-colonial agenda. Many of the tangible acts of resistance embodied in recent activities by Indigenous activists—like pulling down statues, positioning children's shoes on the steps of Catholic churches, and placing dozens of tiny orange and pink flags on the front lawn of the Manitoba Legislature (see Figure 7)—are imbued with cultural meaning. To some politicians, these acts of resistance are crimes against culture deserving of criminalisation or simply acts of mindless vandalism. Conversely, activists see culture as a key battleground for advancing an anti-colonial agenda for social change. While there is some intriguing new cultural and critical research being done in the settler colonial context of Australia (see Cunneen and Tauri, 2016, Cunneen, 2010, 2011), more work is needed in Canada and beyond to fully realize the potential of this perspective to address historical and ongoing injustices for Indigenous peoples. Acts of resistance by Indigenous activists that play out via culture call attention to the deafening silences of politicians and religious leaders who have never been held criminally responsible for acts of abuse and genocide but who instead offer hollow cultural performances of contrition rather than material reparations. Cultural criminology holds great potential to understand the present struggles of Indigenous peoples for justice and decolonisation and associated attempts to criminalise these actions as well as the institutionalised denial by the Canadian state and the Vatican (see Cohen, 2001). However, it is up to a new generation of criminologists to realize the full potential of this perspective and decolonise cultural criminology.

(https://kpu.pressbooks.pub/app/uploads/sites/199/2022/01/Picture7.jpg)

Figure 12.7: Crimes of Culture and Culture as Resistance. Hundreds of orange and pink flags have been placed by Indigenous activists on the front lawn of the Manitoba Legislature to draw attention to the abuse and deaths of Indigenous children forced to attend residential schools in Canada.

Media Attributions

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12.9 Conclusion

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This chapter has outlined the key features of cultural criminology. Cultural criminology is an attempt to breathe new life into criminology. It borrows from and adapts earlier sociologically rooted theories of crime and deviance such as subcultural theory, labelling theory, and moral panic theory. It focuses on the foreground of crime, rather than abstract background factors. It analyses the everyday moments where crime weaves itself into our daily lives and focuses on crime as a reaction against boredom as well as an act that can be associated with pleasure and entertainment. Cultural criminology acknowledges and perhaps celebrates moments of resistance to oppressive systems of power that generate inequalities in late modern life. Those labelled criminal and deviant are seen to have agency, and their behaviour is viewed as purposeful, even when their actions at times seem irrational. The dumpster diver and the graffiti artist are viewed as potential urban activists whose activities constitute resistance to the boredom and mindless conformity of daily life. Crime and culture intertwine in media and provide moments for the enjoyment of crime, punishment and control. Crime seeps into our lives in many small ways and the task of cultural criminology is to analyse the haphazard and unexpected moments that can tell us much about crime in contemporary society as well as reveal something about the oppressive structures of power in late modernity. Cultural criminology might be a theoretical soup, but it is seasoned with spice and served hot at a time when crime and control appear to be moving faster than ever before. In this world, crime has meaning if only we care to look for it in the debris of contemporary culture. Welcome to the exciting world of cultural criminology. Join us, if you dare.

12.10 Discussion Questions

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1. Can you think of a crime that went viral on social media? What made that crime interesting or entertaining?
2. Imagine your typical daily commute to work or school. How many examples of crime or acts of resistance to authority can you identify along the way?
3. It is said that history is written by the victors. If the history of the residential school era was different, and those responsible for abuse and genocide were criminally charged, would contemporary culture look different today? For example, what kinds of statues would stand in front of our government buildings? Would activists be arrested for defacing public monuments to convicted murders and abusers?
4. How often do you feel bored in your day-to-day life? Do you think that boredom is more common now than in previous time periods? Why or why not?
5. Most types of violence are against the law, but some forms of violence are celebrated in society and can even be viewed as entertainment. What are some examples of acceptable violence
6. Imagine you are a Hollywood producer pitching a new idea for a reality TV show about crime and justice. What is your pitch?

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13. GREEN CRIMINOLOGY

Dr. Gregory Simmons, Kwantlen Polytechnic University

Positionality Statement

I am a white male who hails originally from the United Kingdom, a key historical centre of colonial and imperial power in relation to what we now call North America and across the globe. When I was 14, my family moved to northern British Columbia, on the territory of the Lheidli T'enneh people, where I witnessed firsthand the effects of colonialism and systemic discrimination against Indigenous peoples. My own privilege was made more apparent to me upon attending university, where the under-representation of Indigenous peoples was a striking reality. After completing a law degree at Osgoode Hall in Ontario, I worked in the non-profit environmental sector. Here, it was brought home how so much of the conflict, disrespect and injustice visited upon Indigenous peoples is rooted in environmental exploitation and how Indigenous peoples were so often on the frontlines of resisting that harm and defending their (often unceded) territory. Later in life, I went back to school to complete a Ph.D. in Criminology at Simon Fraser University, which was informed by this experience. I strive to be alive to and honour such struggles and to forward a green criminological praxis that hopefully can play a positive role in the much bigger process of reconciliation.

Dr. Rochelle Stevenson, Thompson Rivers University

Positionality Statement

I identify as a white, heterosexual, cisgender woman. I currently live in Kamloops, BC, on the lands of the Tk'emlúps te Secwépemc within Secwépemc'ulucw, the traditional and unceded territory of the Secwépemc peoples. I share my life with my partner, and we are parents to a wonderful Standard Poodle and two adorable cats.

I was born and raised in Oakville, Ontario. My parents were both Canadian-born, as were my grandparents. My great-grandparents immigrated to Canada from Ireland and France, settling in Quebec and Ontario. Despite the fact that neither of my parents had attended university,

we enjoyed a great deal of financial and social privilege. It was not until returning to university as a mature student to pursue my degree in Criminology that I truly realized the extent of that privilege. Confronting my privilege was very uncomfortable, but critical to my growth as a scholar and a person. My early studies opened my eyes to the stark contrasts in experience, comparing my own experiences of private ski clubs and private schools to reading about women who didn't leave abusive relationships because they had no resources. More than once I questioned whether I was in the right space, but my desire to effect change was the driving force to continue.

My research is firmly centred in a feminist space with its anti-oppression framework, paired with the anti-speciesism of the human-animal bond. My work over the past 15 years has centred on the intersection of intimate partner violence and animal mistreatment, recognizing that companion animals are family members too, and domestic violence can include abuse towards animals in the home. My drive for change includes advocating for pet-friendly spaces, such as domestic violence shelters and housing, so that the family (animals included) can remain together while healing from violence. Though this work is emotionally challenging (even heartbreaking) at times, and I consistently wrestle with my own position of relative privilege, my furry family members are my inspiration to keep moving forward to create a safe and inclusive society.

Dr. Mark Vardy, Kwantlen Polytechnic University

Positionality Statement

I am a white male born in the Cowichan Valley where I was raised by parents who immigrated from England to Canada to work as school teachers. The intersection of privilege that I occupy became apparent to me when I was raising my daughter as a full-time single parent on a low income. I saw the differences between my ability to navigate social welfare systems and the obstacles that other young single parents faced. While we had similar economic situations, I realized that I had what I later learned in post-secondary was called "cultural capital." That is, my middle-class upbringing enabled me to express myself in ways that could be understood by workers within the social welfare system. I still see frequent occurrences of white privilege when people seem to grant me a certain kind of status, power, respect or authority that strikes me as an artefact of colonialist cultures of white supremacy. Like Greg and Rochelle, I hope to use my position of privilege to work towards transformative social change.

Introduction

Green criminology is a perspective that challenges taken-for-granted notions of crime and harm in relation to humans, other species, and the natural world. While green criminology's questioning of traditional criminological assumptions affords the opportunity to examine Indigenous knowledge, ways of knowing, and concepts of justice through an indigenous lens, to date, the field remains largely grounded in a Western worldview. Green criminology as a theory holds the potential to include Indigenous knowledge and understanding of the natural world to steward a just and sustainable future.

In this chapter, we first define green criminology and its core components, and outline how green criminology is distinct from environmental criminology. Next, we discuss the three main ecophilosophies and explore various approaches within green criminology. We then describe environmental victimisation through green criminological perspectives on justice. Throughout the chapter, we provide real-world examples to illustrate the application of green criminological perspectives to current problems, specifically those that impact Indigenous peoples, which demonstrate how these perspectives are interconnected.

13.1 What is Green Criminology?

DR. GREGORY SIMMONS; DR. MARK VARDY; AND DR. ROCHELLE STEVENSON

Lynch (1990) was the first to use the term *green criminology*. He articulated the core ideas of this critical perspective, arguing that

> [m]any issues (e.g., racism, sexism, crime, environmentalism, etc.) can be related to economic, political and class interests, and more specifically, to the ability of powerful groups to manipulate and use race, class, gender, and the environment to preserve the basis of their power (Lynch, 1990, p. 1).

Lynch (1990) points out not only the role of power in crimes against the environment, but also how such crimes disproportionately affect individuals based on race, class, and gender. To this, we would add species and nature, as green criminology expands the notion of victimhood to include animals (plus sentient beings like fish and insects) and the environment.

South (2014) offers a simple definition of green criminology: "the study of crime, harm and injustice related to the environment and to species other than humans" (p. 8). Though this definition of green criminology may appear simple, there is much nuance contained within. Such nuance is made visible in Brisman and South's (2019) definition:

> Green criminology refers to the study of environmental crimes and harms affecting human and non-human life, ecosystems and the biosphere. More specifically, green criminology explores and analyses: the causes, consequences and prevalence of environmental crime and harm, the responses to and prevention of environmental crime and harm by the legal system (civil, criminal, regulatory) and by nongovernmental entities and social movements, as well as the meaning and mediated representations of environmental crime and harm (p. 1).

While it may seem complicated, to better understand the scope green criminology we can break this definition down to a few core components: a focus on environment, animals and humans; a focus on crime; a focus on harm; and a focus on injustice.

A Focus on Environment, Animals, and Humans

Much of traditional criminology is **anthropocentric** (human-centred), as theories and research focus on humans both as perpetrators of criminal actions as well as victims of crime. In contrast, green criminology broadens this view to include the environment (water, land, air, and plants) as well as non-human animals, including wild, farmed, and domestic animals. Green criminology moves away from a strictly anthropocentric perspective to a more encompassing view of who

could be a victim of crime or harm. We discuss environmental victimisation further below in the section 'Green Criminology and Victimisation.'

A Focus on Crime

Green criminology is a perspective on crime, meaning behaviour deemed illegal, such as that within the *Criminal Code* or prohibited actions in regulatory laws like the *Canadian Environmental Protection Act* or the *Species at Risk Act*. Green criminology not only looks at breaches of law, but also *who* is breaking the law, and *how the justice system responds* to such breaches. Green criminology is a critical perspective and calls attention to the role that power plays in determining both the laws and who is deemed to have violated those laws.

The example of industrial animal agriculture is useful here. The *Criminal Code* prohibits unnecessary pain, suffering or injury of animals, as noted in s. 445.1(1). However, the animal agriculture industry itself shapes the codes of practice, including welfare standards, via the National Farm Animal Care Council (NFACC)[1], which is composed of a variety of interest groups and provincial ministries. The Canadian Food Inspection Agency, which is responsible for inspecting animal agriculture facilities, is also represented among the members of the NFACC. In essence, the animal agriculture industry itself determines what is "necessary" pain and suffering for the animals within their control, creating a loophole for corporations to continue to treat animals poorly. Green criminologists call attention to gaps in law, highlighting the loopholes that favour corporations and industries at the expense of animals and the environment (Campbell et al., 2016; Girard et al., 2010; Long et al., 2012).

A Focus on Harm

Green criminology embraces a **zemiological** approach, which entails the study of social harm (Naughton, 2007). As part of the focus on harm, green criminologists pose these critical questions: *Who determines what is harmful?* and *Who defines what is criminal?* These questions centre the issue of power, as in who has the power to construct definitions of environmental

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1. Scan the QR code to access https://www.nfacc.ca/partners

crime, who has the power to resist definitions of harm, and importantly, who and what are harmed by these actions.

Indeed, many actions that are legal are harmful and have more widespread impacts than "street" crime. Long et al. (2012) point out the harm caused by legal practices within the coal industry, such as the environmental devastation caused by strip mining and the chemicals used in processing coal. Such devastation not only negatively affects the air and water, but also plants, animals, and humans living in areas near coal mines. Furthermore, many normal practices within animal agriculture are harmful to the animals and workers within the industry, as well as the wider environment (Fitzgerald, 2015; Sewell, 2020). Benz (2019) discusses the water situation in Flint, Michigan, highlighting the legal (and money-saving) decision to switch the drinking water supply from the clean Lake Huron to the polluted Flint River in 2014 (see Michael Moore: Flint water crisis 'a racial crime'[2]). After several years of recorded high levels of contaminants in the water system, and the slow replacement of the pipes coupled with promises of safe water, people in Flint still cannot drink the water from their taps, or trust the water is safe.

Hillyard and Tombs (2007) point out that "crime" is socially constructed (see chapter 1 What is Crime?), meaning that an action has to be perceived as a crime and defined as a crime, and then the definition must be accepted by society. They also point out, however, that crime serves to maintain power relations...[and] although the criminal law has the potential to capture some of the collective harmful events perpetuated in the suites and in the corridors of the state, it largely ignores these activities and focuses on individual acts and behaviours on the streets. (Hillyard & Tombs, 2007, p. 15)

Corporations have vested interests in defining some actions as criminal and resisting criminal definitions of others. We can again look to the animal agriculture industry to illustrate this fact. Farm and agriculture groups have successfully lobbied against attempts to revise the animal cruelty provisions in the *Criminal Code* over the past two decades, fearing that a shift in the law would make their "normal" animal husbandry practices illegal (Verbora, 2015). Yet, Canadian provinces are moving toward so-called **ag-gag laws**; since 2019, Alberta, Ontario, Prince Edward Island, and Manitoba have passed provincial ag-gag laws and amended existing legislation

2. Scan the QR code to access https://www.youtube.com/watch?v=3bciXJdz2YE

incorporating ag-gag language.[3] Ag-gag legislation criminalises undercover investigations of animal agriculture operations, limits whistleblowing, and prohibits the recording of animal agriculture activities (Kramer, 2020). Such laws are supported by the animal agriculture industry as they silence and criminalise groups and people who oppose them and further render the conditions of the production of meat and fur invisible. Green criminologists point out the **speciesism** inherent in these laws, and how such silencing harms both the animals and the employees who work in these spaces (Fitzgerald, 2015; Kramer, 2020). See Criminalizing Compassion: How Ag-Gag Legislation Lets Corporations Set the Laws of the Land[4] to learn about the first person to be charged under ag-gag laws in Utah.

Green criminologists call attention to this dichotomy between *legal* and *harmful*, and clearly critique the power relations that allow the harmful behaviour of corporations to continue seemingly unchecked (see Environmentalists want Nestlé to stop water-taking in Ontario town amid drought[5] to learn about the actions of Nestle and the town of Aberfoyle, ON). The focus on harm allows green criminology to expand the idea of what should be considered under a criminological umbrella, as well as expands the conceptualisation of who, and what, can be considered victims of such harms.

A Focus on Injustice

With a focus on harm, and attention to power, green criminology's concentration on injustice follows naturally. A striking case of injustice persists in the homes of many Indigenous peoples

3. Scan the QR code to access https://animaljustice.ca/blog/federal-ag-gag-bill-could-punish-negligent-farmers-after-amendments-at-committee

4. Scan the QR code to access https://www.youtube.com/watch?v=w2Q6e_hDhGo

5. Scan the QR code to access https://www.youtube.com/watch?v=4qydYA1LTsc

across Canada, where the stark impacts of colonisation and systemic oppression are felt. For decades, multiple Indigenous communities have been living under water advisories, where they must boil the water in order to drink it or bathe. Rather than this being a problem only for remote communities, it is a problem for urban communities as well. For example, the Semiahmoo First Nation only recently ended its 16-year boil-water advisory despite being only five kilometres outside the city of White Rock, BC (about 50 km south of Vancouver), whose residents have always had clean drinking water (Black, 2021). The federal government of Canada has been promising for years to solve the water issue for Indigenous communities, yet the situation continues. According to Black's (2021) research, "the number of water-borne diseases in First Nations communities is 26 times higher than the national average, and people living on reserve are 90 times more likely to have no access to running water compared to non-Indigenous people in Canada" (para. 8).

Green criminologists call attention to the fact that water is a human right according to the United Nations (see Human Rights to Water and Sanitation[6]), critically analysing the structural inequities systemic racism, and persisting colonial oppressions—that result in such situations. Indigenous peoples around the world bear the brunt of environmental injustice, from toxic oil contamination in Amazonian Ecuador (Kimerling, 2013; Pellegrini et al., 2020), to dam construction in Brazil (Bratman, 2014), to the toxic waste situation in the United States (Vickery & Hunter, 2016).

Table 13.1: Traditional Criminology versus Green Criminology: Core Components

	Traditional Criminology	**Green Criminology**
Scope	Anthropocentric – Focus on humans, as perpetrators and victims	Non-speciesist – includes environment and animals, both human and non-human
View of Crime	Examines breaches of the law as the problem	Moves beyond the Criminal Code and regulatory laws, questions the role of power, and asks who is breaking the law and how the justice system responds.
Harm	Narrow definition of harm – focus primarily on harms resulting from acts deemed illegal	Zemiological – study of social harms, including harms resulting from both legal and illegal actions. Asks who determines what is harmful and what is criminal
Justice/ Injustice	Crimes seen as acts committed against the state; does consider marginalization in perpetration and victimization of crime	Focus on injustices resulting from actions or inactions of corporations, governments, and individuals. Calls attention to injustices disproportionately experienced by marginalized groups.

6. Scan the QR code to access https://www.unwater.org/water-facts/human-rights-water-and-sanitation

13.2 What is the Difference Between Green Criminology and Environmental Criminology?

DR. GREGORY SIMMONS; DR. MARK VARDY; AND DR. ROCHELLE STEVENSON

Green criminology's focus is on both legal and illegal harm to the environment (**ecosystems**), humans, and animals. There is a sub-field of criminology, commonly referred to as environmental criminology that focuses on the relationship between crime and space and place, or the geography of crime and criminal behaviour (see chapter 16.4 Theoretical Approaches Within Environmental Criminology).

While the chapter on Environmental Criminology briefly addresses the distinction, a simple example is helpful here to understand the difference. An environmental criminologist would focus on why crimes are happening in a specific location, for example, why auto thefts may be higher in a particular neighbourhood or street. The environmental criminologist would look at the physical space and ask the following types of questions: Is there sufficient lighting on the street? Are there trees or bushes that hide the activities of auto thieves from people who live in the area? Are there ways to adjust the physical environment, such as installing lighting or removing bushes to decrease auto thefts? Can police patrols be increased to tackle the 'hot spot' of auto thefts? The environmental criminologist's focus would be on preventing or reducing criminal activity through altering the physical surroundings.

The green criminologist would have a different focus in this situation. They would be concerned with the amount of light pollution that would result from installing brighter lights, as this may harm the movement and life cycles of nocturnal animals. They would also be concerned with the harm caused by the removal of shrubs and trees (which the environmental criminologist may argue is necessary to increase the visibility of vehicles and thereby decrease the probability of auto theft) as the trees and shrubs are important nesting sites for birds and contribute to clean air by capturing carbon and producing oxygen. The green criminologist may agree that increased police patrols are a good policy for decreasing auto crime in the neighbourhood but would suggest bike patrols over typical police vehicles as they do not contribute greenhouse gases to the atmosphere, and reduce harm to the environment. The green criminologist might also identify forms of social harm in the neighbourhood that the environmental criminologist would likely fail to consider—the factory that routinely discharges toxic waste into the local waterways or the hazardous waste site located next to residential housing, for example. While *environment* is a central concept in both green criminology and environmental criminology, the concept sometimes means very different things!

13.3 Ecophilosophies Within Green Criminology

DR. GREGORY SIMMONS; DR. MARK VARDY; AND DR. ROCHELLE STEVENSON

Brisman and South (2019) identify three main ecophilosophies within green criminology: anthropocentrism, ecocentrism, and biocentrism. Each of these orientations represents a unique lens through which to view harm and crimes against the natural world. The ecophilosophies also work together to provide a more comprehensive picture of the scope and impact of environmental harms.

Anthropocentrism (from the Greek *anthro*, meaning human being or man) "emphasizes the biological, mental and moral superiority of *humans* over all other living and non-living entities" (Halsey & White, 1998, p. 349; emphasis in original). An anthropocentric perspective prioritises human wants and needs and views the natural world as a resource to be harnessed, managed, and conserved (Brisman & South, 2019). From this perspective, protection of the water and air is important because humans need them to survive, while the conservation of animal species is important as humans enjoy viewing tigers, elephants, and wolves. An anthropocentric report on the impact of climate change would focus on the impacts on humans (e.g., the reduction of liveable space due to higher water levels and desertification, how droughts and floods impact food security), with little or no attention given to inequalities between humans. Much of criminology already takes an anthropocentric approach, prioritising human victims over animals or the environment. Anthropocentrism also highlights human-focused solutions, such as genetically engineered seeds for higher yields and other technological solutions to environmental problems.

Biocentrism is the opposite of anthropocentrism, perceiving humans as simply one species within the natural world with intrinsic value. A biocentric philosophy does not subscribe to the hierarchy of anthropocentrism, but instead sees every species and being as equal in worth; the person is equal to the tiger, who is equal to the trout, and equal to the oak tree. This also means that if the human population decreases, through a pandemic like COVID-19 for example, the relative decrease in the human impact on the planet is perceived as a positive thing overall for the planet. However, like anthropocentrism, the inequalities and disproportionate negative environmental impacts on particular groups of humans (racialised, impoverished, or Indigenous peoples, for example) is of little interest to biocentrism. Instead, the health and benefit of the earth and environment are the priority.

Contrary to the other two ecophilosophies, **ecocentrism** "is based on the idea that humans and their activities are inextricably interconnected with the rest of the natural world" (Brisman & South, 2019, p. 5). In other words, humans are part of nature, but are neither above nor below the rest of the natural world. The ecocentric philosophy is relational, recognising that humans need to utilise natural resources to survive but have a corresponding responsibility to use

resources in a way that minimises the impact on the environment and other species (Halsey & White, 1998). In the same relational light, ecocentrism is concerned with issues of social justice, such as environmental racism, and seeks to eliminate exploitation of both the natural world and those within it. Policies informed by ecocentrism seek to balance the best interests of humans and non-humans, conserving and protecting resources for the survival and well-being of all. For instance, the drive for increased consumption and throw-away products are challenged by an ecocentric philosophy.

(https://kpu.pressbooks.pub/app/ uploads/sites/199/2022/03/green- criminology.jpg)
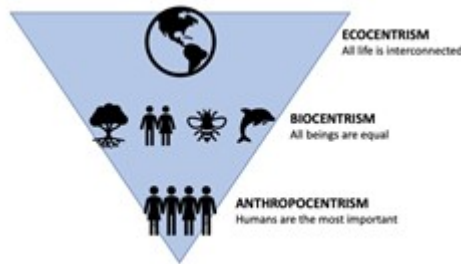
Figure 13.1: The Three Ecophilosophies. Schaubroeck and Rugani (2017), used under Fair Dealing Exception.

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13.4 Green Criminology and Victimisation

DR. GREGORY SIMMONS; DR. MARK VARDY; AND DR. ROCHELLE STEVENSON

Just as it challenges mainstream constructions of crime and criminality, green criminology presses us to broaden our conception of what it means to be a *victim of crime*. Traditionally, within criminology—and in the public mind, more generally—victimhood is understood in relatively narrow anthropocentric terms (see "Ecophilosophies in Green Criminology"). Think of the common picture of someone on the receiving end of interpersonal violence, perpetrated perhaps at the hands of a stereotypical offender (young, male, racialised), possibly in a dark alley or other "dangerous" setting. In contrast to this common understanding of victimisation, green criminology adopts a more expansive picture of the victim and the context of victimisation, one that aims to address conventional criminology's neglect of nature and the impacts of environmental harm. In the rubric of green criminology, victimisation is not limited to humans, but also includes other species and even the broader environment. For a **green victimology**, which White (2018) refers to as "the study of the social processes and institutional responses pertaining to victims of environmental crime" (p. 239), understanding the effect of power on both how we conceive of environmental harm and how we react to it is a central concern.

Consider the workplace. According to the International Labour Organization, each year across the globe, a staggering 2.8 million people die as a result of their job ("UN", 2019). An individual's risk of dying or being hospitalised because of unsafe working conditions is considerably greater than that of being a victim of the type of violent crime that attracts the usual attention of politicians, police and the media (Bittle, 2012). And while available evidence suggests that up to 75 percent of workplace fatalities involve illegality on the part of employers, such deaths rarely register in official crime statistics (Tombs & Whyte, 2017). Many such injuries and deaths result from environmental hazards in the workplace – exposure to dangerous chemicals or toxic emissions on the factory shop floor or to pesticides in an agricultural setting, for example. Green criminology sees these workers as victims of environmental crime and injustice.

As consumers, we also may be the victims of environmental wrong-doing. For example, the toxicity of chemical additives in consumer products, such as the fire retardants coated on furniture or children's toys or the Per- and polyfluoroalkyl substances added to food packaging, has long been minimised or actively suppressed by the corporations that produce them (Maron, n.d.; Perkins, 2021). Such substances are sometimes referred to as "forever chemicals," so-named because, until created by humans, they did not exist in nature and do not naturally break down. They build up in the environment and bioaccumulate in the human body and, even at extremely low levels, are associated with a range of diseases, including cancer and autoimmune conditions. The impacts of consumer products are often exacerbated through **greenwashing** or the portrayal of a product or service as environmentally friendly and not harmful. (see breakout box below).

More generally, as citizens, we are to some degree all environmental victims. For instance, just

by virtue of existing, we all contain in our bodies harmful industrial pollutants, such as dioxins and persistent organic chemicals, many of which have been released into the environment illegally. The limited enforcement of environmental regulations, partnered with legal and legislative loopholes, means there is often little in the way of sanctions or deterrents to such behaviour. Green criminologists tend to view the economic and social power of the perpetrators of such harms, as well as the complicity of governments in their creation (through lax enforcement and permissive regulations), as at least in part responsible for the lack of recognition of this broader victimisation within both criminology and society.

Discussions of abuses of power pair with discussions about justice. Green criminology offers three distinct justice perspectives that often work in harmony to provide a comprehensive picture of green victimisation: the environmental justice perspective, the species justice perspective, and the ecological justice perspective.

Greenwashing

In their advertising, marketing and public relations efforts, corporations often present their activities and products as environmentally benign or even helpful. They may claim that they use "environmentally friendly" technologies or that their products are "natural," "biodegradable" or otherwise "green." In many cases, these assertions are inaccurate and designed to create a misleading impression in the minds of consumers. This deceptive use of "green" language (or even the actual colour green in packaging) is known as *greenwashing.*

Examples of greenwashing abound. For instance, the advertising of multinational energy companies mostly focuses on low-carbon sustainable alternatives to fossil fuels, when in fact the great majority of these corporations' annual investment remains in oil and gas (96% in the case of BP, a company that has aggressively promoted its green image). This has prompted campaigns and legal action by environmental groups to ban fossil fuel advertising (Carrington, 2021).

A far-reaching example of greenwashing is that of plastic recycling. Faced with mounting criticism over the environmental consequences of plastic, in the 1980s, manufacturers decided to push recycling to improve their image. They added the now ubiquitous number system (and chasing arrows[1]) on plastic containers and spent millions promoting plastics recycling. Yet while people now diligently sort their used plastic for municipal pick-up, believing that the impact of all that plastic consumption is lessened because "at least it's recycled," globally only about 10 percent of plastic actually gets recycled. While some jurisdictions recycle a much higher percentage (e.g., British Columbia), most plastic ends up in landfills or is burnt. Meanwhile, plastic production more than doubled from 1990 to 2010 (Passionate Eye, 2020). In reality, the industry never considered widespread plastic recycling feasible, and for many, the plastic recycling symbol stands as one of the most effective examples of greenwashing

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1. Scan the QR code to access https://www.recyclingconnections.org/post/the-truth-behind-the-chasing-arrows

(Sullivan, 2020). For more on this example of greenwashing read Is Plastic Recycling A Lie? Oil Companies Touted Recycling To Sell More Plastic.[2]

2. Scan the QR code to access https://www.npr.org/2020/09/11/897692090/how-big-oil-misled-the-public-into-believing-plastic-would-be-recycled

13.5 The Environmental Justice Perspective

DR. GREGORY SIMMONS; DR. MARK VARDY; AND DR. ROCHELLE STEVENSON

The seemingly indiscriminate and far-reaching nature of many environmental and ecological harms—industrial pollution, climate change, or the destruction of the natural world—can lead to the impression that everyone is harmed in the same universal way (e.g., Beck, 1992a, 1992b, 1999). In reality, the experience of environmental harm aligns with social hierarchies and the distribution of power and resources in society. Some groups are less exposed to environmental "bads" than other groups, or to the extent that they are exposed, or are better positioned to mitigate the negative consequences. The intersection of social relations of class, race and gender, for example, is important to understanding differential exposure to environmental harm (see, for example, Griefe et al., 2017; Simon, 2000; Stretesky & Lynch, 1999). The disproportionate and unequal impact of environmental harms is the primary focus of the **environmental justice** perspective. Intergenerational responsibility (our obligations to future generations), equity (fairness) in the distribution of environmental resources and risks, and the recognition of environmental rights that embody human freedom, social rights, and the fundamental quality of life are central environmental justice values (White, 2015; White, 2018; White & Heckenberg, 2014).

In the United States, the single biggest predictor of whether you reside near a hazardous waste site is race. Fifty-six percent of people living in the vicinity of toxic waste sites are people of colour (Covert, 2016). Such inequities demonstrate **environmental racism**. As discussed earlier in this chapter, Indigenous peoples in Canada and across the globe disproportionately suffer ongoing environmental injustice, including via increased exposure to environmental pollution (e.g., Brook, 2000; Rush, 2002)—a reality embedded in colonialism's continuing legacy of discrimination, displacement and imposed structural inequality. One illustrative example is found in the experience of the Aamjiwnaang First Nation located at the heart of "chemical valley," a stretch of southern Ontario known for having one of the highest concentrations of chemical plants in North America. Sixty industrial facilities are located within a twenty-five-kilometre radius of the Aamjiwnaang reserve ("First Nations Exposed," 2013). Ongoing water and air pollution from the facilities is compounded by frequent spills and a lack of regulatory enforcement, oversight, monitoring and transparency (Cribb et al., 2017). The Ontario Engineers' union (The Professional Engineers Government of Ontario [PEGO]) has claimed that the government agency charged with protecting the environment (Ministry of the Environment, Conservation and Parks) was "muzzling and excluding key engineers that raise concerns with respect to public safety, petroleum refineries and surrounding communities such as the Aamjiwnaang First Nation" (Jarvis & Russell, 2017, para. 3). Testing has revealed elevated levels of dangerous chemicals, including toxins that can interfere with the human reproductive system ("Reproductive Toxins Discovered on Sarnia Reserve," 2020). The Nation has experienced high rates of birth complications and a shocking 2-to-1 female-to-male birth ratio (Mackenzie et al.,

2005). See "The Chemicals Are Within Us": Toxic Tour with Aamjiwnaang First Nation[1] for more on the plight of the Aamjiwnaang First Nation. See Toxic waste dumping in the Gulf of Guinea amounts to environmental racism[2] for more on the concept of environmental racism.

1. Scan the QR code to access https://www.youtube.com/watch?v=j8k1T-xHMV8

2. Scan the QR code to access https://theconversation.com/toxic-waste-dumping-in-the-gulf-of-guinea-amounts-to-environmental-racism-148542

13.6 The Species Justice Perspective

DR. GREGORY SIMMONS; DR. MARK VARDY; AND DR. ROCHELLE STEVENSON

Victimisation as understood within green criminology extends beyond human beings. There is a growing body of research and activism concerned with living creatures as victims in their own right. A **species justice** perspective looks at the obligations and duties owed to non-human animals from perspectives such as a utilitarian moral calculus (maximising overall pleasure and minimising overall pain), the inherent value and rights of sentient creatures, or an ethic of welfare and responsible care (see, for example: Aaltola, 2016; Beirne, 2004, 2007, 2009, 2014; Goyes & Sollund, 2016; Nurse, 2016; Sollund, 2013; Wellsmith, 2010; Wyatt et al., 2018). Areas of focus include the rights or well-being of animals in institutional or commercial settings such as food production (Cudworth, 2017) and animal experimentation (Menache, 2017), individual or interpersonal relations (Escobar, 2015), or at the level of animal environment and habitat (White & Heckenberg, 2014) (see An Inside Look at Factory Farms,[1] via Photographer Jo-Anne McArthur for a look at the inside of factory farms. This may be graphic for some).

Consideration of the abuse and misuse of animals also extends to the genetic modification of organisms via biotechnology and ethical issues arising from altering the fundamental nature of living creatures, as well as the proprietary ownership and control of such modifications and, by extension, of the identity of organisms themselves for commercial purposes (Goyes & Sollund, 2018) (see Bio-piracy: US companies patenting extract from the Kakadu plum[2]).

The concept of speciesism, which contends that some species of animals are inherently more important than others, is central to the species justice perspective. Humans have complex and, arguably, dramatically inconsistent relationships with animals.[3] For example, people often treat their pets (or animal companions) as beloved members of the family. Yet livestock are dealt short horrific lives in factory farms, only to be slaughtered merely so humans can enjoy the

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1. Scan the QR code to access https://www.youtube.com/watch?v=yrHT_Z33ivA

2. Scan the QR code to access https://www.youtube.com/watch?v=pU0dLsXCH-o

3. Humans, of course, are animals too. This conception of humans as distinct from and "above" animals can be considered a form of speciesism.

taste of their flesh. [4] The sheer scale of this suffering is immense: the global population of chickens is 33 billion, of pigs is 700 million and of cattle, a billion (Shahbandeh, 2021a, 2021b, 2021c). This disparity exists despite the fact that farm animals are intelligent social creatures that experience emotions and possess inner lives. We may think the distinction in how we treat, say, a dog that is a pet and pig that is a food commodity is somehow "natural" or "inevitable." Ethically, such claims are dubious. Consider that at one time it was also assumed that it was "natural" for white people to be masters and black people slaves, or for men to be in the workplace and women in the home. We now find such claims abhorrent. They provide a powerful illustration of how what is considered natural or taken-for-granted may in fact reflect particular social and political relations of power. Species justice points out the parallel between these latter forms of discrimination or "naturalisation" and the speciesism present in rationalisations of our treatment of other forms of life.

Some conceptions of species justice also extend to plants, in regard to the impact of habitat degradation and biodiversity loss on their existence (White, 2018). Species justice can be readily applied to the case of genetically modified organisms (GMOs). A **transgenic organism[/pb_glossary]** is a type of GMO that has had DNA from another creature introduced into its genome. This is often done for commercial purposes, (e.g., so it will mature quicker or be more resistant to disease). The multinational agri-chemical corporation, Monsanto (now part of Bayer), has drawn controversy over its development and aggressive marketing of various transgenic seeds. "Roundup Ready" canola is a transgenic organism developed by the corporation to be resistant to the use of the herbicide, glyphosate—which the company also produces (Bayer, n.d.). Thus, farmers can spray crops grown from seed sold by Monsanto with a herbicide also produced by the company, killing all other plant-life and "weeds" as well as exposed animals while leaving the canola intact. In India, the promotion of Bt Cotton—a type of transgenic cotton produced by Monsanto intended to be resistant to pests—has been associated with large numbers of suicides by farmers. Costs resulting from the high levels of water and chemical inputs required and the fact that the seed loses vigour after one generation, meaning it cannot be saved from plants but needs to be repurchased, have been linked to high levels of debt on the part of farmers (Thomas & De Tavernier, 2017). This illustrates the connections between environmental and species justice and points to the final perspective we will consider, that of *ecological justice*.

4. From an ecological justice perspective (see below), the rearing of animals contributes immense harm to the environment including 18% of global greenhouse gas emissions (Xu et al., 2021). Farmed animals are usually fed agricultural crops, crops that could be much more efficiently consumed – and that would feed many more people -- if they were eaten directly by humans, instead of fed to animals that are then consumed by humans.

13.7 The Ecological Justice Perspective

DR. GREGORY SIMMONS; DR. MARK VARDY; AND DR. ROCHELLE STEVENSON

Under an **ecological justice** orientation, the domain of ethical concern is broadened still further. Here, victims are not restricted to living organisms in themselves—be they human, animal, or plant. Rather, "natural objects" (Stone, 1972) like lakes or mountains, as well as "nonhuman environmental entities" (Cullinan, 2003) such as ecosystems, are regarded as entities deserving of protection and preservation in their own right. Under this view, the natural systems in which humans are embedded are conceived of not merely as property to be owned or resources to be exploited and commodified, but as beings possessed of rights and inherent value in themselves. Our relationship with them and our capacity to impact them in profound ways mean we bear a stewardship responsibility for their preservation and conservation (White & Heckenberg, 2014)

The standing of such entities has begun to be legally recognised through a rights framework. For example, in March 2017, the Whanganui River in New Zealand, was granted its own legal identity, "with the rights, duties and liabilities of a legal person" (Te Awa Tupua (Whanganui River Claims Settlement) Act 2017). The river is of special and profound spiritual importance to the Māori people. The passage of the Treaty of Waitangi marked an effort to recognise the river's status as *taonga* (loosely translated as "special treasure") by the Māori, concluding 140 years of negotiations between the Māori and the New Zealand settler government and marking the conclusion of the longest-running legal case in New Zealand's history. Whereas the granting of **legal personhood** to a non-human being may strike some as strange, it should be noted that this is already commonplace under Western law, which recognises the legal personhood of registered corporations of Western jurisprudence; the guardians appointed by local Māori to speak on the river's behalf and take part in its co-management with the Crown bear a fiduciary responsibility similar to trustees or the board of directors of a corporation. Under the 2017 law, Te Awa Tupua was recognised as an "indivisible and living whole, comprising the Whanganui River from the mountains to the sea, incorporating all its physical and metaphysical elements" (Te Awa Tupua (Whanganui River Claims Settlement) Act 2017, s. 12). In this way, we see the holistic ecological justice perspective of Maori incorporated into the western legal system, with the goal of protecting the "spirit" of the river and all the beings connected to it. See Using legislation to designate mountains and rivers as a people[1] for a discussion on how legislation is used to designate mountains and rivers as a people.

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1. Scan the QR code to access https://www.youtube.com/watch?v=pRKJAn9WKAU

Table 13.2: The Three Justice Perspectives of Green Criminology

Environmental Justice	• Justice as grounded in overcoming the disproportionate impact of environmental harms on marginalized groups in society (defined in terms of race, gender, class or other factors and their intersection) • Anthropocentric orientation
Species Justice	• Justice as concerned with living creatures having intrinsic value and the rights, obligations and duties owed to them as a result • Biocentric orientation
Ecological Justice	• Justice as recognizing that while humans inevitably impact natural entities and the natural world, they are worthy of protection in their own right and not just as resources to be exploited or used instrumentally • Ecocentric orientation

13.8 Linking Ecophilosophies, Justice Perspectives, and Indigenous Ways of Knowing

DR. GREGORY SIMMONS; DR. MARK VARDY; AND DR. ROCHELLE STEVENSON

We can view a green victimology through the lens of each of the ecophilosophies discussed earlier in the chapter: anthropocentrism, biocentrism and ecocentrism. Recall that anthropocentrism is human-centered, focusing on humans exclusively as both perpetrators and victims. Naturally, then it sees environmental victimisation as restricted to human beings, either in terms of direct harm or of harm flowing from the degradation of nature (the loss of economic goods provided by the natural world, of shared cultural experience, or of opportunities for individual enjoyment or aesthetic appreciation and aesthetic, for example). Biocentrism operates under an expansive view in which there is no inherent distinction between life in all its forms all are equally victims in the face of environmental harm.

Lastly, victimhood under ecocentrism, with its relational understanding of social and environmental issues as intimately connected, takes on a more nuanced character than under either of the previous two perspectives. Here investigation is required into the specifics of damage, disruption and benefit in light of the needs of human beings, societies, other life-forms and the processes that connect each to each other (Beirne, 2007; Brisman & South, 2019; Chunn et al., 2002; Halsey & White, 1998; White, 2003; White & Heckenberg, 2014). Moreover, the particular capacity of humans to "develop and deploy means of production that have global consequences means that humans have a unique responsibility to ensure that such production methods do not exceed the ecospheric limits of the planet" (Halsey & White, 1998, p. 355). Hence, achieving justice means engaging in an on-going evaluation and re-evaluation of our relations to the natural environment and broader world, one in which the environmental victim is not a fixed entity but subject to ongoing determination and redetermination. Similarly, White (2013, 2018) and others contend that a truly ecocentric approach to environmental harm should develop from the iterative interaction of environmental justice, species justice and ecological justice perspectives – through which their differences, inconsistencies and antagonisms are resolved. This parallels with and connects to Indigenous worldviews that sees humans and the natural world as imbricated in a reciprocal set of obligations and responsibilities, such that, when honoured, a healthy balance between all is maintained (Borrows et al., 2019).

Case Study: Tar sands, Indigenous justice and the criminalization of protest

In this case study, we focus on the development of the tar sands in northern Alberta and associated pipelines as an example of how the Canadian criminal justice system continues to perpetuate historical injustices against Indigenous peoples. The tar sands – which are often referred to as oil sands by those who are in favour of their development (Gunster et al., 2018) – are found on Treaty 8 land and contain massive deposits of the fossil fuel. The presence of large quantities of fossil fuels was known to the Government of Canada in the decades leading up to the 1899 signing of Treaty 8, which covers more than 840,000 square kilometers and includes 39 First Nations in what is now known as British Columbia, Alberta, Saskatchewan and the Northwest Territories (Huseman & Short, 2012; Treaty 8 First Nations of Alberta, n.d.). The Canadian government wanted the fossil fuels to be rendered available for extraction. The Beaver, Chipewyan, Dogrib, Slavey, and Yellowknife Nations from the Anthapaskan (or Dene) language group, and some members of the Cree Nation, with whom the treaty was first signed in 1899, wanted to continue their traditional lifestyles (Huseman & Short, 2012). At that time, they travelled freely across their lands, hunting, fishing, and trapping. The government treaty negotiators promised that, if they signed the treaty, they would not be confined to reserves. But the government negotiators withheld key truths, and the signatories of Treaty 8 were prevented from being able to continue living in the way they had before European settlement. Because they were not informed of the true purpose or intent of Treaty 8, it is an example of how the Canadian government would "take without grabbing" (Fumoleau, as cited in Huseman & Short, 2012, p. 220).

Extracting value from the tar sands continues the colonial appropriation and destruction of Indigenous traditional lands and territories (Comack, 2018; Preston, 2013, 2017). The bitumen is found mixed with clay, sand and water. This heavy and sticky substance is strip-mined and processed using energy-intensive methods that deposit contaminated water and tailings over vast areas, and while there is a problematic absence of rigorous scientific monitoring of the ecological impacts of tar sands development, there is good reason to think that it greatly damages the health of ecosystems and the people who rely upon them (Kelly et al., 2009; Hodson, 2013; Smol, 2019; Westman & Joly, 2019). Furthermore, the pipelines intended to transport the bitumen to the coast of British Columbia cross the traditional and unceded territories of the Wet'suwet'en Nation, an unwanted intrusion into the land that sustains life (Spice, 2018). Once it reaches the coast, corporations want to transport the bitumen to overseas markets via approximately 220 oil tanker trips per year, greatly increasing the chances for catastrophic oil spills to damage the coast of British Columbia (Swift et al., 2011, p. 18). As if this threat of environmental destruction was not bad enough, the tar sands contain enough fossil fuels to lead to significant climate change, which is yet another way that Indigenous peoples are dispossessed of their lands and heritage (Mantyka-Pringle et al., 2015; Whyte, 2017).

The official avenues through which both Indigenous and non-Indigenous peoples can participate in decision-making about the tar sands is curtailed by political and legal frameworks that favor industrialized development (Bowness & Hudson, 2014; Heydon, 2018). Frustrated by this lack of meaningful engagement, the Wet'suwet'en Nation established camps on their land through which pipelines are being built (Spice, 2018). The camps are frequently subjected to military-style police raids (e.g., Hosgood, 2022; see also Nations Divided: Mapping Canada's Pipeline Battle[1] [Kestler-D'Amours & O'Toole, 2019] for the online story and visualisation). The courts occasionally remind governments that they have a duty to consult First Nations about tar sands development (e.g., Kurjata, 2021). However, the courts also issue and uphold injunctions that fossil fuel corporations use to have the police remove and arrest pipeline protestors (Spiegel, 2021). Furthermore, despite the protection offered by the *Canadian Charter of Rights and Freedoms* to voice opposition to tar sands development, Indigenous and environmental groups who did so were put under surveillance (Crosby, 2021). As criminologists have demonstrated through extensive research, the RCMP, the National Energy Board, Enbridge, and private security firms regularly shared information, tactics, and data with each other, including the names of individual citizens who had not been convicted of any wrongdoing and who were exercising their right to protest. In doing so, public agencies aligned themselves with the private interest of corporations who sought to gain profit by developing the tar sands, while criminalizing ordinary people (Crosby & Monaghan, 2018; Monaghan & Walby, 2017).

1. Scan the QR code to access https://interactive.aljazeera.com/aje/2019/nations-divided-mapping-canadas-pipeline/index.html

13.9 Conclusion

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Rather than being a specific theory of crime or criminality, green criminology is more of a sensitising perspective, a lens through which we can view actions and events (South, 1998) that challenges us to consider both harmful and criminal actions as well as the impacts of both actions and inactions not only on humans but on other species and the natural world. Green criminology is also a call for critical change; it is a call for justice in a broad sense, with a wide understanding of perpetrators of harm as well as the victims of such harm. This expanded notion of victimisation includes who or what can be a victim of crime and/or harm, and the environmental injustices disproportionately experienced by marginalised groups in our society. Looking at the role of power through the examples outlined in the chapter, such as the situation of toxic waste and surveillance of environmental protestors, green criminology offers a critical lens through which we can unpack the actions of state and corporate actors, and identify opportunities to confront injustice and implement needed change.

13.10 Discussion Questions

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1. How might the three justice perspectives (environmental, species, ecological) address the issue of the Aamjiwnaang First Nation and the Chemical Valley in southern Ontario? What would each perspective focus on, and what solutions would each perspective suggest?
2. Imagine you are part of group of students planning a lawful and peaceful protest in order to pressure politicians to act on climate change. Do you feel that surveillance should be allowed? Would you feel differently about joining the protest if you knew that police were going to conduct surveillance at it? Why or why not?
3. In what ways might being a member of a privileged group in society make somebody less likely to be aware of environmental racism? Is there evidence of environmental racism in your neighbourhood or broader community?
4. Consider the article "A Scourge of the Sea"[1] that discusses the environmental impact of salmon aquaculture in British Columbia. How could the issues raised be understood from each of the perspectives on environmental victimisation and justice (environmental, species, ecological)? How might they be viewed from an anthropocentric, biocentric or ecocentric "big philosophy"?
5. Consider an example of marketing you have encountered in which a company makes claims regarding the positive environmental aspects of its product. Do these claims hold up when investigated further? Is this an example of *greenwashing*?

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1. Scan the QR code to access https://www.thesocialjusticecentre.org/blog/2019/12/1/a-scourge-of-the-sea

13.11 References

DR. GREGORY SIMMONS; DR. MARK VARDY; AND DR. ROCHELLE STEVENSON

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14. VICTIMOLOGY

Dr. Jordana K. Norgaard, BC Ministry of Public Safety and Solicitor General

Positionality Statement

My name is Jordana Norgaard, and my background is primarily English and Scottish (or at least that's what my ancestry results showed). I was born and raised on the unceded traditional, ancestral, and occupied lands of the Coast Salish Peoples including the xʷməθkwəy̓əm (Musqueam), Skwxwú7mesh (Squamish), Səl̓ílwətaɬ (Tsleil-Waututh), and Kʷikʷəƛ̓əm (Kwikwetlem) Nations, in Vancouver, British Columbia. I attended Simon Fraser University to originally pursue a career as a history teacher. However, my plans changed after I took my first criminology course. I immediately fell in love with the discipline and knew I had to switch majors. I eventually found myself in graduate school, earning a Master of Arts and Doctor of Philosophy in Criminology. My research focused on transit environments, crime prevention, and victimology. As I started to teach, I recognized that victims and/or survivors of crime were often overlooked throughout the criminal justice system. I found myself more drawn to find ways to empower survivors of crime by doing more than teach. I decided to leave academia and began working as a policy analyst for the provincial government in BC. My work helps provide a voice to survivors who are most vulnerable by researching strategies and initiatives to help provide direct support to those impacted by gender-based violence, human trafficking and much more. I recognize the immense privilege I hold as a white and educated female. I aim to write from a perspective of compassion, understanding, and respect. I hope for all of those reading, you come away with more insight about the role victims and/or survivors hold in the criminal justice system and to show kindness towards those who bravely re-tell their experiences of victimization in hopes of making the future safer.

Dr. Benjamin Roebuck, Victimology Research Centre, Algonquin College

Positionality Statement

My name is Benjamin Roebuck, and my family history is rooted in white, settler-colonialism. My father's British ancestors settled on Mi'kmaq lands on the east coast in the late 1700's, and

my mother immigrated from the United Kingdom with her family when she was a child. I respectfully acknowledge that I was born and raised on the traditional territory of the Michi Saagiig Anishinaabeg, which includes Curve Lake First Nation, Alderville First Nation, Hiawatha First Nation, and the Mississaugas of Scugog Island First Nation. Settlers renamed the Nogojiwanong area, meaning "place at the end of the rapids," to Peterborough, and anglicized the Odenabe river to Otonabee. As an adult, I have lived and worked on the traditional unceded, unsurrendered territory of the Anishinaabe Algonquin People. The Algonquin word adawe, meaning "to trade," is believed to be the origin of the name Ottawa, which was used by settlers to refer to the people who hunted and traded along the Kichi Sibi, meaning "great river." I acknowledge the pain and victimization Indigenous Peoples have experienced through policy and legislation imposed from this region by the Government of Canada. In my extended family, through adoption or marriage, I have witnessed the intergenerational harms of colonization, and the beauty and resilience of Indigenous cultures and teachings. I am grateful to Indigenous Elders, friends, and family members who have generously shared their wisdom. May I honour these teachings and partner in the work of reconciliation with humility.

Introduction

Victimology is the scientific study of victimisation within society. It is a grounded social science derived from the narratives and experiences of survivors of crime and, like criminology, it explores broader social questions about how people come to experience violence, how those experiences are understood within society, and the imbalance of power between the various actors in the criminal justice system. Victimology should not be defined as the study of "victims." This would be akin to describing criminology as the study of "criminals" without acknowledging the value-laden nature of the word and the power dynamics that shape its use. Victimology is often understood as emerging as a sub-discipline of criminology, and later emerging as a distinct yet overlapping discipline exploring a different set of questions than criminologists (Spencer & Walklate, 2016; Wemmers, 2017). Victimology research often identifies and defines types of victimisation, explores how they are measured, and examines relationships between victims and perpetrators and the experiences of survivors in the criminal justice system, victim services, and society (Karmen, 2020). The World Society of Victimology brings together international academics and practitioners to advance the scientific study of victimisation and to advocate for improvements to victim rights.

In this chapter, our discussion will focus on crime victims and the role they have within both the criminal event and the criminal justice system. We will examine theories that help explain why some victimisation occurs, followed by the advantages and limitations of measuring victimisation. Our discussion will also provide an overview of victim rights in Canada, along

with a discussion on the types of victim assistance and services available to victims of crime and survivor reactions to services. We will profile victimisation reports that focus on Indigenous Peoples and provide a link to a documentary that explores racism in the criminal justice system.

14.1 Definitions: Victim or Survivor?

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People who experience victimisation self-identify in many ways, some as victims many as survivors, while others use terms like thriver or overcomer (Ben-David, 2020; Roebuck et al., 2020a). For many people who experience victimization, none of these words accurately reflect their experiences, and they prefer not to use labels (Bouris, 2007; Roebuck et al., 2020a). Within much feminist scholarship and the broader violence against women movement, the term survivor is preferred since the word victim may be associated with weakness or passivity (Abdullah-Khan, 2008). However, men who have experienced sexual violence or partner violence are less likely to identify as survivors (Abdullah-Khan, 2008; Roebuck et al., 2020a). Still, much of the historical or theoretical writing in victimology refers to victims. Victim is also a legal term recognized within the criminal justice system and is used in victim rights legislation, though there are diverse definitions in legislation, and someone can become a "victim" without proceeding through the criminal justice system (Wemmers, 2017). The duality of victim and survivor language is recognised by Canada's federal Department of Justice, which annually observes "Victims and Survivors of Crime Week." For our purposes, we will refer to people who have experienced crime as survivors, and use the term victim when referencing historical, theoretical, or legal contexts.

14.2 Theories of Victimisation

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One of the central concerns of victimology was identified by Quinney (1972), when he famously asked, "Who is the victim?" Quinney argued that "the victim" is a socially constructed phenomenon meaning that for someone to be recognised as a victim, there needs to be some agreement within society. This means that power dynamics within society will influence collective understandings of victimisation, allowing some people to be more easily recognised as "victims" when they are harmed (Holstein & Miller, 1990; McGarry & Walklate, 2015). Christie (1986) developed a typology of the "ideal victim," suggesting categories of people who are most likely to receive "the complete and legitimate status of being a victim" when they are harmed (p.18). Christie (1986) suggests this is most likely to happen when the victim is perceived as weak, engaged in a respectable activity, not seen as responsible for contributing to their victimisation, and the offender is big and bad and unknown to the victim. The opposite is also true; when people's experiences of victimisation do not align with these characteristics, they may not be recognized as legitimate victims. For example, Scott (2021) argues that single offences that occur in public spaces with strangers tend to receive harsher penalties from the criminal justice system than offences that occur in private, even when these are repeat offences by a person in a position of trust. This can lead to an erosion of trust in the criminal justice system and subsequently, reluctance to report future victimisation.

Early Theories of Victimology

There are early references to victims of crime in ancient texts like the *Code of Hammurabi* (Hammurabi & Harper, 1904), or religious scriptures, where one of the earliest recorded events includes an account of Cain murdering his brother Abel (*English Standard Bible*, 2001: Gen 4:1-16). And yet, despite historical texts and diverse legal systems and approaches to justice across cultures, the contemporary discipline of victimology is commonly described as beginning around the time of World War II (Godfrey, 2018; Wemmers 2017). One of the first known scientific studies of victims of crime was a doctoral dissertation by Nagel (1949), a Dutch scholar whose work was interrupted by WWII and published afterwards (Kirchhoff, 2010). In 1948, Hans von Hentig published his book *The Criminal and His Victim: Studies in the Sociobiology of Crime* where he explored the characteristics of victims that might make them more prone to victimisation. Von Hentig (1948) introduced the duet frame of crime, arguing that both the victim and offender shared a degree of responsibility for crime. However, the most notable scholarship at the time was from Benjamin Mendelson who first introduced the term "victimology" at a lecture for the Rumanian Psychiatric Society in 1947, followed by an influential article in 1956 calling for the creation of a discipline of victimology that would be

independent of criminology, and would bring needed attention to victims of crime. For this contribution, Mendelsohn is often called the "father of victimology" (Scott, 2016; Wemmers, 2017). Mendelsohn's (1956) early work also explored relationships between victims and perpetrators, focusing on how responsible victims were for what happened to them.

In the following section, we will examine some common theories and perspectives used to explain why victimisation occurs such as victim precipitation theory and routine activity theory. We also discuss critical victimology.

Victim Precipitation Theory

Victim precipitation, also known as victim facilitation, refers to situations where the victim was the initial aggressor in the action that led to their harm or loss. The theory was first coined by Marvin Wolfgang, in his 1957 study of homicide. Wolfgang (1957) examined 588 homicides that occurred in Philadelphia between 1948 and 1952 and found that in a quarter of his sample (26%), the victim was the first to engage in physical violence, or in other words, the victim was the initial aggressor. A major criticism of this theory is the assumption that the victim and the offender enter into an interaction as equals, dismissing any power imbalances and/or dynamics at hand (Scott, 2016). Research like Wolfgang's (1958) has given rise to the phenomenon of victim blaming. **Victim blaming** occurs when the victim of a crime is held responsible, in whole or in part, for their own victimisation (Canadian Resource Centre for Victims of Crime [CRCVC], 2009a). Blame stems from a belief that there are specific actions people can take to avoid being harmed. When such actions are not followed, others are not likely to sympathise with the victim as they see the crime as avoidable had the victim chosen to take the appropriate measures to avoid potential harm. Victim blaming can take the form of negative social responses from legal, medical, and mental health professionals as well as from the media, immediate family members and other acquaintances (CRCVC, 2009a).

You may ask yourself, why do people blame victims? Some research has suggested that blaming crime victims helps reassure the person assigning blame that they are safe; as long as they do not act as the victim did at the time of their victimisation, they will be unharmed (Fisher et al., 2016; Karmen, 2020). Another reason victims are blamed is attribution error. **Attribution error** occurs when individuals over-emphasize personal characteristics and devalue environmental characteristics when judging others, resulting in victim blaming (CRCVC, 2009a). People who make this error view the individual victim as partially responsible for what happened to them and ignore situational causes. For example, if a victim was sexually assaulted by someone while attending a party, some individuals may blame the victim for being assaulted based on what they were wearing and/or for consuming alcohol at that time rather than taking into consideration the motivation of the offender. A recent Canadian court decision in a sexual assault case highlights victim blaming from within the criminal justice system. The judge presiding over the case stated in his ruling that "people need to exercise extreme care when out drinking in public,"

inferring that despite the victim being sexually assaulted by the offender, it was still the victim's responsibility to take precautions while drinking in public to ensure they do not face potential harm (CBC, 2021, para 9). This type of statement can be extremely dangerous and unfair to victims of crime. Both the Canadian Resource Centre for Victims of Crime and Ottawa Victim Services criticized the judge's wording, stating that it is "unacceptable and perpetuates violence" (CBC, 2021, para 18). Victim blaming can have serious and negative effects on survivors, who have been deemed at fault even though they bear no responsibility for the crime(s) committed against them. Victim advocates argue that victim blaming undermines victim status while simultaneously excusing the offender for the crime (Petherick, 2017). Survivors who receive negative responses and blame tend to experience greater distress and are less likely to report future victimisation (CRCVC, 2009a).

Routine Activity Theory

Routine activity theory (see chapter 16.4 Theoretical Approaches Within Environmental Criminology) was first proposed by Lawrence Cohen and Marcus Felson in 1979. Cohen and Felson (1979) posited that the risk of criminal victimisation increases when there is the convergence of 1) the presence of a motivated offender, 2) an availability of suitable targets, and 3) a lack of capable guardianship (i.e. someone who could intervene to prevent the crime from being committed). Without any one of these three elements, the likelihood of a crime occurring decreases. This theory has met some criticism in the context of victimology as it assumes that a victim can lessen the offender's motivation by being less of a suitable target (Scott, 2016). Furthermore, it assumes equality exists between all three parties: the victim, the offender, and the guardian, ignoring the different power imbalances at play (Scott, 2016).

Critical Victimology

Critical victimology combines the concept of the ideal victim with intersectionality in an effort to deconstruct victim blaming by calling attention to the ways race, gender, class, and other identities shape social constructions of victimisation (Spencer & Walklate, 2016). For example, critical victimologists would recognise that the violence against women movement has increased the resources available to female survivors of partner violence and sexual violence, but that women who are Indigenous, trans, or homeless may not have equal access to those resources and may be treated differently within victim services or the criminal justice system. Similarly, male survivors of partner violence or sexual violence have reported difficulties accessing services or being believed when they ask for help (Cohen, 2014; Roebuck et al., 2020a; Roebuck et al., 2020b).

14.3 Measuring Victimisation

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Crime, and the factors related to it, are complex and can be measured in a variety of ways (Cotter, 2021). As discussed in chapter 5 Methods and Counting Crime, data collected from the Uniform Crime Report (UCR) and victimisation surveys offer different information on crime; some differ in the populations they sample from, such as offenders versus victims, while others make different assumptions about the reliability and validity of their data (Winterdyk, 2020). In Canada, victimisation surveys are primarily used to help uncover crimes that have not been reported to the police, otherwise known as the **dark figure of crime**. These surveys can be conducted in a number of different ways in order to obtain more detailed information on different crimes and their impact, such as the injury and cost to victims and/or survivors, as well as to better understand why some crimes do not come to the attention of the police. The decision to report or not report a crime is dependent on a number of factors, ranging from the type of relationship the victim has with the perpetrator, the nature and severity of the crime, the circumstances of the crime, the victim's previous contact with police, and the level of confidence the victim has in the criminal justice system (Fisher et al., 2016; Sinha, 2015).

General Social Survey

The largest administered victimisation survey in Canada is the **General Social Survey (GSS)**. Established in 1985, the GSS asks Canadians about their experiences with criminal victimisation, including incidents not reported to the police, as well as a number of socio-demographic questions. These questions provide relevant stakeholders with more detailed information to examine victimisation rates across different populations and jurisdictions (Cotter, 2021). Results from the most recent GSS survey in 2019 reported 8 million incidents of criminal victimisation. It is estimated that one in five (19%) individuals (almost 6 million people) 15 years of age or older in Canada reported that in the past 12 months they or their household had been a victim of one of the eight [1] types of crime measured by the GSS (Cotter, 2021). This is in stark contrast to the 2.2 million incidents reported to police in 2019 (Moreau et al., 2020).

A number of other smaller surveys seek to gather further information about the experiences of victims not captured in traditional standard surveys like the GSS. Listed below are some examples. (see chapter 5. Methods and Counting Crime)

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1. Crimes include sexual assault, physical assault, robbery, theft of personal property, break and enter, theft of motor vehicle or parts, theft of household property, and vandalism.

Students' experiences of unwanted sexualized behaviours and sexual assault at post-secondary schools in the Canadian provinces (SISPSP): A 2019 survey that measured the nature and prevalence of unwanted sexual and discriminatory behaviours and sexual assault among students of Canadian postsecondary institutions.

Survey of Safety in Public and Private Spaces (SSPPS): A 2018 survey that explored Canadians' experiences of safety at home, in the workplace, in public spaces, and online. The survey is intended to inform interventions to prevent gender-based violence. Like the GSS, this survey is carried out every five years.

Violence Against Women Survey (VAWS): A 1993 survey of Canadian women aged 18 and over that examined women's safety inside and outside the home, focusing on issues such as sexual harassment, sexual violence, physical violence, and perceptions of fear.

Canadian Urban Victimization Survey (CUVS): A 1982 survey of adults aged 16 and over from seven urban cities in Canada (St. John's, Halifax/Dartmouth, Montreal, Toronto, Winnipeg, Edmonton, and Vancouver) that asked the extent and distribution of selected crimes, the risk of criminal victimisation, and the functioning of the criminal justice system.

Transition Home Survey (THS): A biennial survey starting in 1992 developed by the federal government's Family Violence Initiative aimed at reducing incidents of family violence in Canada. The THS is a census of all residential agencies providing services to battered women and their children across Canada.

Indigenous Research and Reports

The Aboriginal Justice Inquiry (1999)[2]: This inquiry was commissioned by the Manitoba government and was mandated to investigate the racism in Manitoba's justice system through a forensic probe of both the 1971 homicide of Helen Betty Osborne and the 1988 police shooting of J.J. Harper. The inquiry resulted in a report outlining 296 recommendations, some of which included calls to better protect Indigenous women and girls, better coordination between police, social workers, and abuse teams to deal with women involved in domestic violence, more community-based policing in predominantly Indigenous populations, and cross-cultural training among police officers and justice officials.

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2. Scan the QR code to access http://www.ajic.mb.ca/reports/final_ch01.html

Forsaken: The Report of the Missing Women Commission of Inquiry [PDF] (2012)[3]: This inquiry and report examined the conduct of police investigations into the disappearance of nearly 50 women reported missing from Vancouver's Downtown Eastside between 1997 and 2002. The final report outlined seven critical failures in the police investigations which included (but were not limited to) the failure by the police to fully investigate serial killer, Robert Pickton, not taking proper reports on missing women, not using available investigative strategies to solve the case, and the lack of an effective internal review of the external accountability of police work. The report stated that there was "isolated" bias to the missing women investigations that allowed "faulty stereotyping of street-involved women" and that police failed to recognise their duty to protect an endangered segment of the community. The report includes 63 recommendations to improve supports for missing persons investigations, improve police training and standards, and support Indigenous-led solutions to mental health and wellness.

Truth and Reconciliation Commission of Canada: Calls to Action [PDF] (2015)[4]: This commission was undertaken to document the history and lasting impacts of the Canadian Indian residential school system on Indigenous students and their families. The commission concluded that the residential school system amounted to cultural genocide. The final report outlines 94 calls to action to facilitate reconciliation between Canadians and Indigenous peoples.

Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls [PDF] (2019)[5]: This report reveals that persistent and deliberate human and Indigenous rights violations, and abuses are the root cause

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3. Scan the QR code to access https://www2.gov.bc.ca/assets/gov/law-crime-and-justice/about-bc-justice-system/inquiries/forsaken-es.pdf

4. Scan the QR code to access https://www2.gov.bc.ca/assets/gov/british-columbians-our-governments/indigenous-people/aboriginal-peoples-documents/calls_to_action_english2.pdf

5. Scan the QR code to access http://mmiwg-ffada.ca/

behind Canada's staggering rates of violence against Indigenous women, girls, and 2SLGBTQQIA people. The two-volume report outlines 231 individual Calls for Justice directed at various stakeholders to make transformative legal and social changes to resolve the crisis that has devastated Indigenous communities across Canada.

A growing number of commissions and inquiries captured in these reports have demonstrated the devasting impact of colonial and patriarchal policies that have disproportionally harmed Indigenous peoples, in particular Indigenous women, girls, and 2SLGBTQQIA people. At the same time, there are growing calls for a national inquiry into missing and murdered indigenous men and boys who are murdered and go missing at a higher rate than women (CBC News, 2015; Guyot, 2022).

Highlight Box 1: Documentary and Discussion Guide – nîpawistamâsowin: We Will Stand Up

nîpawistamâsowin: We Will Stand Up (52 minutes) by Tasha Hubbard – NFB[6]

nîpawistamâsowin: We Will Stand Up – On August 9, 2016, a young Cree man named Colten Boushie died from a gunshot to the back of his head after entering Gerald Stanley's rural property with his friends (Hubbard, 2019). The jury's subsequent acquittal of Stanley captured international attention, raising questions about racism embedded within Canada's legal system and propelling Colten's family to national and international stages in their pursuit of justice (Hubbard, 2019).

Challenges to Measuring Victimisation

One of the biggest challenges in conducting victimisation research involves **operationalising** criminal victimisation. Definitions directly affect how concepts will be measured in

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6. Scan the QR code to access https://www.nfb.ca/film/nipawistamasowin-we-will-stand-up_52-min/

victimisation surveys (Fisher et al., 2016). In survey research the quality of the data obtained from the survey depends on how questions are worded, how they are asked (e.g., face-to-face), and how they are interpreted by respondents. Consider the following questions below in Highlight Box 2 to illustrate the importance of wording in survey questions.

Highlight Box 2:

1. At any time in your life, have you ever been the victim of violence?
2. Since 2016, have you been a victim of family violence? Family violence is defined as any harm (physical, psychological, financial), or threat of harm.

These questions would result in very different responses from the survey respondent. Therefore, it is critical to consider how questions are asked in surveys and whether the questions will generate reliable findings that can be generalized to the greater population.

Another challenge victimisation surveys face is the mode of data collection. Victimisation surveys can be administered in a number of ways, such as in-person, over the phone, online, or through the mail. As Fisher et al. (2016) note, even carefully constructed questionnaires will fail to produce useful data if the method of survey delivery is flawed, resulting in low rates of participation or questions that are not answered. Researchers must consider who the target audience is and choose what mode of delivery is most appropriate. For example, a researcher interested in studying partner violence may decide that in-person or telephone interviews are not appropriate. Victims of partner violence may be unable to participate in the survey without risk of harm from their partner. They may be unable to leave their household and/or talk freely without fear of being harmed or threatened. Instead, it may be better to employ the use of an online survey where victims can discreetly respond to the survey in the absence of their partner.

Lack of **intersectionality** is another obstacle in conducting research on criminal victimisation. Many surveys are unable to capture the true prevalence of criminal victimisation due to under-reporting and/or misrepresentation of the experiences of marginalised populations such as those who identify as two-spirit, lesbian, gay, bisexual, transgender, queer, questioning, intersex and asexual (2SLGBTQQIA+), racial and ethnic minorities, individuals who have a disability, and people experiencing homelessness. This incomplete knowledge not only provides inaccurate and distorted information regarding the scope and nature of criminal victimisation, but it is also used to inform policies and practices that ignore, and potentially harm, marginalised groups (Brubaker et al., 2017).

Highlight Box 3: Hard to Measure Crimes: Sexual Assault

Historically, sexual assault is a vastly under-reported crime. According to the 2019 GSS, approximately six percent of sexual assaults were reported to police, making it the most under-reported crime among those measured in the survey (Cotter, 2021). Respondents of the 2019 GSS reported the main reasons for not reporting their sexual assault victimization to the police include the crime was too minor, not worth taking the time to report, matter was personal or private, handled informally, did not want the hassle of dealing with police, not enough evidence, felt the police wouldn't have considered the victimization important enough, did not think the offender would be convicted or adequately punished, and/or fear of retaliation.

The #MeToo movement has played a significant role in bringing widespread attention to the prevalence and under-reporting of sexual violence within society. The movement was first established in 2006 by American activist Tarana Burke, after her own experience of sexual violence (Canadian Women's Foundation, 2021). The term re-emerged in 2017 with the "#MeToo" hashtag on social media after a series of sexual assault allegations were made against a number of high-profile figures and celebrities. The hashtag called on people to share their experiences of sexual assault and harassment. According to the Canadian Women's Foundation (2021), #MeToo has been called a "watershed moment in the advancement of gender equality", providing a powerful platform to women to demonstrate the extent of sexual assault and harassment across society (Canadian Women's Foundation, 2021, para 2).

According to data reported by police to the UCR Survey, there were 23,834 victims of founded sexual assault (levels 1, 2, and 3 combined) in 2017, representing a 13% increase from 2016 (Rotenberg & Cotter, 2018). In particular, nearly 2,500 victims of sexual assault were reported by police in Canada in October 2017 alone (the same month #MeToo went viral). Furthermore, changes to the definition of "founded" in the UCR has led to an increase in reporting. An offence is defined as founded so long as there is no concrete evidence that the crime did not occur (Statistics Canada, 2018). This has impacted the number of sexual assaults reported to the police and may help explain changes to the overall crime trend of sexual assault.

14.4 Victim Rights

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United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power

In 1985, the General Assembly of the United Nations adopted the *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power*. Brought forward by the World Society of Victimology, the declaration provided a blueprint for member states to develop their own national legislation on victims' rights, recommending measures to provide access to information, participation, protection, assistance, restitution, and compensation. While the Universal Declaration of Human Rights[1] is not a legally binding document, it has sparked legislative reform in many countries around the world.

Victim Rights in Canada

In Canada, because of the federalist system, the majority of victim rights are legislated and administered through provincial and territorial governments. Saskatchewan was the first province to enact a victim compensation program in 1967, and many other provinces and territories quickly followed suit, building momentum for victim rights in Canada. The UN Declaration was passed in 1985, and in 1986, Manitoba enacted a provincial *Justice for Victims of Crime Act*. During the following two years, New Brunswick, Newfoundland, Northwest Territories, Prince Edward Island, and Quebec all passed similar legislation. In 1988, to further guide legislative and administrative initiatives, federal, provincial, and territorial governments adopted the *Statement of Basic Principles of Justice for Victims of Crime*, which was revised and affirmed again in 2003. By the time the federal government tabled federal victim rights legislation in 2014, all the provinces and territories had adopted their own legislation. In 2015, the *Canadian Victims Bill of Rights* (CVBR) came into effect. The law has quasi-constitutional

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1. Scan the QR code to access https://www.un.org/en/about-us/universal-declaration-of-human-rights

status, which means it is subject to the *Canadian Charter of Rights and Freedoms* (1982) but should be higher in status than other legislation. The CVBR includes the right to information, protection, participation, and the right to request restitution. While these rights are important, they are not enforceable through the courts, and the only form of recourse when a survivor's rights are not respected is to file a complaint.

The following provides a comprehensive overview of the various types of compensation and assistance available to victims of crime in Canada. The discussion of restitution, compensation, and victim impact statements will highlight the complexities of seeking support while navigating the criminal justice system as a victim and/or survivor.

Victim Restitution and Compensation

If a crime victim suffers a financial loss as a result of the crime, they have the right to seek financial redress in the form of [pb_glossary id="4480"]restitution[/pb_glossary] from the offender. Restitution occurs when the offender repays the victim for the financial losses they have incurred as a result of the crime (Canadian Resource Centre for Victims of Crime [CRCVC], 2009b). This can include losses such as the amount of an insurance deductible, lost income, medical, counseling or treatment expenses not covered by insurance, the cost of property damaged and/or destroyed, and expenses for moving (Province of British Columbia, 2021a). Restitution excludes pain and suffering, emotional distress, or other types of damages; these losses can only be assessed in civil court (Scott, 2016). Restitution can be ordered by the criminal court as a stand-alone order (given as an additional sentence), a condition of probation, or as a conditional sentence, only after an offender has pleaded guilty or has been found guilty (CRCVC, 2009b; Province of British Columbia, 2021a). Research has found that as little as 3% of those found guilty in criminal court are ordered to pay restitution (CRCVC, 2009b). Restitution can be difficult to obtain as the accused may be unable to pay the amount ordered by the court; furthermore, many provinces lack enforcement measures to ensure payment has been made to the victim(s) (Wemmers, 2020).

Whether or not a judge orders the accused to pay restitution, this decision does not affect a victim's right to seek compensation through a civil lawsuit or to apply for compensation. **Compensation** occurs when the state[2] pays financial compensation to victims of violent or personal crimes. Financial compensation is administered by each province and/or territory[3] to victims of crime, according to their own rules and standards. For example, in British Columbia, the **Crime Victim Assistance Program** provides financial benefits to help offset monetary losses and assist in recovery for victims, immediate family members, and some witnesses of a violent crime (Province of British Columbia, 2021b). Benefits for victims of crime may include medical

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2. State refers to the provincial or territorial government responsible for victim compensation.
3. Financial compensation not available in Newfoundland & Labrador and Nunavut for victims of crime.

and dental services, prescription drug expenses, counselling, protective measures, income support or lost earning capacity, transportation expenses, crime scene cleaning, and much more (Province of British Columbia, 2021b).

Victim Impact Statement

A **victim impact statement** is a written or oral statement made to the court by direct or indirect victims to discuss the impact of criminal victimisation (Scott, 2016). The statement may include a description of the physical, financial, and/or emotional effects of the crime. The statement may be prepared by the victim themselves, by someone on behalf of the victim (e.g., a parent, a spouse, a child), or by the survivors of deceased victims (Scott, 2016). Victims have the right to prepare and submit a victim impact statement according to Section 722 of the *Criminal Code of Canada* and the Right to Participation under the *Canadian Victims Bill of Rights* (Scott, 2016). The decision to submit a victim impact statement is voluntary. A community impact statement may also be submitted if the victim was part of a specific community, such as a school or sports team, and a representative of the community would like to present a collective statement on their behalf.

Victim impact statements can be introduced at various stages of the legal process, including sentencing, bail hearings, plea bargaining sessions, and parole hearings. In Canada, victim impact statements are used only after an offender is found or has pleaded guilty (Scott, 2016). Victim impact statements have been found to be therapeutic for victims of crime. They allow the victim and/or survivor to be acknowledged by the criminal justice system and to express their pain and experience while providing valuable information to the court. Victim impact statements can help the judge give a sentence more reflective of the true harm caused to the victim and can help induce feelings of remorse in the offender (Scott, 2016). Although judges can take victim impact statements into account, they are not required to use the statements as a basis for a harsher sentence. Some victims of crime may choose not to prepare a victim impact statement as they may feel uncomfortable describing their feelings in a public setting, may fear retaliation from the offender, may find recalling the crime traumatic, and may feel dissatisfied if their recommendations are not followed by the judge (Scott, 2016).

Balancing the Rights of the Accused with Victim Rights

The criminal justice system treats crime as an offence against the state, not the victim, and most of the legally-binding rights in the process belong to the accused, who are guaranteed the right to a fair trial, to legal counsel, and to be provided with information on the case against them. If these rights are not respected, a mistrial may be called because there has been a miscarriage of justice. When it comes to victims of crime, however, the legal onus is reversed. The CVBR states that victims may receive information *upon request*. And there is no recourse or legal consequence prescribed when the victim is not provided with information, beyond filing a complaint. Survivors in Canada miss the opportunity to participate in hearings, to be consulted about decisions that affect their lives, or even the chance to share concerns about their personal safety—because they have not been provided with information and no one is responsible for telling them. They may not know what information to request. In a progress report on the CVBR, the Office of the Federal Ombudsman for Victims of Crime (Office of the Federal Ombudsman

4. Scan the QR code to access https://formsmgmt.gov.ab.ca/Public/VIC12469.xdp

5. Scan the QR code to access https://formsmgmt.gov.ab.ca/Public/VIC12467.xdp

for Victims of Crime [FOVC], 2020) argued that information is a **gateway right**, meaning that other victims' rights cannot be accessed if the victim is not proactively informed. The OFOVC has called for a full parliamentary review of the CVBR to strengthen the legislation and to ensure that victims have more consistent access to their rights.

14.5 Victim Assistance Services

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Victims can receive help through a variety of **victim services** throughout each stage of the criminal justice system. Victim-based services can be police-based, court-based, or community-based. **Police-based victim services** are available to victims of all types of crime and **trauma**. They are located in RCMP detachments and/or municipal police departments. Police-based victim service programs respond to police call-outs and provide critical incident response to victims and their family members in the immediate aftermath of crime or trauma (Province of British Columbia, 2021c). **Crown or court-based services** are available to victims of crime to enhance the understanding and participation of victims and witnesses in the court process. Victim court support case workers work alongside victims, witnesses, and their families to provide updates, information, and emotional assistance. They can assist with preparing victim impact statements, applications for Crime Victim Assistance (if applicable), and registration with a **victim safety unit** (if applicable). Additionally, victim court support case workers can accompany victims and witnesses to court and Crown counsel interviews and help connect victims and witnesses at the courthouse with victim service programs and other resources (Government of Canada, n.d.; Province of British Columbia, 2021d). **Community-based victim services** are available to assist victims of family and sexual violence, regardless of whether the victim has reported the crime to the police. Some communities have specific programs for women, children, youth, male survivors of sexual abuse, Indigenous peoples, and people from specific ethnic communities. Services can be found in sexual assault centres, victim advocacy groups, distress centres, and safe homes (Province of British Columbia, 2021c).

For many communities and victims and/or survivors of crime, traditional approaches to healing such as talk therapy and crisis intervention may have little relevance within their cultural context (D'Anniballe, 2011, as cited in Poore, Shulruff & Bein, 2013, p. 3). Instead, these communities may opt to use more holistic and culturally relevant approaches to heal from trauma and victimisation. A growing body of research has demonstrated that trauma can result in significant changes to both the neurological and physiological make-up of an individual. Trauma can affect survivors in many ways, and consequently, victim service providers have begun to respond to an assortment of needs with a variety of healing paths. This may include art therapy, arts and crafts, meditation and mindfulness, music and dance, sweat lodge ceremonies, on-the-land and camping programs, healing circles, prayer, and traditional herbal medicines (Poore et al., 2013). Moving away from traditional, Western approaches to healing can be beneficial for victim service providers assisting Indigenous clients. Some Indigenous victims may be wary of accessing victim services due to past discrimination and racism by social and legal institutions (Ministry of Public Safety and Solicitor General BC, 2009). As a result, some Indigenous victims may opt to access and use traditional approaches and culturally specific strategies as part of their support and healing process.

Highlight Box 5: British Columbia's Family Information Liaison Unit

The BC Family Information Liaison Unit (FILU) (n.d.) is a provincial frontline victim service unit for families of missing and murdered Indigenous women and girls. Prior to the release of the National Inquiry on Missing and Murdered Indigenous Women and Girls (MMIWG) in Canada in 2017, consultation with families of MMWIG found a number of difficulties in accessing consistent, reliable, and fulsome information related to their missing or murdered loved one(s). Stemming from the recommendations of the National Inquiry on MMWIG, federal funding was announced to develop and implement family information liaison units in each province and territory. BC's FILU became operational in 2018.

FILUs are designed to assist family members[1] in accessing information they are seeking related to the loss of their loved one. Family members are able to access information in a 'one-stop-shop' to request existing information such as police investigations, coroner reports and inquests, and court proceedings related to their loved one(s). FILU works with system partners to share the gathered information with family members in both a trauma-informed and culturally sensitive manner. FILU services and supports travel across British Columbia to help connect families to local services and supports finding healing from the trauma of losing their loved one(s) to violence.

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1. FILU services and supports are available to family members of missing or murdered Indigenous women, whether or not they are participating in the National Inquiry.

14.6 Impacts of Victimisation

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> Trauma is messy. There's no road map; there's no structure that's going to work perfectly for all people, all the time. Getting through it is tough. It takes a lot of resilience, a lot of strength and people in your corner. A support network is so important. — Female survivor of sexual assault (Roebuck et al., 2020a).[1]

Victimisation can affect people physically, emotionally, mentally, and spiritually. When survivors are unable to work or miss work because of the time involved in talking to police, lawyers, or attending court, they can lose their income or housing, and accumulate debt. Some survivors experience permanent disabilities or long-term symptoms of **posttraumatic stress disorder (PTSD)**, which can include dissociation, hyperarousal, avoidance, and feeling trapped in negative thought patterns or moods (Andrews et al., 2003). The impact of victimisation can vary based on the characteristics of the crime, the characteristics of the victim and their relationship to the offender, and post-crime factors like receiving access to timely and effective support (Karmen, 2020; Roebuck & Stewart, 2018; Wemmers, 2017). After victimisation, survivors are suddenly forced to navigate many new and complicated realities, potentially interacting with healthcare providers, media, police, and victim service providers, all while grieving and being presented with complicated choices about how to move forward (Roebuck et al., 2020a). For many survivors, there is so much work to do after experiencing violence that it can take a while before they have the time and space to process what has happened. Throughout this time, friends and family may not know what to say and may be silent to avoid causing further distress or they might offer unhelpful advice (Brison, 2002).

Survivors can be particularly sensitive to language. Consider the impact of the following words:

<div style="text-align:center">

"They are in a better place now"

"Everything happens for a reason"

"You're lucky it wasn't worse"

"I understand what you're going through"

"You shouldn't have had so much to drink"

"Do you have closure now?"

"You need to forgive them and move on"

"Triggered" (gun-related violence)

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1. Throughout this chapter we will include quotes from survivors drawn from a Canadian study on resilience and survivors of violent crime (Roebuck et al., 2020a, p.6).

Highlight Box 6: Documentary and Discussion Guide – After Candace: The Art of Healing

Cliff and Wilma Derksen share their story of resilience and posttraumatic change following the murder of their daughter Candace in 1984. Wilma reflects on complex grief and healing, while Cliff shares the power of art to transform trauma. Full of wisdom, faith, and vibrant creativity, Cliff and Wilma help us understand the multifaceted nature of violence and recovery. Filmed on location in Winnipeg, Canada.[2]

(https://kpu.pressbooks.pub/app/
uploads/sites/199/2022/05/PTSD.png)

Figure 14.1: Posttraumatic Stress, Posttraumatic Growth, and Posttraumatic Change. Figure used under Fair Dealing Exception.

2. Scan the QR code to access https://express.adobe.com/page/2J3yPyq7jfM06/

Resilience, Posttraumatic Growth, and Posttraumatic Change

While the pain of victimisation may never fully subside, many survivors find ways to move forward with their lives, navigating and negotiating their way through adversity—this is the process of **resilience** (Ungar, 2004). Some survivors identify that doing this work also contributes to **posttraumatic growth** (PTG). Tedeschi and Calhoun (1996) found that trauma survivors commonly report growth in five domains: new possibilities, relating to others, personal strength, spiritual change, and appreciation of life. Growth-related language provides an optimistic framework for some survivors, while others resist the idea of PTG. **Posttraumatic change** is a broader concept that incorporates posttraumatic stress and PTG responses to violence, but also creates room to consider how survivors experience changes that are hard to frame as negative or positive, or paradoxes such as a survivor feeling proud of their advocacy work and while finding it humiliating at the same time (Roebuck et al., 2022).

Survivor Reactions to Services

> "When people ask what the worst thing was to ever happen to me, I don't say the sexual abuse or rape. I say it was the trial." – Female survivor of childhood sexual assault (Roebuck et al., 2020a, p. 15).

Some victims choose not to participate in services to avoid re-victimisation. **Re-victimisation** is the process by which victims feel victimised for a second time by the criminal justice system and legal processes (Ahlin, 2010). Emotionally, victims may not be able to cope with this level of stress and may feel unprepared to initiate contact for services and/or continue seeking services to help them with their recovery. Some victims have been reported to have symptoms of their **(PTSD)** triggered through court proceedings (Kilpatrick & Acierno, 2003). Findings from a victim satisfaction survey administered by the Canadian Department of Justice found that few victims (approximately 21%) used specialised victim services when provided at no-cost to the victim (Department of Justice Canada, 2005). Patterson et al., (2006) contended that there are several possible explanations for the refusal and/or withdrawal of these services, similar to the reasons for not reporting victimisation to police. A close relationship to the perpetrator, the gender of the victim and/or survivor, and fear can all play a role in service participation. Patterson et al. (2006) found that some victims of crime were more hesitant to share their experiences with victim service providers for fear of having any information used against them in the future. The Canadian Department of Justice (2005) found that victims were less likely to engage in victim-based services when they were less satisfied with the criminal justice system. Survey respondents often felt frustration when information was limited, inaccurate, and/or confusing (Department of Justice Canada, 2005). Dissatisfaction also arose when participants were forced to initiate contact themselves with a criminal justice professional as well as from receiving incorrect/inconsistent information from criminal justice professionals due to changes

in staffing (Department of Justice Canada, 2005). Further, previous negative interaction with the criminal justice system was more likely to make victims wary of accessing services. Victims were less likely to seek out services as disappointment from previous interactions influenced their perceptions of victim-based services (Department of Justice Canada, 2005). Moreover, victim-based service providers interviewed in the Northern territories of Canada found that many victims had previously tried to reach out for support and were turned away. This negative interaction discouraged clients from reaching out again in the future (Levan, 2003, p. 136).

Trauma and Violence-Informed Care

Trauma sustained from a crime can have long-term impacts on a victim and/or survivor, regardless of whether the violence itself is on-going or occurred in the past. In recent years, the criminal justice system has renewed its interest in the development and implementation of trauma-informed practices to support victims and/or survivors of crime. **Trauma and violence-informed care (TVIC)** approaches are policies and practices that recognise the connections between violence, trauma, negative health outcomes and behaviours (Government of Canada, 2018). TVIC approaches expand on the concept of **trauma-informed practice** to account for the intersecting impacts of the criminal justice system and interpersonal violence and structural inequities on a person's life. As such, these approaches bring attention to broader, historical, social conditions and institutional forms of violence rather than seeing problems as solely residing in the person's psychological state (Varcoe et al., 2016). The Government of Canada (2018) argues that this shift in language to include "violence" is critical as it underscores the importance of the relationship between violence and trauma. TVIC approaches can increase safety, control, and resilience for people who are seeking services in relation to experiences of violence and/or have a history of experiencing violence. They can also minimise harm and re-traumatisation to victims and/or survivors in a safe and respectful manner, acknowledging both individual and systemic violence (Varcoe et al., 2016).

Service providers, organisations, and systems may not be aware that they can cause unintentional harm to people who have experienced violence and trauma. Re-traumatisation can occur for victims of crime in a number of different ways. For example, a crime victim may feel re-traumatised when asked to re-tell their story of victimisation to different individuals and/or organisations throughout a criminal investigation. They may have to tell their story to the attending officer who was first to respond to the crime, to a doctor who treated their injuries, to a detective overlooking the criminal case, to a victim support worker to access victim compensation, and to a judge in a trial for the crime. This can be triggering to the victim and/or survivor.

TVIC approaches can help make systems and organisations more responsive to the needs of all people and to provide opportunities for practitioners to provide the most effective support to their clients. By practicing universal trauma precautions, service providers can offer safe care

and support. Organisations can develop structures, policies, and processes that can foster a culture built on an understanding of how trauma and violence affect peoples' lives. According to the Government of Canada (2018), there are four key principles for implementing TVIC approaches for service providers and organisations.

- understand trauma and violence and their impacts on peoples' lives and behaviours;
- create emotionally and physically safe environments;
- foster opportunities for choice, collaboration, and connection; and
- provide a strengths-based and capacity-building approach to support client coping and resilience

For example, an organisation that provides shelter for victims of violence may help prevent re-traumatisation by not requiring victims to disclose experiences of abuse in order to access housing. The organisation may hire staff with lived experience of partner violence who can better understand and support the victims they serve. Another example is the development of child advocacy centres to provide emotionally and physically safe environments for children who have been abused. These centres coordinate the investigation, intervention, and treatment of child abuse, while helping abused children and their non-offending family members navigate service systems and recover from experiences of violence (Government of Canada, 2018). By conducting joint interviews during the investigative phase of the work, this multidisciplinary team is able to minimise the number of times a child needs to re-tell their story of abuse while helping them feel comfortable and safe.

Media Attributions

14.7 Conclusion

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Victims and survivors of crime are often overlooked, despite being the target of the criminal event. Victimology re-centres survivors in the study of crime, "pulling back the layers of circumstance while examining in greater detail, the totality of the incident" (Scott, 2016, p. xvi). As demonstrated in this chapter, victimology applies an intersectional lens to better understand how people's identities and social locations affect the way society responds to victimisation. It is an interdisciplinary field that integrates perspectives from psychology, law, criminology, sociology, and social work to explore the impact of victimisation, theoretical perspectives, victim rights, and the experiences of survivors who interact with the criminal justice system or victim services. We acknowledge the significant progress that has been made in the provision of rights and services for survivors, while also calling attention to the continued forms of re-victimisation survivors experience. We hope for a more compassionate future with equitable access to justice, stronger rights for victims of crime, and widespread application (TVIC principles).

14.8 Discussion Questions

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1. Using an intersectional lens, what types of questions related to victimisation are missing from the General Social Survey? Which type of questions should be included?
2. Imagine you have been a victim of a crime and you have agreed to make a victim impact statement to the court. What information would you want to share? Use this Victim Impact Statement[1] and prepare your own.
3. Do you think all victims of crime deserve compensation? Write an argument both for and against.
4. Watch the documentary, *After Candace: The Art of Healing*[2], and respond to three discussion questions from the film guide
5. Watch the documentary, *nîpawistamâsowin: We Will Stand*[3], and make a list to document how Indigenous Peoples in the film experienced racism. Make an additional list of ways that Indigenous Peoples in the film showed strength and resilience.
6. Explain the concept of posttraumatic change. How does this apply to survivors of crime?

1. Scan the QR code to access https://formsmgmt.gov.ab.ca/Public/VIC12469.xdp

2. Scan the QR code to access https://express.adobe.com/page/2J3yPyq7jfM06/

3. Scan the QR code to access https://www.nfb.ca/film/nipawistamasowin-we-will-stand-up/

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15. CRIMES OF THE POWERFUL

Michael Brandt, M.A., Coast Mountain College

Positionality Statement

Positionality refers to the belief our individual experiences in the world, our privileges and disadvantages, and our social locations (e.g., gender, social class, ethnicity) influence how we perceive, interpret, and understand the world. Making a "positionality statement" is an opportunity for me to introduce myself to you, the reader, and make visible factors that have influenced how I perceive, interpret and understand the world. This chapter challenges the dominant narrative that crime is predominately a problem of young males from the lowest socioeconomic strata. My own personal "challenge" to a dominant narrative began quite young. I was born in Canada at a time (early 1960s) when **heterosexism** was the norm, engaging in same-sex behaviour was a criminal offence, and when members of the LGBTQ community were labelled deviants. This kept me "in the closet," fearful that revealing my own sexual orientation would result in rejection by my friends and family, and in a diagnosis of mentally disordered. I have benefitted from (or not been penalized for) being a white, middle class, and **cisgender** male. I have never been subject to racial profiling by police or been denied a job because of my skin colour. I have never had to worry about being able to pay my bills or worried about where my next meal would come from. I have never been the object of sexual discrimination or been paid less because of my gender. However, my sexuality made me an outsider, a member of a marginalized and stigmatized community. It also made me question the prevailing norms of society, and why they existed. I have brought that questioning of prevailing norms and applied it to the official definition of crime and current operation of the criminal justice system.

Introduction

The image of the typical offender created through the way the criminal justice system operates, and through a reliance on official sources of crime data (such as the Uniform Crime Reports – see chapter 5.6 Sampling), is of a young male, from the lower socio-economic strata, who is disproportionately likely to be Indigenous or Black. This image is in stark contrast to who is responsible for most physical and economic harm on our planet: middle-aged and older, affluent, white males holding positions of social, political, and economic power in society. These

men are executives in corporations and financial institutions, senior members of the military (particularly those responsible for military spending), and officials within government and their advisors. C.W. Mills referred to them as the "power elite" (Mills, 1956, p.1) and argued that their key positions in economic, political and military institutions helped ensure their harmful behaviours would be less likely the subject of the criminal law and that when their behaviours *were* subject to criminal law, their positions helped facilitate their criminal behaviour, and evade detection. Consider the following:

> Years of dumping mercury near the Grassy Narrows First Nations Reserve in Ontario by the Reed Paper Company has poisoned soil, water, fish and other wildlife. This has led to sickness and disease, including paralysis, coma and death (Bruser & Poisson, 2017; Ilyniak, 2014).

> Politicians, heads of state, business people and other high-income individuals have been caught hiding money in off-shore tax havens to evade paying taxes. Total losses: billions of dollars annually (Obermayer & Obermaier, 2017).

> Pharmaceutical companies, including Purdue Pharmaceutical and Johnson and Johnson have downplayed the addiction and risks associated with their opiate drugs, and encouraged the mass prescribing of opioids. Total dead from overdoses: over 400,000 (McGreal, 2019; Taub, 2020, p. x).

> The Office of Inspector General has revealed that the U.S. Defence Department cannot account for $21 trillion dollars of spending between 1998 and 2015 (Michigan State University, 2017).

> A chemical plant operated by Union Carbide of India exploded as a result of poor maintenance. More than 150,000 were injured and between 10 and 25,000 were killed (Bhopal Medical Appeal, n.d.; Taylor, 2014).

This chapter explores events like those described above. While responsible for enormous physical and financial harm, these events, and ones similar to them, are not always defined as crimes. Instead, they may be defined as **regulatory offences**, resulting in fines rather than prison time for perpetrators. When they are defined as crimes, they are less likely to be investigated and to result in a prosecution or conviction than traditional "**street crimes**", such as robbery or assault. After all, police patrol city streets, not corporate boardrooms or the offices of government. As a result, many of the crimes and harms perpetrated by the most powerful members of society remain undetected and are not typically imagined as part of the "crime problem."

15.1 Crimes of the Powerful are White-Collar Crimes

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The idea that heads of corporations, the military, or leaders of countries (or those that work closely with them) can actually be criminals (and in some cases, killers) may seem outrageous. I recall discussing former U.S. president George W. Bush's decision to invade Iraq in 2003 with an acquaintance. Declared illegal by then U.N. Secretary General Kofi Annan, Bush's decision resulted in widespread injury and death (MacAskill & Borger, 2004). I suggested the large number of deaths in the context of an illegal invasion made the U.S. president a serial killer just like Robert Pickton. Someone nearby overheard our conversation and became outraged. They could not believe I was "making a moral equivalence" between the actions of a U.S. president and a serial killer. I actually said what the president of the United States did was arguably *morally worse* than what Pickton did, based on the number of people killed: Bush's invasion, it is estimated, resulted in the deaths of 288,000 people, mostly civilians (Iraq Body Count, n.d). The death toll attributed to Pickton: 49 (CBC/Radio Canada, 2007). Government actions, not the actions of individuals acting alone, are responsible, by far, for most injury and death on the planet. Indeed, wars resulted in over 350 million deaths in the 20th century alone (Friedrichs, 2007). The actions of corporations in their pursuit of profit have led to injuries and death that far exceed those associated with the "crime problem" as commonly understood. And the actions of senior members of the military have resulted in widespread fraud and the inability to account for trillions of dollars in spending (Michigan State University, 2017). Despite often being ignored, there is overwhelming evidence that:

> [b]y every possible measure—money wasted, property destroyed, lives ruined, people killed—the affluent are more dangerous than the poor. Authorities wreak more havoc than their subjects. The "average" Canadian is more likely to suffer at the hands of government, elected and appointed officials, business organizations, [or] professionals [...] than from all the street thugs, youth gangs, home invaders, illegal (im)migrants, pot growers and squeegee kids that our society can produce. (Menzies, Chunn, & Boyd, 2001, p. 13)

Criminologists use a variety of terms to describe such "crimes of the powerful," each referring to a subset of harmful conduct. The most widely known term, **white-collar crime**, was originally defined by American criminologist Edwin Sutherland as, "a crime committed by a person of respectability and high social status *in the course of his occupation*" (Sutherland, 1983, p. 7, emphasis added). The important feature of white-collar crime is that the individual is able to use their occupational position and socio-economic status to commit their offence and avoid detection. Sutherland (1983) focused on the most senior occupational positions — business managers and executives — as they possess the power to cause the most harm. Sutherland

(1983) excluded powerful people's crimes that are not connected to their occupational role. Thus, a corporate executive convicted of killing his spouse would be guilty of murder, a crime, but not a *white-collar* crime. He included within his definition of white-collar crime regulatory offences as well as **civil offences**, as he saw no reason to segregate harms that can cause as much (or even more) harm from those acts officially designated as crimes. Including these noncriminal offences has caused some to replace the term white-collar crime with the concept of white-collar *deviance* (Thio et al., 2013, p. 365). This chapter focusses on several types of harmful behaviour including the traditional forms of white-collar crime, occupational crime and corporate crime — as well as other forms of white-collar crime, including financial crime, political crime, and the form of crime responsible for most human suffering, injury, and death: state-organised crime.

15.2 Occupational Crime

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Although businesses are targeted for thefts by outsiders (e.g., shoplifters and robbers), most thefts against businesses involve employees, executives, or owners, in what is referred to as **occupational crime** (Friedrichs, 2007). Though the cashier at Walmart or the bank teller at the Royal Bank that uses their position to steal from their employer for personal benefit are also committing an occupational crime, people in the highest positions in an organisation—managers and CEOS — have opportunities to steal significantly more money and cause the most harm (Benson & Simpson, 2009). For example, one of the biggest Canadian banking **frauds** of all time was perpetrated by Bank of Montreal manager Nick Lysyk. He pled guilty to defrauding his bank of more than $16 million by opening up dozens of fake loan accounts (Mahoney, 2004). A survey of Canadian businesses found that 55 percent had experienced losses as a result of theft, fraud and cybercrimes and that occupational crimes are increasing (Ruddell, 2017, p. 37).

15.3 Corporate Crime

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Corporate crime is when an individual uses their position within an organisation to illegally benefit corporate interests, including boosting profits or market share (Hoffman, Brown, & Siegel, 2022, p. 272). Although corporate criminals act on behalf of their organisations, if the individual owns shares or other financial interests in the business (e.g., performance-related bonuses), they also stand to benefit personally. The financial losses corporate crime causes far exceed the losses associated with street crimes, like theft or robbery. Consider that the average robber gets away with $2,119 (FBI, 2019) while a single corporate crime can result in losses in the hundreds of thousands of dollars. Note that much corporate crime is performed in "accordance with the normative goals, standard operating procedures, and/or cultural norms of the organization" (Pearce & Tombs, 1998, pp. 107-110, as cited by Bittle, 2012, p. 45). In other words, it is just the way things are done at corporations to remain profitable in a capitalist society.

Corporate Theft

One of the biggest corporate criminal cases of all time—involving the loss of $74 billion in shareholder money—was orchestrated by senior managers at the U.S. corporation Enron (Segal, 2021). Named "America's Most Innovative Company" six times, Enron filed for bankruptcy in 2001 after an elaborate accounting fraud was discovered (Segal, 2021). Enron executives falsified profits by building assets, such as power plants, and then entering the future profits they were projected to make from the asset onto its accounting ledgers before any actual money had been made. If it turned out the asset made less money than projected, or even lost money, Enron would camouflage this by using clever accounting procedures, such as labelling such assets as "special purpose entities," allowing them to remain hidden and unreported (Hayes, 2020, para. 4). When it became obvious inside Enron that the company was headed for financial disaster (the news was not public at this point), executives, such as CEO Ken Lay, continued to encourage employees to hold onto their Enron stock. However, knowing Enron was about to implode financially, Lay rushed to sell off as much of his Enron stock as possible before it became virtually worthless. He made off with millions of dollars in profits. Average Enron employees lost their life savings. Several large corporations have committed similarly massive accounting frauds, including Global Crossing, Qwest Communications, Tyco, Adelphia, and Halliburton. In 2002, the telecommunications titan, Worldcom, committed accounting frauds estimated at $11 billion (Rosoff et al., 2020, pp. 281-295).

Corporate Tax Evasion

Corporate tax evasion when corporations do not pay the taxes they legally owe to the government is a crime that results in the loss of about $10 billion dollars to the Canadian government every year (Beauchesne, 2019). This makes corporate tax evasion likely the single largest re-occurring crime in Canada. While tax evasion is illegal, a significant amount of tax revenue is lost as a result of tax laws that permit Canadian corporations to pay significantly lower taxes by setting up corporate subsidiaries in countries with lower tax rates (e.g., Bermuda, the Cayman Islands). These subsidiaries often exist on paper only, and may have no buildings or employees. In these cases, they are called "shell companies," (or "paper companies") and the countries they are created in are known as "tax havens." Corporate giants, like Apple, have managed to reduce their tax liability by billions of dollars by using tax havens (Institute on Taxation and Economic Policy, 2017). The heavy **lobbying** of government by corporations has resulted in laws that make the use of tax havens legal in some cases. Unfortunately, given the lack of transparency surrounding the use of tax havens, it is difficult to separate the legal use of tax havens from their illegal use. This is a significant problem for governments because when a corporation employs techniques to evade its true tax liabilities, it is essentially stealing money from the government that is used to fund public services and infrastructure (e.g., roads, hospitals, waste collection, and social services).

Corporate Violence

While reports about murderers attract attention and outrage from the general public, breaches of safety regulations are responsible for much more injury and death than criminal homicide (Bittle, 2012; Reiman & Leighton, 2013). In 2018, 651 people were killed as a result of criminal homicide in Canada (Juristat, 2019) compared to 1027 killed on the job (Wier, 2020). One especially grievous example of workplace injury and death concerns the Johns Manville Corporation and the manufacture of asbestos. Company executives had known for decades that asbestos caused deadly illnesses such as mesothelioma and asbestosis, but conspired to keep this information hidden from employees who were routinely exposed to asbestos in their work. In 1949, when a Johns Mansville physician discovered X-rays showing asbestos was damaging the lungs of employees, the employees were not told, even when their health grew worse (Mauney, n.d., paras. 5, 9).

The Westray Mine disaster in Nova Scotia is another tragic example of needless death caused by disregard for employee safety. On May 9, 1992, sparks from a machine in the mine ignited methane gas causing a catastrophic explosion, killing 26 miners instantly. McMullan (2001, p. 135) reports that "[t]he explosion was so strong that it blew the top off the mine entrance, more than a mile above the blast centre." Despite receiving "more than fifty warnings about workplace health and safety violations" of the *Occupational Health and Safety Act*, the owners of

the Westray Mine, more concerned with maximising profits than the safety of their employees, ignored them (Bittle, 2012, p. 5). Here is the key point: While those found guilty of homicide go to prison, sometimes for life, those responsible for workplace deaths, even those completely "foreseeable and preventable," typically do not (McMullan, 2001, p. 136).

The Ford Pinto is yet another such example. Lee Iacocca was the president of the Ford Motor Company at the time the infamous Ford Pinto automobile was manufactured. Ford executives learned that the Pinto had a serious design flaw that caused it to explode and burst into flames when hit even at low speeds. However, rather than recalling and repairing the vehicles, executives conducted a cost/benefit analysis. First, they calculated the costs of paying out the lawsuits they predicted would arise from the injuries and deaths ($49.5 million) and then they calculated the costs to repair the car ($121 million) (Law Offices of Mitchell J. Alter, 2012). Given the predicted cost savings of leaving the Pinto unfixed, Ford executives decided against making the necessary repairs. As a result, hundreds of motorists were killed or seriously injured (Dowie, 1977). Ford was eventually charged with reckless homicide; however, "after mounting a million-dollar defence based on the scary defence that the Pinto was no more dangerous than other comparably sized cars of its time," the company was acquitted (Rosoff et al., 2020, p. 97). One angry citizen responded: "One wonders how long the Ford Motor Company would continue to market lethal cars were [chairman] Henry Ford II and [president] Lee Iacocca serving 20-year terms" in prison (Rosoff et al., 2020, p. 97).

Ford was still manufacturing and selling dangerous vehicles in 2000 and had to pay millions of dollars in civil liability claims after "dozens of personal injury and wrongful death lawsuits" were filed related to "concealing a dangerous design flaw" that made their cars stall in traffic (Rosoff et al., 2020, p. 97). No one at the Ford Motor Company went to prison. Similar known design flaws in automobiles manufactured by General Motors (GM) have caused the deaths of more than a hundred people. No one at GM went to prison (Nader, 2015).

15.4 Financial Crimes

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Many white-collar crimes are **financial crimes**. These refer to "large scale illegality that occurs in the world of finance and financial institutions," such as banks and insurance companies, and because of the vast amount of money involved and the risk these crimes pose to the integrity of the economic system, they are placed in a separate category (Friedrichs, 2017, p. 153). These crimes include banking frauds, price-fixing, illegal monopolies, insider trading and a variety of unscrupulous behaviours that led to the financial crash of 2008.

Banking Frauds

In California, a person convicted of three or more crimes is subject to "three-strikes laws," which can result in a life sentence (California courts, n.d.). In contrast, consider the response to three-time offender, the Wells Fargo Bank in California. In 2016, the Wells Fargo Bank was found guilty of opening bank accounts in clients' names without their knowledge and charging them fees (Taub, 2020, xi). In 2017, the bank was caught overcharging for car loans and then illegally repossessing customers' cars. In 2018, Wells Fargo was found guilty of charging customers for insurance they did not need (Taub, 2020, xix). Rather than anyone at Wells Fargo receiving a life sentence, the bank was ordered to pay $3 billion to "resolve all 'potential' criminal and civil liability with the DOJ [Department of Justice] and several other federal agencies"—a dollar amount "just short of the bank's quarterly profits" (Taub, 2020, p. xx). Despite the enormous amounts of money defrauded by Wells Fargo, no one involved in these offences ever went to prison. Numerous banks have engaged in repeated unethical and fraudulent practices resulting in huge economic losses for customers, including virtually all the top financial institutions: AIG, Barclays, Bear Stearns, HSBC, JPMorgan, Merrill Lynch, Lehman Brothers, UBS, Goldman Sachs, and Wachovia. In virtually all cases, fines were levied and offenders avoided prison time (Rosoff et al., 2020, pp. 334-341; Werle, 2019).

Price-Fixing

Price-fixing occurs when two or more companies that are supposed to be competitors conspire to set prices at a certain level to avoid direct competition when selling the same products. Price-fixing helps explain why many products, such as gasoline for our automobiles, are typically priced at the same level regardless of where they are purchased in a city. However, "[m]uch of fixing prices does not involve a specific conspiracy but rather takes the form

of *parallel pricing*, wherein industry 'leaders' set inflated prices and supposed competitors adjust their own prices accordingly" (Friedrichs, 2007, p. 74, emphasis in original). Price-fixing scandals have involved many industries and consumer products including oil, natural gas, pharmaceuticals, bread, vitamins, shoes, toys, video games, and infant formula (Rosoff et al., 2020, p. 61). In fact, "price-fixing conspiracies have been uncovered for virtually every imaginable product or service" and have been described as "a standard operating procedure" by some business executives (Friedrichs, 2007, pp. 74-75). One of the largest price-fixing cases involved eight pharmaceutical companies: Hoffmann-La Roche, BASF, Aventis SA, Solvay Pharmaceuticals, Merck, Daiichi Pharmaceutical, Esai and Takeda Chemical Industries. These companies conspired to increase and fix vitamin prices worldwide, meaning virtually every vitamin consumer on the planet likely paid more than they should have (Guardian News and Media, 2001). While price-fixing is widespread and results in people losing money without knowing it, discovering price-fixing is extremely difficult. Indeed, it is believed that most price-fixing cartels go undetected and that this practice is virtually built into our economic system. Adam Smith (1977) acknowledged in his classic treatise, *An Inquiry into the Nature and Causes of the Wealth of Nations*, that:

"People of the same trade seldom meet together, even for merriment and diversion, but the conversation ends in a conspiracy against the public, or in some contrivance to raise prices" (p. 183).

Illegal Monopolies

Illegal monopolies occur when a company gains exclusive control over the consumer market for a particular good or service through illicit conduct. John D. Rockefeller (July 8, 1839–May 23, 1937), one of the richest men of his era, famously remarked that "competition is a sin!" (Eschner, 2017, para 7) and set out to do everything in his power to eliminate it. Rockefeller's tactic was to use the enormous profits his company (Standard Oil) was making in the oil extraction business to buy out his competitors; however, if the company refused to be bought, Rockefeller employed other tactics: He also used his wealth to purchase all the products needed to produce oil and refused to sell them to his competitors. He used his wealth to bribe railroad companies to limit the number of trains available to transport competitors' oil (Beattie, 2019). In 1892, the U.S. government finally broke up the monopoly Rockefeller had built and his mammoth oil empire was "carved up into smaller, but still sizeable chunks" (Beattie, 2019, para. 11).

Bill Gates, co-founder of Microsoft, may be the closest we have to a modern-day Rockefeller, both in terms of the vast wealth he has accumulated, and in the tactics used to accumulate it. In 1998, Former Microsoft executive Rob Glaser testified in front of a Senate Judiciary Committee that, under the direction of Bill Gates, Microsoft intentionally sabotaged a rival company, RealNetworks, by installing a "bug" in the version of the Windows operating system they were using causing it to malfunction (Rosoff et al., 2020, p. 64). Internal Microsoft documents

show Gates "was willing to use every tool at [his] disposal, including threats and financial inducements, to force other companies to drop any planned or existing alliances with its competitor Netscape" (Brinkley & Lohr, 1998, as cited by Rosoff et al., 2020, p. 65). In one email entered as evidence, Gates is quoted as saying to a company executive, "How much do we need to pay you to screw Netscape" (Rosoff et al., 2020, p. 65). The plan required computer manufacturers using *Windows* 95 to install Microsoft's Internet Explorer, rather than other browsers, like Netscape. Customers were forced into using Microsoft's web browser, and prevented from using a competitor's browser. Microsoft was eventually found guilty of engaging in illegal monopolistic practices. As part of the settlement, the court ordered Microsoft to submit to independent oversight to ensure it did not engage in this behaviour again, but on an appeal to a higher court, this requirement was overturned and replaced by a watered-down order that permitted Microsoft to monitor itself with an internal compliance committee (Rosoff et al., 2020). Google, Amazon, and Facebook have all been accused of establishing monopolies (Romm et al., 2020).

Insider Trading, Front Running, and Pump and Dump

Insider trading refers to "the buying or selling of a publicly-traded company's stock by someone who has non-public, material information about that stock" that will likely affect its value (Ganti, 2022, para. 1). Because such "insider information" can lead to unfair advantages, companies are required to issue public press releases about events that affect their operations and stock prices. If an employee at Company A learns that their company is planning to purchase Company B, this is significant investor information because the price of stocks in Company A will likely increase after the purchase to reflect the added value of Company B. The employee who has insider information about the future of a company is at a distinct advantage over the average investor who does not have such information.

"Front running" is a variation of insider trading where stock brokers take advantage of information about imminent transactions that are likely to affect the value of stocks to enrich themselves. Let us suppose that a stock broker receives an order from a client to purchase a large number of shares in Company X. This purchase will likely push the price of stocks in Company X up. Knowing this, the stock broker delays the stock purchase for the client just long enough to buy stocks for themselves in Company X. Then, the broker purchases the stocks for the client and immediately sells their own shares (at the higher share price), reaping an instant profit.

Another type of investment fraud is called "pump and dump." This is a scheme designed to boost the price of a stock through "false, misleading, or greatly exaggerated statements" (Dhir, 2021, para. 1). The perpetrator convinces others to purchase the stock, which pushes the stock price up (the "pump") and then sells their stocks at an elevated price (the "dump"). The movie, *The*

Wolf of Wall Street (Scorsese, 2013) is based on the life of Jordan Belfort, a stock broker found guilty of a massive fraud involving such a "pump and dump" scheme.

The 2008 Financial Meltdown

One of the most catastrophic economic crashes since the Great Depression was the 2007–2008 financial "meltdown," which is explored in the documentary, *Inside Job* (Ferguson, 2010). This massive fraud implicated a long list of U.S. banking and financial insiders, and resulted in the loss of billions of dollars (Bondarenko, n.d.; Merle, 2018). Unscrupulous practices included encouraging clients to take out mortgages at low "teaser" rates and not informing them the mortgage rates would eventually escalate, as well as selling "subprime" mortgages. Subprime mortgages are mortgages sold to clients who are not qualified to pay them and are were likely to default on them. Banks were willing to sell loans to customers they knew would likely default because they took out insurance policies on them. The technical name for these insurance policies is "credit default swaps" (Simon, 2012, p. 4). As a result of this tactic, the number of people borrowing money to finance new homes increased significantly, rapidly pushing up housing prices. When large numbers of homeowners later defaulted on their bank loans, the "housing bubble" crashed, house prices plummeted, and homeowners ended up paying mortgages that were more than the actual value of their home. Millions of people lost their homes and life savings. The only bank ever charged with a criminal fraud related to these practices was Abacus—a relatively small bank owned by the Chinese-American Sung family. The documentary *Abacus: Small Enough to Jail* (James, 2017) explores the case. The biggest banks (e.g., JP Morgan and Goldman Sachs) were bailed out with taxpayer money to the tune of over $700 billion dollars (Simon, 2012). These banks, because of their huge size, political influence, and the number of people they employed, to borrow the title of an article about these crimes, were deemed both "too big to fail" and "too powerful to jail" (Pontell et al., 2014, p. 1). As for investigating the role of fraud, "not surprisingly, with its overwhelming emphasis on crimes of the relatively powerless, criminology generally failed the challenge of the Great Economic Meltdown" (Pontell et al., 2014, p. 2).

15.5 Political Crime

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Political crime refers to "governmental or political party officials engaging in illegal and improper activity for personal gain" (Friedrichs, 2007, p. 134). One type, "influence peddling," refers to the use of one's government position to sell access to a major government decision-maker, such as a cabinet member, prime minister, or president of a country. Commonly, access is desired to obtain favourable legislation, such as tax subsidies for a particular corporation, or lucrative government contracts. For example, in what has been called the biggest fraud case in Canadian history, officials within the SNC-Lavalin corporation were convicted of bribery. SNC-Lavalin paid government insiders to obtain a lucrative contract to build a hospital in Montreal (CBC/Radio Canada, 2019). SNC-Lavalin has also been found guilty of violating election financing laws in Canada. To get around restrictions on corporations donating to political parties, SNC-Lavalin convinced employees to donate, and then later reimbursed them through faked personal expenses or fictional bonuses (CBC/Radio Canada, 2019).

15.6 State-Organised Crime

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Chambliss (1989, p. 184) defines **state-organised crime** as, "acts defined by law as criminal and committed by state officials in pursuit of their job as representatives of the state." A more recent term, "state crimes against democracy" (or SCADs for short), has been suggested by Professor Lance deHaven-Smith of Florida State University. He defines these as, "actions or inactions by government insiders intended to manipulate democratic processes and undermine popular sovereignty" (deHaven-Smith, 2013, p. 12). There are many examples of state-organised crimes, including illegal surveillance, *coup d'états*, assassinations, and illegal wars (Simon, 2012, pp. 203-258; deHaven-Smith, 2013, pp. 138-140). Despite causing widespread harm, state-organized crimes receive even less attention from criminologists than corporate crimes (Friedrichs, 2007).

Given that nation-states have a monopoly on what gets defined as a crime (they write the laws), the harmful behaviours they engage in are rarely defined as crimes. Consider perhaps the most infamous state-organised crime in history, the Nazi extermination of millions of people, including Jews, members of the LGBTQ community, Jehovah Witnesses, the disabled, Roma (also known as Gypsies), as well as those critical of the Nazi state. The Nazis perpetrated a **genocide**, and many complicit individuals were prosecuted for crimes against humanity in the Nuremberg Trials. However, had Germany been victorious in World War II, it is unlikely that any such trials would have taken place. The victors in wars rarely allow their *own* harmful behaviours to be defined as criminal. Consider that if the United States had been on the losing side of World War II, the atomic bombs dropped on Hiroshima and Nagasaki in Japan would likely have been designated war crimes, and those responsible for the horrific injuries and deaths of hundreds of thousands would have likely been put on trial. At the time, senior military officers, including Generals MacArthur and Eisenhower (who would later become president of the United States), did not believe the atomic bombs were required to end the war (Stone & Kuznick, 2012).

It is significant that had the international rules of war (the Nuremberg Principles) been applied to decisions made by U.S. presidents to invade countries like Vietnam, Cambodia, and Iraq, it is possible that every U.S. president since the end of World War II would have been found guilty of war crimes (Chomsky, 2004; Chomsky's Philosophy, n.d.). None of these countries posed a direct threat to the security of the United States and authorisation to use military force was not obtained from the U.S. Congress or the United Nations (Chomsky, 2004; Chomsky's Philosophy, n.d.). Joe Biden, and the two presidents before him, Barack Obama and Donald Trump, also ignored the law: Obama approved the use of force and the deployment of CIA operatives in Syria, and Trump ordered bombs dropped on Syria. Neither obtained approval from the U.S. Congress (Greenwald, 2021). Nonetheless, there are very few people calling for the arrest of any currently living former president for war crimes.

Illegal Surveillance

In the United States, the Federal Bureau of Investigation (FBI), the Central Intelligence Agency (CIA), and the National Security Agency (NSA) have all engaged in the illegal surveillance of those deemed "threats" to the government. One U.S. spying operation called **Cointelpro** (run by the CIA) engaged in extensive surveillance of civil rights leader Martin Luther King Jr in an effort to discredit him. Under direct orders from J. Edgar Hoover (then head of the FBI), African American organisations were to be targeted for surveillance; and in an illegal raid of the home of **Black Panther** leader Fred Hampton, police shot and killed him as he slept in his bed (Page, 2019). Other targets of illegal government surveillance include political dissidents, socialists, communists; as well as numerous non-violent protest groups, such as those against war (American Civil Liberties Union, n.d.; Greenwald, 2014).

More recently, former NSA contractor Edward Snowden released classified documents revealing a number of secret internet surveillance programs being used by the U.S. government to illegally spy on citizens both in the United States and around the world. Information collected by the government included a target's political views, medical history, the status of their intimate relationships, and details about online sexual activities. Data about the pornographic or sexual services websites an individual has visited can be used to discredit or **blackmail** individuals who have been critical of a particular government's policies, such as journalists and human rights activists (Greenwald, 2014). Blackmailing those critical of the government has long been used to silence people and was a tactic J. Edgar Hoover perfected while head of the FBI (Gentry, 1991). Blackmail may help explain why no U.S. president was able to replace J. Edgar Hoover as F.B.I. director, allowing him to lead the agency for almost 50 years, from 1924 until his death in 1972. Glenn Greenwald (2014) summarises where the NSA was gathering this information from and who was targeted:

"Internet servers, satellites, underwater fibre-optic cables, local and foreign telephone systems, and personal computers. It identified individuals targeted for extremely invasive forms of spying, a list that ranged from alleged terrorists and criminal suspects to the democratically elected leaders of the nation's allies and even ordinary citizens" (p. 92).

Coup d'États

When Julius Caesar overthrew the government in Ancient Rome, declaring himself Emperor for life, he engaged in a tactic dating back to the earliest civilisations: the **coup d'état**. This refers to the non-democratic, and often violent, overthrow of a government, either by those already working within the government but unhappy with its leadership, or by those outside the government who view it as a threat to their interests. In the modern age, the CIA is probably the organisation most notorious for carrying out *coup d'états* against socialist leaders

unfriendly (or perceived to be unfriendly) to U.S. governments or corporations, or those of its allies. Natural resources like oil, gas, water, and land are highly coveted prizes sought by transnational corporations in countries around the world (Perkins, 2006). For example, after the government of Iran got tired of the British-owned, Anglo-Iranian Oil Company (now British Petroleum) exploiting its oil resources and channeling most of the profits to Britain, the Iranian Prime Minister Mohammed Mosaddegh nationalszed Iranian oil assets (Perkins, 2006). Mosaddegh's aim was to ensure that Iran—not foreign companies—benefitted from its oil. In response, the CIA, in conjunction with the British intelligence agency MI6, instituted *Project Ajax*, a campaign to discredit and oust Mosaddegh from power. Portrayed as an extremist, a traitor, and a threat to the nation—all false charges—Mosaddegh was eventually overthrown in a carefully orchestrated plan in 1953. He was replaced, with the help of the U.S. and Britain, by the corporate-friendly and authoritarian Mohammad Reza Pahlavi, also known as the Shah (meaning king) of Iran. With the assistance of the United States, the Shah of Iran set up his secret police force, SAVAK, which was responsible for torturing and killing thousands of Iranians who had been critical of the government or the Shah (Stone & Kuznick, 2012).

CIA-supported *coup d'états* led to the overthrow of democratically elected presidents Jacobo Arbenz in Guatemala in 1954, and Salvador Allende in Chile in 1973 (Perkins, 2007; Stone & Kuznick, 2012). Both these leaders were vocal critics of U.S. imperialism and U.S. corporations wanting to exploit their country's natural resources. Similar interventions by the U.S. have occurred in "Zaire (1960s), the Dominican Republic (1961-62), Indonesia (including East Timor, 1960s-1970s), Greece (1967), Chile (1973), Angola (1975), Libya (1980), Grenada (1980s), El Salvador (1980s), Nicaragua (1980s), [and] Haiti (late 1980s, early 1990s)" (Shelden et al., 2008, p. 34).

Illegal Wars

The U.S. invasion of Iraq in 2003 is the type of crime largely ignored by criminologists (Lynch & Michalowski, 2006). According to the rules of war established after World War II, there are only two legitimate reasons for a country to invade another country: (1) in self-defence; or (2) when authorised by the UN Security Council. Since the UN Security Council did not provide authorisation for war, U.S. president George W. Bush had to make the case for self-defence. He was able to accomplish this through a nefarious propaganda campaign falsely linking the September 2001 terrorist attacks on the U.S. to Iraq. The Bush administration also falsely reported that Iraq had obtained uranium from Niger to make an atomic bomb (Wilson, 2003) and therefore harboured "weapons of mass destruction" that threatened the United States and its allies. By the time of the invasion of Iraq in 2003, 70 percent of Americans had been convinced (by false evidence) to believe that President Saddam Hussein of Iraq was responsible for the attacks on September 11, 2001 (US public thinks Saddam had role in 9/11, 2003). In the wake of this propaganda campaign, the U.S. Congress provided Bush with the power to invade Iraq. Lies led to this invasion. Hundreds of thousands were killed. No one responsible went to prison.

War Profiteering

The main economic beneficiaries of war are corporations that sell the equipment needed to fight, such as armaments and fuel, as well as food, clothing, and shelter for the troops. In 2019, the U.S. military budget was $730 billion dollars, by far the largest part of the government's total budget (National Priorities Project, 2020). This figure does not include funds held in the "black budget", a budget kept hidden from the general public and most members of the U.S. government used to fund clandestine intelligence and military operations (Simon, 2012, pp. 176-178). Given the astronomical amounts of money devoted to official and unofficial budgets, perhaps it should not be surprising that major frauds have been associated with military spending. Investigations by the Commission on Wartime Contracting in Iraq and Afghanistan (2011) found $31 billion dollars in waste and fraud in the wars in Afghanistan and Iraq alone. It gets worse. The Office of Inspector General reported the U.S. Defence Department could not account for $21 *trillion* dollars' worth of spending between 1998 and 2015 (Michigan State University, 2017). One of the most highly-decorated soldiers in U.S. history, General Smedley Butler, wrote a book about his experiences in the military in his retirement. In his words: "War is a racket. It always has been. It is possibly the oldest, easily the most profitable, surely the most vicious" (Butler, 1935, chapter 1, paras 1, 2). The armaments of war are a big business for military contractors like Raytheon, General Dynamics, and Lockheed Martin. In 2020, Lockheed Martin made over 9 billion dollars in profits (Lockheed Martin Gross Profit 2010 -2022, n.d., para. 1). General Butler also drew attention to the enormous profits private banks make off of war: "And let us not forget the bankers who financed the great war. If anyone had the cream of the profits it was the bankers" (Butler, 1935, chapter 2, para. 17).

The documentary *Why We Fight* (Jarecki, 2005) chronicles the economic interests behind war that General Butler spoke about. A notable quote from the documentary is from Chalmers Johnson, formerly of the CIA: "I guarantee you: When war becomes profitable, we're going to see more of it." U.S. investigations of war profiteering during World War I resulted in recommendations for policies that took the profits out of future wars (Sutherland, 1983). These policies were never implemented. The result has been a steady growth in military expenditures on the weapons of war and the services needed to support those in combat, as well as a steady growth in fraud related to the purchase of these products and services (Rosoff et al., 2020).

A growing problem is the "revolving door" phenomenon, in which employees move between positions in the corporate world to positions in government (and vice versa), obtaining benefits for their former employers (and themselves) in the process. For example, Dick Cheney was the CEO of Halliburton, a multibillion-dollar corporation that supplies services and support to those in combat. He left Halliburton to become vice president of the United States, and became a vocal advocate for increased military spending and an invasion of Iraq (and other countries), policies that would directly benefit himself and his former employer. While Cheney claimed he sold his Halliburton stock and severed all financial ties with the company when he left to become vice president, he neglected to mention he continued to hold 433,000 stock options from Halliburton (Jacobs, 2011). Cheney stood to reap enormous financial benefits if

Halliburton was awarded contracts in Iraq, which it was, to the sum of billions of dollars. In fact, Halliburton became the Pentagon's company of choice to provide many services in Iraq, including extinguishing fires at oil wells, restoring pipelines, supplying trucks and the gas to fuel them, providing food and housing for the troops, washing clothes, and delivering mail (Jacobs, 2011; Rothe, 2009). Halliburton would eventually become the target of dozens of lawsuits alleging accounting fraud and was forced to repay millions of dollars as a result of over-billing (Jacobs, 2011).

Colonialism and Slavery

Colonialism constitutes the largest program of state-organised harms in world history. Imperial conquests conducted by European states such as Spain, France, and Britain involved the enslavement of millions of Africans; the dispossession of Indigenous land; mass murder; destruction of culture, communities and families; physical, sexual, and emotional abuse; and human experimentation without informed consent (Monchalin, 2016; Mosby, 2013; Starblanket, 2018). These colonial harms were justified as attempts to "civilise" African, Asian, and Indigenous peoples, who were portrayed as "sub-human" and "savage." In truth, colonialism was about taking control of a territory to benefit the coloniser. Bishop Desmond Tutu of South Africa, put it this way: "When the missionaries first came to Africa they had the Bible and we had the land. They said, 'let us pray'. We closed our eyes. When we opened them, we had the Bible and they had the land" (as cited by Salmi, 2004, p. 61). Criminologists have rarely, and only recently, attempted to examine colonial actions as crimes (see Atiles-Osaria, 2018; Grewcock, 2018). Nonetheless, "if unjustly depriving people of their property, their way of life, and their very lives is regarded as criminal, then imperialistic conquests" could be considered crimes (Friedrichs, 2007, p. 119).

Tamara Starblanket (Nehiyaw/Cree) presents the legal case in her book, *Suffer the Little Children*, that residential schools, which resulted in the death of up to 50 percent of the Indigenous children forced to attend them, were tools used to commit genocide as defined by the United Nations (Starblanket, 2018). The recent discovery of thousands of unmarked graves of Indigenous children near residential schools (CBC/Radio Canada, 2021) and the likelihood of more to be discovered has brought the misery and death into full focus for all to see. As far back as 1907, the deplorable conditions and high death rates in residential schools led Chief Medical Officer, Dr. Peter Bryce, to conclude that residential schools were a "national crime" and genocidal (Hay et al., 2020, para. 5). Despite his well-documented report, the federal government of the day refused to take responsibility, and nothing changed. The report was ignored and Bryce's position as chief medical officer was not renewed. Experiments that included withholding food from Indigenous children who were attending residential schools were carried out between 1942 and 1952 (Mosby, 2013).

15.7 Challenges Related to White-Collar Crimes

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The events described in this chapter — the crimes of the powerful — are responsible for enormous financial and physical harm, including widespread injury and death. While the financial and physical damages these events cause may shock you, they have been well-documented (e.g., Reiman & Leighton, 2013). Nonetheless, these and similar events pose unique challenges for the criminal justice system, victims, marginalised groups, academics, and other stakeholders. The following section reviews these challenges.

Officially Labelled Crimes are Not What is Causing Most Harm

A central problem relates to the role of the powerful in determining what is defined as a crime in the first place. A person who sells a drug on a street corner is defined as a criminal, a "drug trafficker"; a pharmaceutical company that spends millions of dollars advertising addictive drugs, and convincing physicians to prescribe these drugs, is not. A man who intentionally injures his wife is defined as a "wife batterer" and a criminal; a company that manufactures a dangerous birth control product (e.g., the Dalkon Shield) responsible for serious injuries to thousands of women is not. A person who kills multiple people is defined as a "serial killer"; a person elected to lead a country who initiates an illegal war resulting in the deaths of hundreds of thousands is not. These comparisons indicate that "criminal law categories are artful, creative **constructs**" (Box, 1983, p. 7). The result is that we pay more attention to some harms than others, namely those more likely to be committed by the marginalised in society than those more likely committed by individuals in the highest positions in government, private industry, and those that work with them. Most of this harm escapes the definition of crime.

Victims are Not Always Aware of Victimisation

The victims of crimes of the powerful are much less likely to realise they are victims compared to victims of street crimes. The case of price-fixing is illustrative. A recent case in Canada involved seven Canadian companies (Loblaws, Metro, Sobeys', Weston Bakeries, Canada Bread, Walmart and Giant Tiger) and is estimated to have cost consumers across the country millions

of dollars. An average consumer, purchasing one loaf of bread a week for a year lost $400 to price-fixing "theft" (Markusoff, 2018; Russell, 2018). Because price-fixing conspiracies have become a standard operating procedure in many industries, virtually everyone in Canada has likely been victimised without their knowledge, and likely will be again. In a sense, many crimes by the powerful could be considered "perfect crimes" in that they are often undetected and remain invisible to the general public.

Racial Minorities are More Likely to be Victims

In terms of white-collar offences, racial minorities have sometimes been specifically targeted by white-collar offenders. The Wells Fargo Bank provides a case study: They settled a lawsuit in 2012 for $175 million dollars for directing Blacks and Latinos to take out loans with higher fees and interest rates attached to them than loans offered to white customers (Mui, 2012). People of colour are also more likely to be the victims of "environmental racism" (see chapter 13 Green Criminology). This refers to "[a]ny policy, practice, or directive that differentially affects or disadvantages (whether intended or unintended) individuals, groups, or communities based on race or color" (Bullard, 1993, p. 23). Governments decide where highways are to be built, where industry is permitted to operate, and where toxic materials are disposed (Bullard, 1993; Bullard et al., 2007). The proximity of toxic waste sites to racial minority neighbourhoods has been documented, both in the United States and Canada. See the location of toxic waste sites and their proximity to traditionally Black and Indigenous communities.[1]

The Netflix documentary *There's Something in the Water* (Page & Daniel, 2019) investigates the situation in Pictou County, Nova Scotia. There, pulp and paper mill effluents have polluted Boat Harbour (known in the Mi'kmaq language as A"se'k) with toxic chemicals. Originally used by Indigenous peoples as a food source, toxic substances dumped into the waterways have created an environmental and human catastrophe. Not only has it killed marine life, but local residents who use the water for bathing and cooking have been diagnosed with extremely high rates of cancer.

1. Scan the QR code to access https://www.enrichproject.org/map/

Less Developed Countries are at High Risk

Consumer products found to be hazardous in North America may be shipped to less developed countries where a combination of lax regulatory regimes, higher rates of illiteracy, and widespread poverty means the most marginalised are at higher risk. The list of dangerous products and substances "dumped" into less developed countries from more developed, industrialised countries is long. One of the most notorious products dumped was the Dalkon Shield. It was an intra-uterine device responsible for "uterine infections, blood poisoning, spontaneous abortion in pregnant women and perforation of the uterus" and was responsible for the injury of thousands and the death of at least 17 women (Simon, 2012, pp. 184-185). There are many more examples: Pesticides known to cause serious injury and death that have been banned in the United States or Canada have been exported to less-developed countries and unsuspecting consumers, and many of these pesticides return to Canada and the United States on imported food (Rosoff et al., 2020, p. 143). Companies that produce toxic pesticides, as well as other harmful substances like asbestos, have closed down factories in the United States and re-opened them in Taiwan, South Korea, Venezuela, and Brazil. Also the high cost of disposing of hazardous waste in North America has led to it being dumped into Mexico, the Philippines, Zaire, Guinea, and Sierra Leone (Rosoff et al., 2020).

Economic Costs Exceed Street Crimes

Many years ago, Sutherland concluded that the financial costs of the crimes of the powerful were likely "several times as great as the financial costs of all the crimes which are customarily included in the 'crime problem,'" such as theft and robbery (Sutherland, 2009, p. 422). Just *one* type of white-collar crime — securities fraud — costs Americans about $1 million *an hour* (Snider, 2001). Reiman and Leighton (2013) estimate the cost of crimes of the powerful in the U.S. at about $610 billion annually. Even the lowest estimates mean the costs of the crimes of the powerful exceed the costs of all street crimes combined (Reiman & Leighton, 2013).

No Systematic Collection of Data on Crimes of the Powerful

Detailed information on conventional street crimes, including characteristics of the offender, the victim, and the time and location the crime occurred, are contained in Uniform Crime Reports. These reports are an invaluable resource for criminologists as they allow comparisons across cities, provinces, and countries as well as comparisons of crime from year to year (see chapter 5 Methods and Counting Crime). While some crimes of the powerful are captured by these reports, most are not. Instead, if a crime researcher in Canada wants to research the

injuries and deaths discussed in this chapter, their task is considerably more difficult. They would have to contact and request data from a multitude of different federal government agencies, including the Competition Bureau, the Canada Revenue Agency, the Security Investigations Service, and the Canada Food Inspection Agency. Furthermore, in many cases, those responsible for enforcing regulations at these agencies come from the same industries they are supposed to be overseeing. This can lead to the problem of regulatory capture. This is when the government agency responsible for enforcing regulations serves the commercial and financial interests of those they regulate and not the public.

Lack of Research Attention

There is a definite lack of research attention devoted to crimes of the powerful. Indeed, only between 3.6% and 6.33% of published criminological research has examined these behaviours (Lynch & Michalowski, 2006; McGurrin et al., 2013). This is due, in part, to the training criminologists receive which has tended to focus on conventional street crimes rather than corporate or government criminality (McGurrin et al., 2013). As of the writing of this chapter (in 2022), none of the colleges in B.C. that offer credentials in criminology have courses devoted to white-collar crimes and only two universities in B.C. have a course devoted to white collar crimes: Kwantlen Polytechnic University and Vancouver Island University. While we are *by far* more likely to be injured, killed or suffer economic losses as a result of the harmful behaviours of those occupying the highest socio-economic strata — those that head governments, the military, corporations, or those who work closely with them — when it comes to studying crime, most research attention has focused on the street criminal (Reiman and Leighton, 2013; Shelden et al., 2008, pp. 19-20) and theorising about the causes of street crime rather than theorising about the causes of the crimes of the powerful (Hillyard & Toombs, 2004, p. 25).

Patrolling in all the Wrong Places

Police officers patrol city streets for crime; they do not patrol corporate boardrooms or government offices or the private islands of the most affluent looking for crime. "In fact, for all practical purposes, the criminal justice system ignores the crimes of the very wealthy and the crimes committed by the state itself" (Shelden, 2001, p. 13). It is the harms perpetrated by young, **racialised** males from the lowest socio-economic strata that are the most visible to scrutiny by others, including the police, and that therefore get processed through the criminal justice system and contribute to a distorted image of crime and what harms us the most. The harms perpetrated by the most affluent members of society are obscured in the process, and are subject to far less social control. Relying on official crime statistics to try to understand harm is like looking at a funhouse or carnival mirror that magnifies some harmful behaviours

(those most likely perpetrated by the marginalised) while minimising others (those more likely perpetrated by the most affluent) (Reiman & Leighton, 2013). As Hedges (2019, p. 266) points out: "We live in a two-tiered legal system, where poor people are harassed, arrested, and jailed for absurd infractions, such as selling cigarettes — which led to Eric Gardner being choked to death by the New York City police in 2014 — while crimes of appalling magnitude by the **oligarchs** and corporations, from oil spills to bank fraud in the hundreds of billions of dollars, which wiped out 40 percent of the world's wealth, are dealt with through tepid administrative controls, symbolic fines and civil enforcement that give these wealthy perpetrators immunity from criminal prosecution."

Inadequate Laws

Laws and regulations aimed at the crimes of the powerful are inadequate and often do not exist; if they do, they frequently result in fines or monetary payouts awarded after civil litigation. They usually do not result in prison. Canada's first antitrust law targeting price-fixing and illegal monopolies, the *Combines Investigation Act* of 1889, "was so inadequate that no successful prosecutions under the monopoly provisions were ever registered" (Snider, 2003, p. 219). Under the current law, the *Competition Act (R.S.C. 1985, c. C-34)*, a corporation found guilty of price-fixing faces a fine of up to $25 million and prison time up to 25 years; however, prison is rarely handed out as a sentence (Powell, 2018). When 22 people died in Canada after consuming listeriosis tainted meat produced by Maple Leaf Foods, the corporation had to pay $27 million to settle civil lawsuits (CBC/Radio Canada, 2009). No one went to prison. No one went to prison for the deaths of 26 miners at the Westray Mine either, which was clearly a foreseeable tragedy.

Deferred prosecution agreements (DPAs) will result in even fewer criminal prosecutions. DPAs allow a corporation guilty of a criminal offence to avoid criminal prosecution, and pay a fine instead. DPAs made headline news after the former minister of justice and attorney general, Jody Wilson-Raybould, revealed that she had been pressured by the Prime Minister's Office to enter into one such agreement in a case involving SNC-Lavalin. When Wilson-Raybould refused, arguing it was inappropriate, she quickly lost her job and was eventually ejected from the Liberal Party.

After the Westray Mine disaster that killed 26 miners, section 217.12 of the *Criminal Code* was passed and came into effect in 2004. It instituted new duties on corporations to ensure workplace safety and backed this up with penalties, including prison for violations. Nonetheless, prosecutions have been extremely rare, and when they have occurred, they have tended to be against smaller companies, not large corporations (Bittle, 2012). While white-collar crime convictions can result in significant financial penalties for offenders, corporate leaders often see fines as a small price to pay, simply a "cost of doing business" (Friedrichs, 2007, pp. 74-75).

Less Money to Police, Prosecute, and Imprison

There is less money to police, prosecute and imprison crimes committed by the powerful. While budgets to police, prosecute, and imprison perpetrators of conventional street crimes have increased over the years (Griffiths, 2018), agencies responsible for investigating and prosecuting the crimes of the powerful have frequently faced budget cutbacks. Recent budget reductions resulted in the closing of the B.C. RCMP specialised unit devoted to financial crimes in 2013 (RCMP, 2016) and, in 2020, the RCMP shut down the specialised unit devoted to financial crimes in Ontario (Oved, 2020). In the United States, the situation is similar: Budget cutbacks to the F.B.I have resulted in significant drops in investigations against white-collar offenders (Pontell et al., 2014).

State crimes are even more rarely prosecuted than corporate crimes because the perpetrators (government officials) can exert control over the state's investigatory and prosecutorial apparatuses and have the power to hide incriminating information from the public. For example, investigators of U.S. president John F. Kennedy's assassination in Dallas, Texas in 1963 report key witnesses were prevented from testifying and no action was taken against senior intelligence agents who committed perjury when questioned under oath (Fonzi, 2013). Former U.S. president Nixon ordered his staff to "use the C.I.A. to impede the F.B.I. investigation" of the Watergate scandal that had implicated him in illegal surveillance and a break-in of the offices of his political rivals at the Watergate Hotel in Washington, D.C. (Rosoff et al., 2020, p. 369). Former president George W. Bush "fought tooth and nail against an independent investigation" of the September 11, 2001 terrorist attacks on the United States; and when an investigation was finally begun, it was severely under-funded (Wallechinsky, 2013, para.6). Bush and his vice president, Dick Cheney, refused to meet with the investigators of the September 11, 2001 attacks unless they could meet and testify together. Both also refused to testify under oath or allow the interview to be recorded or transcribed (Wallechinsky, 2013, para. 7).

Revealing the Crimes of the Powerful Can Be Dangerous

Revealing the crimes of the powerful can be dangerous. In the 1960s, (GM) hired people to surveil and harass consumer rights advocate Ralph Nader after he published *Unsafe at Any Speed* (Nader, 1965). The book documented design failures in automobiles causing injuries and deaths and the cavalier attitude automobile executives had towards their customers safety while they drove their cars. GM executives, furious at his harsh critique of the industry, and the effect it might have on auto sales, hired underage girls in an attempt to lure Nader into illicit sexual encounters (American Museum of Tort Law, n.d.). After the popular talk show host Phil Donahue began voicing criticisms of the U.S. invasion of Iraq, he was fired from the MSNBC television network. MSNBC is owned by General Electric, a major defence contractor that stood to lose financially if war was averted. Whistle-blowers Chelsea Manning, Edward Snowden, and Julian

Assange were all labelled traitors after releasing classified documents revealing war crimes, widespread illegal internet surveillance, and other harmful and criminal acts of the very rich and powerful. Both Manning and Assange have been imprisoned; Snowden has had to remain in Russia to avoid being charged with allegedly aiding the enemy.

Publicising harms wrought by the powerful can even be deadly. Before being executed along with several others in 1994 by the Nigerian government, Ken Saro-Wiwa was a member of the *Movement for the Survival of the Ogoni People*. He had been a vocal critic of Royal Dutch Shell for the extreme environmental damage the corporation's oil extraction had caused to the Niger Delta and the Nigerian government's refusal to hold the corporation accountable for this damage. This is what Saro-Wiwa had to say about the Nigerian government:

"The slow destruction of the Ogoni's livelihood by the ecologically careless policies of Shell is of little concern to the Federal government of Nigeria — it's secondary to the need to safeguard the vital oil revenues that provide 90% of Nigeria's foreign exchange earnings. Thus to protest against this devastation is to protest against 'national security priorities'. The instruments for enforcing national security — the armed forces — are turned on law-abiding citizens, because the survival of communities like the Ogoni is effectively judged inimical to the survival of the nation" (Chunn, Boyd, & Menzies, 2002, p. 15).

Families of those executed launched a civil suit against Royal Dutch Shell accusing the corporation of colluding with the Nigerian government in human rights abuses, torture, and murder, and of hiring government troops to shoot at those protesting against them (BBC News, 2009). Royal Dutch Shell, rather than go to trial, agreed to an out-of-court settlement of $15.5 million to the victims' families but never accepted liability for the charges against them (*Ken Wiwa et al v. Royal Dutch Petroleum et al.*, 2009). For an interactive map of the oil spills see Amnesty Oil Spills.[2]

The struggle against the environmental degradation caused by oil giants, like Royal Dutch Shell, and other corporations that disregard environmental laws and dump dangerous toxins into the air and land continues. While these protests do not always get the publicity they deserve, protest against the environmental damage caused by corporations are occurring all across the globe. The push back from corporate interests has been severe, and has led to threats, harassment and, in 2020 alone, the murder of 212 protestors (Qureshi, 2020). Most of these murders are undocumented and not published by the mainstream (corporate-funded) media; so, the actual number of killings is thought to be significantly higher (Greenfield & Watts, 2020,

2. Scan the QR code to access https://labs.mapbox.com/amnesty/

para. 3). For a map of these killings see Record 212 land and environment activists killed last year.[3]

3. Scan the QR code to access https://www.theguardian.com/environment/2020/jul/29/record-212-land-and-environment-activists-killed-last-year

15.8 Conclusion

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This chapter began by asking you to consider several events that have caused significant financial or physical harms: dumping toxins into a river near a First Nations community; the very rich and powerful evading taxes; a pharmaceutical company bribing physicians to prescribe a dangerously addictive drug; the U.S. Defence Department being unable to account for trillions of dollars in spending; and a chemical plant exploding, injuring and killing thousands. Events like these have resulted in the loss of billions of dollars and the injury and death of hundreds of thousands of people. Yet, when most people think about the crime problem, events like these rarely come to mind. With some exceptions, the crimes of the powerful have remained mostly marginal to the scholarly discipline of criminology and many criminologists (Hillyard & Toombs, 2004). Those who have examined crimes of the powerful, and provided some of the best scholarship, have often come from outside the field of criminology (e.g., Chomsky, 2013, deHaven-Smith, 2010; Greenwald, 2014; Reich, 2020; Reiman & Leighton, 2013; Schweizer, 2019; Washington, 2020). Imagine if another scholarly discipline — say psychology — neglected to study and discuss anxiety disorders, the mental disorder most prevalent in the population (Med Circle, 2020, para. 3). Students of psychology would be short-changed. Psychologists and other mental health practitioners would be unprepared as professionals to help their clients and educate the public. They would be unqualified to help. If the behaviours that threaten us the most and cause the most financial and physical harms —the crimes of the powerful—are similarly neglected, could we apply the same criticisms to criminology as a field of study? Could we apply the same criticism to the criminologists and other social scientists who research and teach criminology?

15.9 Discussion Questions

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1. Are the crimes discussed in this chapter more or less blameworthy than traditional street crimes? Explain. Is there a moral difference between someone who causes injury or death to someone while in the pursuit of profit and someone who causes injury or death for other reasons?

2. Is it appropriate to label pharmaceutical companies, that downplay the risks of addiction and convince physicians to prescribe highly addictive drugs to their patients, as drug dealers? Is it appropriate to label those who evade taxes as thieves? Is it appropriate to label leaders that engage in illegal wars as serial killers? Why or why not?

3. What do you think would be the most appropriate strategy for dealing with white-collar crime? Should corporations that repeatedly engage in corporate crime be put out of business? Explain.

4. Watch the documentary, *"The Corporation"*.[1] Have the filmmakers convinced you that the modern corporation has been built in the image of a psychopath? Why or why not?

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1. Scan the QR code to access https://www.youtube.com/watch?v=Y888wVY5hzw

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16. ENVIRONMENTAL CRIMINOLOGY

Dr. Tony Verbora, Department of Sociology and Criminology, University of Windsor

Positionality Statement

Before we continue, it is important to discuss how my positionality and privilege impact my understanding and articulation of the world. Positionality is important because it affects the way we see and interpret the world around us, and consequently, how the world sees and interprets us (Jacobson & Mustafa, 2019). To begin, my mother was born in Ardore, Reggio Calabria, Italy and my father was born in Windsor, Ontario, Canada. Both my paternal and maternal grandparents left Southern Italy to move to Canada in the mid-to-late 1950s to provide a better life for their children. Italian emigration was fueled by dire poverty. Life in Southern Italy offered little more than hardship, exploitation, and violence. The soil was poor and malnutrition and disease were widespread.

I was born in the late 1980s and was raised in Windsor, Ontario, Canada with two older siblings (sisters). In regards to the land I inhabit, I recognize that Indigenous peoples are the modern-day descendants of the first human inhabitants of North America. I was raised in a middle-class family that placed the upmost importance on education and being financially independent. As a White privileged man, I recognize that there are inherent advantages possessed by a White person on the basis of their race in a society characterized by racial inequality and injustice. I do believe that having and recognizing my White privilege is important. My White privilege exists because of historic, enduring racism and biases. And although I have family, friends, and colleagues from all walks of life, I will never experience or understand their lived experiences. I do, however, acknowledge this and I do my best in academia to shed light on these important issues when I am given the opportunity to do so.

Introduction: The Study of Crime, Criminality, and Victimisation: an Examination of Theory, Analytic Approaches, and Application

This chapter will discuss **violent** and **non-violent property crimes** using environmental criminological frameworks to help explain causation, while acknowledging the impacts of colonialism and systemic oppression on Indigenous peoples, including those who come into

conflict with colonial law. This is important for a variety of reasons. First, the police, the courts, and other institutions may discriminate against Indigenous peoples (Allen, 2020). Further, systemic oppression, racism, and colonisation include institutional racism and discrimination sanctioned by the police, courts, and corrections against Indigenous peoples. As a result, Indigenous peoples are more likely to be apprehended, prosecuted, and convicted. Second, contact with Western culture and colonialisation has disrupted social life in many Indigenous communities. This disruption has led to a weakening of social control over community members. Why is this important? Well, some may argue that certain races are inherently more law-abiding than others, but they are able to hold such an opinion by ignoring the powerful social forces that cause so many Indigenous peoples to be incarcerated in Canada (Fitzgerald et al., 2019; Monchalin, 2016). Third, a disproportionately large number of Indigenous peoples are incarcerated (Fitzgerald et al., 2019; Monchalin, 2016) and poor (Islam & Sheikh, 2010). Although the great majority of poor people are law abiding, poverty and its handicaps are associated with elevated crime rates (Pantazis & Gordon, 2018). Lastly, according to scholars in the field, Indigenous peoples commit crimes that are more often visible than those committed by non-Indigenous peoples. For example, **street crimes** (e.g., burglary, larceny-theft, motor vehicle theft, and arson) are more visible than **suite crimes** (e.g., corporate crimes: crimes of the powerful) and they more often lead to prosecution and conviction (Friedrichs, 2019). This is a part of systemic oppression and colonialisation through the imposition of the *Indian Act* in which Indigenous peoples are policed, patrolled, and monitored. Since street crimes are more visible, charges and convictions are higher than for white-collar or suite crimes (Allen, 2020).

This chapter endeavours to provide you with a strong understanding of environmental criminology and its core concepts (e.g., crime patterns and spatial factors). To begin, you will be given a brief explanation of the difference between environmental criminology and **green criminology**. Then, this chapter will provide a discussion on the theories within the environmental criminology framework: **routine activity theory**, **geometric theory of crime**, **rational choice theory**, and **pattern theory of crime**. Furthermore, the chapter briefly discusses the implications of environmental criminology, both theoretical and practical, for preventing crime. The chapter concludes with a discussion of why environmental criminology is important to the field of criminology in understanding the spatial and temporal dimensions of crime.

Throughout the chapter, you are asked to keep in mind that the environmental criminological frameworks discussed have been mainly built upon a Western view of human nature and to recognize that Indigenous populations have suffered the effects of colonisation and systemic oppression that have led to their overrepresentation in the Canadian criminal justice system. The Indigenous experience of forcible removal from traditional lands and territories has shaped the narrative of interconnectivity between poverty and crime You are also reminded to understand and respect that differences amongst Indigenous worldviews and Western worldviews are essential because there are opposite approaches to knowledge, connectedness, and the **lived experience** involving crime.

16.1 The Origins of Environmental Criminology

ANTONIO ROBERT VERBORA

This chapter will introduce you to a field of criminology referred to as **environmental criminology**, which was born out of a particular approach to the study of crime (Andresen, 2014; Bottoms & Wiles, 2020). That is, it can be broadly described as **spatial criminology** (Andresen et al., 2010; Bruinsma et al., 2018; Hipp & Williams, 2020). Spatial criminology concerns the relationship between physical spaces and crime. This spatial approach to the study of crime has three distinct phases: "a European phenomenon (early nineteenth century), a North American phenomenon (early twentieth century), and a North American and British phenomenon (late twentieth century)" (Andresen et al., 2010, p. 2). For the purposes of this chapter, a particular focus will be given to the North American and British phenomenon.

In 1979, C. Ray Jeffery coined the term environmental criminology. This new school of thought incorporated elements of the classical school of criminology, such as the deterrence of crime before it occurs; however, it also focused on the environment within which crime occurs. (Andresen et al., 2010, p. 6). The environment consists broadly of (1) the physical design of places (architecture), (2) the built environment (types of buildings, roadways, land use etc.), and (3) legal and social institutions. Jeffery (1979) posited that we must also consider ourselves part of that environment, because we respond, adapt, and change as a result of the environment we inhabit. In essence, criminal behaviour is only one form of adaptation to an environment.

Oscar Newman (1972), whose discussion on this topic is similar and connected to that of C. Ray Jeffery, discussed **defensible spaces**. For Newman, defensible space "is a model of environments that inhibit crime through the creation of the physical expression of a social fabric that defends itself. This environment is dominantly created through changes in architecture" (Andresen et al., 2010, pp. 7-8). Notwithstanding, both these authors produced a large volume of literature that investigates the role of the environment in crime, which rangs from changes in social conditions, to the constraints imposed by the built environment, to the choice of structure (i.e., the ways an environment can be structured) that also constrains the environment (Jeffery, 1979; Newman, 1972). With that said, most of what we call "environmental criminology" today seeks to understand crime through the perspective of our ever-changing environment. Although theoretical advancements have been made since Jeffery (1979) and Newman's (1972) publications, their significant contribution to the field remain influential (Sidebottom & Wortley, 2016).

Works from these authors—and the theoretical frameworks we will discuss in the subsequent sections of this chapter—were developed mainly by White, educated, male scholars who held predominantly Western assumptions about the nature of crime, people, society, and reality. These underlying assumptions that criminologists make have wide-spread implications, especially if we look at Indigenous peoples' experiences of colonization and systemic

oppression, including crime and victimisation. There is something to be said about being cognizant of the original habitants of the land you occupy within a settler state. Colonisation, systemic racism, and the imposition of a settler state have failed to incorporate Indigenous principles and legal traditions and this has had far-reaching implications for the study of environmental criminology. This has left Indigenous peoples across Australia, New Zealand, Canada, and the United States in a position of profound social, economic, and political marginalisation (Cunneen & Tauri, 2019). This plays a significant role in the contemporary over-representation of Indigenous peoples in settler-colonial criminal justice systems. If we rely too heavily on Western theorising, not much will change in how Indigenous peoples experience the criminal justice system (Cunneen & Tauri, 2019).

16.2 A Basic Understanding of Environmental Criminology

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Environmental criminology is an umbrella term used to encompass a variety of theoretical approaches (Felson, 2017; Gibbs & Boratoo, 2017). At the most basic level, those who study environmental criminology are primarily focused on the **criminal event** and not the individual criminal (Sidebottom & Wortley, 2016). That is, they are interested in the spatial distribution of crime, **victimisation**, or offenders in society: "They want to know whether there are differences in the distribution of crime, victimization, or perpetrators across cities, neighbourhoods, or smaller units of analysis" (Bruinsma et al., 2018, p. 3). Exploring the physical and social characteristics of these spaces can help in understanding the distribution of crime (Snaphaan & Hardyns, 2019). For example, the number of police officers patrolling a location is an important source of information for an environmental criminologist. Also, the social composition of a neighbourhood and even the physical layout of a street are important factors to consider (Bruinsma et al., 2018).

16.3 Environmental Criminology and Green Criminology

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A brief, albeit important, point to be made in this chapter is the differentiation between **environmental criminology** and **green criminology**. In chapter 13 Green Criminology you will be introduced to this other branch within the discipline. The major misperception between both areas of study stems from the complexities involved in defining each branch of criminology. Further, various scholars have either adopted a definition from influential authors in the field or have fashioned their own definition. With that said, it is challenging to find a concrete, agreed upon definition of both green criminology (Lynch, 2020; Verbora, 2015) and environmental criminology in general (White, 2013). For brevity purposes, green criminology represents the branch of criminology that deals with research into criminality against the environment and associated phenomena (e.g., animal cruelty) (Fitzgerald et al., 2013; Fitzgerald et al., 2016). On the other hand, environmental criminology is a branch of criminology that deals with researching physical and social determinations of patterns of criminal behaviour and is closely connected with **situational crime prevention** (White, 2013).

16.4 Theoretical Approaches Within Environmental Criminology

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The following section discusses the key environmental criminology theories that seek to explain the causes of crime. It is important to note that each of the following theories discussed has its own strengths, weaknesses, as well as gaps, and is applicable (in this case) to the understanding of environmental criminology in general. It is worth noting that some of these theoretical approaches can be applied to study other crimes under the umbrella of criminology and can be used for other disciplines as well (psychology, economics, etc.). For the purposes of this chapter, the four theoretical frameworks to be discussed are routine activity theory, geometric theory, rational choice theory, and pattern theory.

Routine Activity Theory

One of the main theories associated with environmental criminology is **routine activity theory**. Routine activity theory predicts how changes in social and economic conditions influence crime and victimisation and it has become one of the most cited theories in criminology. It was first posited in 1979 by Lawrence Cohen and Marcus Felson, who defined routine activity as "any recurrent and prevalent activities which provide for basic population and individual needs, whatever their biological or cultural origins" (Cohen & Felson, 1979, p. 593). Essentially, the activities we all engage in through the days, months, weeks, and even years of our existence are all associated with our routine activities: these activities can range from extra-curricular, to work-related, to school-related activities—for example, going to work, attending school, seeing one's friends, or running errands. Further, these activities are commonplace and involve multiple people moving through space and time (Andresen, 2010; Felson, 2013; Felson, 2017). If we want to look at changes and crime trends, we can refer to Cohen and Felson's (1979) notion that these changes are closely associated with changes in routine activities, which are closely associated across time, across space, or between individuals.

Routine activity is not a general theory of crime; however, it has been expanded to explain a plethora of crimes (Felson, 2013; Felson, 2017). It is important to note that this theory focuses on the actions of individuals, rather than the neighbourhood and its characteristics. Moreover, routine activity theory is closely associated with **human ecology** (Andresen, 2010, p. 14), which is significant because it takes into consideration the importance of time. In the context of time, human ecologists state that "ecology is generally defined as understanding how a population (humans, for example) survives in an ever-changing environment" (Andresen, 2010, p. 15). So, where we work, where we live, and where we mingle (all associated with space) are where

we spend our time; however, also knowing *when* we are at those specific places and locations is important. As such, routine activity theory acknowledges the important interplay between space and time in everyday activities, including criminal activity.

Routine activity theory focuses on crimes that involve (1) at minimum, one motivated offender, (2) one suitable personal or property target, and (3) the absence of a guardian capable of preventing such a violation (Cohen & Felson 1979; Felson, 2013). For a more detailed explanation of these three elements refer to Table 16.1 below. These three essential elements help explain why crime is likely to occur as they converge in space and time (Felson, 2017). As Andresen (2010) states, "it is the convergence in time and space of these three elements that is necessary for a crime to occur; moreover, it is the changes in the nature of this convergence that changes crime" (p. 17). For a visual illustration, see Figure 16.1.

Table 16.1: Routine Activity Theory – The Three Essential Elements of Crime
Information adapted from Andresen (2010)

Motivated Offender	• An individual who is capable and willing to commit a criminal activity • An individual who has true intent to commit a crime against another individual and/or property • Essentially, the motivated offender has everything he/she needs to commit a crime, physically and mentally

Suitable Target	• Any type of individual and/or property that the motivated offender can damage or threaten in the easiest way possible
	• In order for a target to be deemed suitable, this means there is a greater chance that the crime can be committed
	• Four different attributes of what makes a target suitable (**VIVA**):
	
	  1. **V:** Value (The value of achieving the target)
	  2. **I:** Inertia (The physical obstacles of the target, e.g., weight, height, strength, etc.)
	  3. **V:** Visibility (The attribute of exposure which solidifies the suitability of the target)
	  4. **A:** Access (The placement of the individual/or object that increases, or decreases, the potential risk of the intended attack)

Absence of a Suitable Guardian	• A person or object that is effective in deterring offence: meaning that the presence of guardianship in space and time can prevent and/or stop crime • Includes friends, as well as formal authorities, such as private security guards and public police

(https://kpu.pressbooks.pub/app/uploads/sites/199/2022/02/
The-Crime-Triangle.jpg)

Figure 16.1: The Crime Triangle – Routine Activity Theory

To conclude, routine activity theory has traditionally been used to explain residential break and enter, burglary, domestic violence, and physical assault. This theory provides significant insight into the causes of crime problems as it pertains to a particular place (e.g., drug dealing locations) and amongst victims (e.g., domestic violence). The theory explains why crime is often concentrated at specific places and locations and contributes to the understanding of the uneven spatial and temporal distribution of such crimes. More specifically, spatial and temporal patterns in family, work, and leisure activities influence what kinds of situations emerge, and changes in a society's routine activities can cause changes in the kind of situations people confront.

16.5 Geometric Theory

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The second theoretical framework associated with environmental criminology is **geometric theory** (often referred to as geometry of crime). The geometric theory of crime explains patterns of crime based on the geographic dimension of human activity patterns. The focus here is not on the motivation for crime, but rather the perceived opportunities for crime that exist within the urban spatial structure.

In the geometric theory of crime, the environment is conceptualised along the lines of C. Ray Jeffery (Andresen, 2010, p. 21). Here, the term used for the environment is "the **environmental backcloth**"—a term coined by Brantingham and Brantingham (1981)—that represents the built environment, social and cultural norms, institutions, and the legal environment. The difference between Jeffery's (1979) explanation of the environment and the environmental backcloth is that the latter recognises the dynamic (changing) nature of our environment. Brantingham and Brantingham (1993) emphasised this dynamic nature of our environment, which is often described using the metaphor of a flag: its emblems and designs make the flag two dimensional, however, since the nature of our environment is so dynamic, the backcloth includes the third dimension of the flag blowing in the wind (Andresen, 2010). "Some of the change in our environment is very slow such as the road network in an established urban centre." (Andresen, 2010, p. 23).

The Four Elements of the City

To better understand the geometry of crime, Brantingham and Brantingham (1993) used Lynch's (1960) classification of the four elements of cities. These four elements are as follows: **nodes**, **paths**, **districts**, and **edges**, which are described in more detail in Table 16.2 below.

Table 16.2: Considerations of the Complexity of Crime and the Physical Environment Information adapted from Andresen (2010)

Nodes	• Consists of places (conceptualized as points) within the city that a person travels to and from • Nodes may be business, entertainment, or industrial districts in the context of large urban centres • Represents the places in which we spend most of our time: at home, work, recreational sites, entertainment, or shopping
Paths	• Pathways are the channels that we use to move from node to node • The channels that people move along, often limited by streets, walkways, and public transit
Districts	• Regions within the cities that are defined as areas that have commonalities and identifying features such that they are congruent spatial units such that any differences within the district must be smaller than the differences that exist between districts. For example, an entertainment district would include x, while a y district would include z.
Edges	• The boundaries between districts may be physical and distinct (literally crossing the tracks) or they may be subtle such as the gradual change as one passes from one neighbourhood to the next

Brantingham and Brantingham (1981) use nodes and paths to generate maps for the purposes of examining where we spend our time and the pathways between those spaces. Essentially, these maps represent our **activity space**. Over time, our activity space becomes our **awareness space**, because "we develop knowledge and attachments to different locations such that we develop a sense of place, feeling comfortable in some areas and uncomfortable in other areas" (Andresen, 2010, p. 23). Understanding awareness space is important because we manage risk through it by avoiding places or being more "on guard" in places where we are uncomfortable. The importance of our activity space is that if "we are to be victims of crime this victimisation will most probably occur in our primary activity space simply because that is where we spend the majority of our time" (Andresen, 2010, p. 23). Further, criminals also favour their own activity spaces to commit crimes and identify targets. Knowledge of places outside of one's activity space is likely to exist according to the principle of distance decay, wherein a person will have greater awareness of places geographically proximal to their activity space. See Figure 16.2 below for an illustration of the awareness and activity spaces of criminals.

(https://kpu.pressbooks.pub/app/uploads/sites/199/2022/02/Activity-space.jpg)
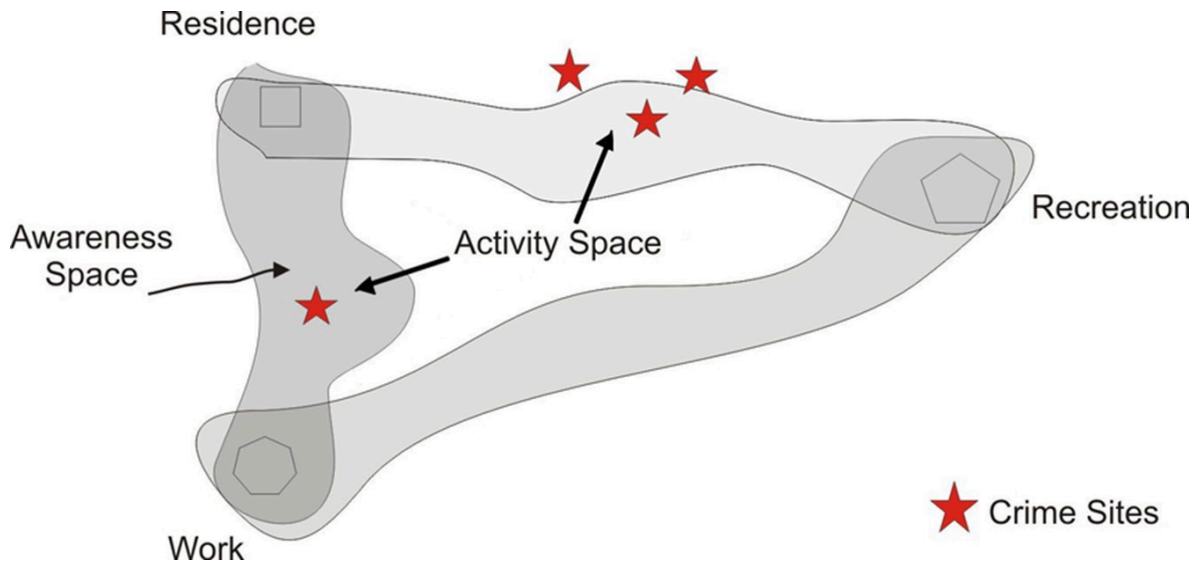
Figure 16.2: The Awareness and Activity Spaces of Criminals. Information adapted from Frank et al. (2011)

To understand the geometry of crime, the above-mentioned discussion on nodes, paths, activity space, and awareness space of offenders is critical because it takes time and effort to overcome distance, so offenders will search areas for criminal opportunities that are going to intersect with *their* activity space. Consequently, Brantingham and Brantingham "mark the search areas of the immediate surroundings of activity nodes and the linear paths between them as high-intensity search areas, steadily decreasing that intensity with distance from the nodes and paths" (Andresen, 2010, pp. 23-24). To clarify, "search area" refers to the target and/or victim selection on the part of the offender. More importantly, potential offenders have similar activity patterns as the rest of the population.

Understanding how someone moves through (and becomes part of) an environment can provide an understanding of how potential offenders move through (and become part of) that same environment. Subsequently, when our activity spaces overlap with those of potential offenders, we can become victims of crime (Andresen, 2010). This overlap often occurs more often throughout the day as potential victims share nodes and pathways with potential offenders. As Andresen (2010) states, "[t]his is simply because of the nature of urban environments largely dictating where people live, work, shop, and so on—we are all at the mercy of the urban planners of yesteryear" (p. 24). Motivated offenders can blend into the environment and are able to search for targets. For example, theft (automotive related) will increase at nodes and along paths that have a higher degree of automotive theft opportunities (e.g., unguarded parking lots). Another example would be assaults, where it will increase at nodes that have a high degree of concentration of individuals, such as at closing time in an entertainment district with bars and nightclubs in close proximity. Thus, crime tends to be concentrated in places within these high crime areas (Van Sleeuwen et al., 2021). For further clarification, see Figure 16.3 below to

view how offenders are most likely to commit crime (the stars) at those locations where their individual awareness space (in white) intersects with the spatial distribution of suitable targets (the dark ellipses).

(https://kpu.pressbooks.pub/app/uploads/sites/199/
2022/02/predicted-crime-locations.jpg)
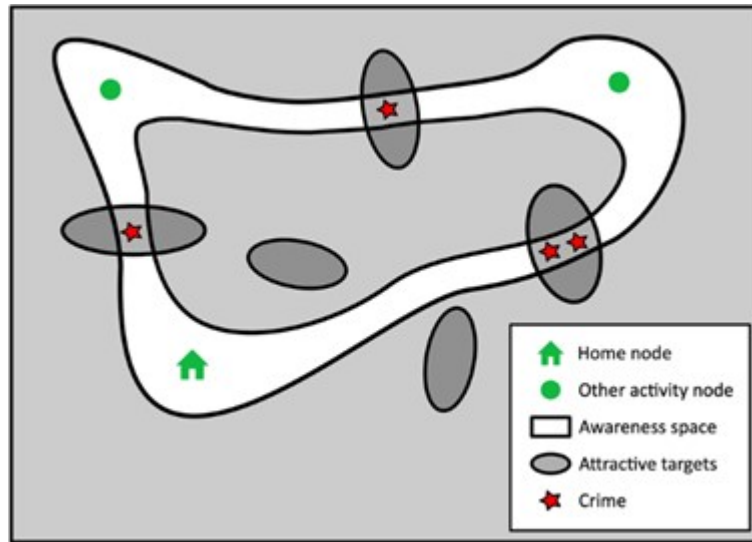
Figure 16.3: Predicted Crime Locations. Information adapted from
Brantingham and Brantingham (1981)

 In this framework, the concept of edge is also important as it occurs at the boundary between two or more districts (Brantingham & Brantingham, 1993). Edges are locations with an elevated risk of criminal victimisation and are boundaries between different areas that represent an area in transition from one use to another. Further, an edge could be a physical boundary (e.g., a body of water) delineating a change from one area to the next (another example would be crossing railroad tracks). Brantingham & Brantingham (1975) conducted research in this area while focusing on residential burglary. The researchers found that burglary rates were substantially higher for street blocks bordering on the edges compared to burglary rates in the interior of neighbourhoods. They have also conducted research on gang violence (Brantingham et al., 2012) and found that edges are the places where gang violence strongly clusters. Thus, the presence of edges (where they are and how many are identified) is particularly instructive for understanding crime concentrations at places.

To build on this idea, an examination of "hot spot" areas is beneficial (Ratcliffe, 2010). Hot spots are areas where criminal activity is focused compared with surrounding areas. There are three kinds of hot spot places: crime generators, crime attractors, and crime enablers. First, crime generators are places numerous people are interested in and are unrelated to criminal motivation (e.g., shopping areas, festivals, and sporting events). Crime attractors, on the other hand, are well known to offenders and provide many criminal opportunities (e.g., prostitution and drug areas). Lastly, crime enablers are places where there is little regulation of behaviour,

and rules of conduct are either absent or not enforced (e.g., removing a parking lot attendant would allow people to loiter or could perhaps result in thefts from vehicles).

A final, brief note about the geometric theory is that it predicts that the majority of crime will occur within "a small percentage of the available area within an urban centre; for example, 80 percent of crimes may occur within 20 percent of the land area in a city" (Andresen, 2010, p. 25). Further, studies have empirically shown the uneven spatial distribution of crime within urban centres in Canada (Curman et al., 2015) and in the United States (Sherman et al., 1989; Weisburd et al., 2004).

16.6 Rational Choice Theory

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The third theoretical framework to be discussed in this chapter is **rational choice theory**. This theory was first posited in 1987 by Ronald Clarke and Derek Cornish. Rational choice is used to understand a criminal event. For example, if we look at property crime, it is a crime often committed for immediate monetary gain. The complexities of this theory are most often seen when we look at non-property violent crime (i.e., crimes not seen as rational). The fundamental concept within rational choice theory is rationality. Rationality refers to the role of reasoning in human behaviour and views crime as the outcome of an individual thinking through the possible rewards and downsides of a criminal act.

Rational choice theory purports that a potential offender must make four primary choices: (1) whether or not to commit a crime, (2) whether or not to select a particular target, (3) how frequently to offend, and (4) whether or not to desist from crime. Each of these primary choices is discussed in more detail in Table 16.3 below.

Table 16.3: Rational Choice Theory: Four Primary Choices for a Potential Offender

Whether or not to commit a crime	There is a plethora of reasons as to why an individual may commit a crime (e.g., psychological, familial, social, and economical). However, here, crime is still seen as a decision, as we are not coerced into a life of crime. There is a clear conscious choice in becoming an offender (see Clark & Cornish, 1987). "Legitimate and illegitimate opportunities are considered and the "best" choice for that individual is made. Sometimes, the rational choice is to offend" (Andresen, 2010, p. 30).
Whether or not to select a particular target	The rational choice of whether or not to select a particular target is of utmost importance. Potential offenders must interpret cues given off by the environment to decide upon what or whom to offend: Is the target valuable enough to risk getting caught? Is the area familiar to the offender? Are there potential guardians in close proximity
How frequently to offend	The rational choice regarding how often to offend is mainly dependent on a number of factors: the potential offender's social network, peer influences, monetary (or other) needs, and their ability to successfully avoid detection. The main point here is that frequency is still a choice.
Whether or not to desist from crime	Desisting from crime or continuing crime is another rational choice. A potential offender could have issues with committing a crime: exhausting targets, age-related issues, getting detected – all of which are *internal* issues. On the other hand, getting married, suffering from an injury, or being offered employment represent *external* issues that interfere with a life of crime.

An important point about rational choice theory is the following: if a person commits a property crime, for example, this does not mean this same person will commit a sexual assault. The environmental cues for one crime (e.g., automotive theft) differs from those of another crime (e.g., sexual assault). This can apply to both the frequency of offending and desistance from offending. With that said, Cornish and Clark (1987) argue against any general rational choice theory of crime. To understand and/or implement a rational choice theory of crime, we must

consider "the rational choices for each type of crime as independent from all others" (Andresen, 2010, pp. 31-32; Cornish & Clark, 1987).

To conclude, it is important to discuss how rational choice theory fits into environment criminology. Environmental criminology is closely connected with situational crime prevention. Situational crime prevention attempts to reduce the opportunity for specific crimes by permanently manipulating the immediate environment. For example, to prevent stealing, some stores have installed electronic access control inserts. This is a practical strategy that focuses primarily on preventing criminal events. Theories in environmental criminology assume that because offenders behave in a rational manner, we are able to predict their actions, prevent further crime, and reduce crime hot spot activity. This is all to say that rational choice relates to environmental criminology in terms of the interplay between individual reasoning and environmental cues and situational crime prevention manipulates the environment to specifically act on the rational calculations of potential offenders.

16.7 Pattern Theory

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Pattern theory (often referred to as crime pattern theory) is the last theoretical perspective that will be addressed in this chapter. Pattern theory is important to environmental criminology because it aids in our understanding of the importance of *place* in crime prevention efforts. This theory combines "rational choice and routine activity theory to help explain the distribution of crime across places." (Eck & Weisburd, 2015, p. 6). It also combines elements of geometric theory, as it is concerned with the built environment and how it shapes the geographic distribution of crime.

To reiterate, routine activity theory seeks to explain the occurrence of crime events as the accumulation of several circumstances (Cohen & Felson, 1979), with the inclusion of a motivated offender, a desirable target, and the absence of a capable guardian. Conversely, rational choice theory helps in illustrating how offenders often select targets and define means to achieve their goals in a manner that can be explained (here, location is important). Geometric theory demonstrates how individuals develop an individual awareness space that consists of their major routine activity nodes (i.e., activity spaces, such as home, school, and workplaces) and the pathways that connect them and everything within the visual range of the offender.

One of the first similarities amongst these three environmental criminological theories is that the environment is important in understanding a criminal event. Our routine activities and the decisions we make regarding those activities and/or movements – can be determined by the physical, social, legal, and psychological environment. "Within that environment are our routine activities that are undertaken within our activity space" (Andresen, 2010, p. 35). Here, we can develop a **crime template** in which crime could perhaps occur or be prevented there is a rational choice of whether or not to commit a crime. If we modify our routine activities, activity space, and awareness, we can change and/or reinforce this crime template. Rational choices exist at each and every stage of the pattern.

According to Brantingham and Brantingham (1993), pattern theory examines the ways targets come to the attention of offenders and how this influences the distribution of crime events over time and space, (Eck & Weisburd, 2015). Essential to pattern theory is the notion of *place* since place can influence the occurrence of a crime. The reason why routine activity theory is important here is because pattern theory "links place with desirable targets and the context within which they are found by focusing on how places come to the attention of potential offenders" (Eck & Weisburd, 2015, p. 7). For example, if you are given a high-crime location, a pattern theorist would look at how an offender (1) established and then (2) gained access to the particular place where the crime was committed. The difference here with just using routine activity theory is that we would instead focus on the behaviours of the targets, the potential absence of a capable guardian, etc. Places are of interest to a pattern theorist because of their location and relationship to the environment (Eck & Weisburd, 2015). On the other hand, for

a routine activity theorist, the types of people present and absent from the location are the reason that places are impactful and important within the crime event equation or within the commission of crimes.

Pattern theory explains **spatial** and **temporal patterns** in crime. This is because the location of the potential criminal activity could be higher during the day and lower during the night or vice versa depending on the type of crime. Domestic assault, for example, may be lower during the day when family members/friends are in different locations and higher at night when they are all together. Some households are vacant during the day (e.g., work or school-related), whereas businesses/facilities are often vacant at night. In this case, offenders are more likely to commit a crime at those locations when targets (i.e., buildings) are vulnerable. And although the complexities of pattern theory involve a number of factors that must be considered to understand of the criminal event, it illustrates how all three environmental criminological theories are connected. This is important in understanding (1) the criminal event and (2) the cohesiveness of the field of environmental criminology.

16.8 Applications of Environmental Criminology

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In the last decade, much research has been conducted regarding where offenders tend to commit crimes (Ruiter, 2017). Researchers have found that offenders often commit crimes near their current and/or former residential homes (Baudains et al., 2013; Bernasco & Kooistra, 2010; Johnson & Summers, 2015), near family members (Menting, 2018; Rossmo et al., 2014), and near friends (Wiles & Costello, 2000). Lastly, some researchers also found that offenders return to previously targeted areas (Bernasco et al., 2015; Van Sleeuwen et al., 2018), and commit offences close to other routine activity nodes, such as their schools, workplaces, and leisure activity locations (Menting et al., 2020). Central to this discussion is the concept of the "least effort principle" (Cornish & Clarke, 1987) and the "distance decay phenomenon" (Rengert et al., 1999). Simply stated, the least effort principle purports that individuals commit crimes in places where it is easiest and in places they are familiar with and the distance decay phenomenon argues that motivated offenders select their targets within their awareness space. Distance decay essentially states that a relationship exists between the distance from an offender's home base and a potential target location, as offender is likely to choose to offend in that location (Rengert et al., 1999).

A brief discussion on situational crime prevention is important here as it is considered an impactful late 20th century-"theory" that helped shape the applied aspects of environmental criminology. Ronald Clarke developed the situational crime prevention strategy in the late 1970s and early 1980s with the primary focus being on practical strategies to reduce the likelihood of a criminal event. Situational crime prevention encompasses opportunity-reducing measures that "(1) are directed at highly specific forms of crime, (2) involve the management, design or manipulation of the immediate environment in as systematic and permanent way as possible, and (3) make crime more difficult and risky, or less rewarding and excusable as judged by a wide range of offenders" (Clarke, 1995, p. 94). Although it is critiqued as being an overly simplistic, atheoretical approach to crime prevention, situational crime prevention has a sound basis in the theories of environmental criminology.

Rational choice theory is most often used in situational crime prevention strategies as this approach seeks to modify the environment within which crime occurs. It seeks to make crime more difficult, riskier, and less rewarding (Clarke, 1992). This theory sets to use principles to guide situational crime prevention activities. There are five operating principles: (1) increase the perceived effort, (2) increase the perceived risks, (3) reduce the anticipated rewards, (4) reduce provocations, and, (5) remove the excuses for crime (Clarke, 1995). As such, situational crime prevention is synonymous with opportunity reduction, is closely aligned with environmental criminology, and adopts the problem-solving methodology of problem-oriented policing:

diagnosing and solving problems that increase crime risks (Goldstein, 1990). There are many other practical applications of environmental criminology that are beyond the scope of this chapter. For example, intelligence-led policing (Ratcliffe, 2003), crime prevention through environment design (Crowe & Fennelly, 2013), and geographic profiling (Rossmo, 1999).

16.9 The Strengths and Limitations of Environmental Criminology Theories

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Strengths

Environmental criminology theories can help shed light on our understanding of the lived experiences of Indigenous peoples. Indigenous peoples have been systematically oppressed and colonised through use of laws, policies, and systems, including the Canadian criminal justice system. This is evident with the imposition of the Indian Act and legislated poverty. Environmental criminology theory can help explain why incarceration rates are higher amongst Indigenous peoples and why they over-represented in the canadian criminal justice system. There are powerful social forces that cause so many Indigenous peoples to be incarcerated in Canada. These include institutional racism and discrimination sanctioned by the police, courts, and corrections against Indigenous peoples. As a result, Indigenous peoples are more likely to be apprehended, prosecuted, and convicted. This is because of the many ways Indigenous peoples are policed, patrolled, and monitored. Further, Indigenous peoples commit crimes that are often more visible than those committed by non-Indigenous peoples. For example, street crimes (e.g., burglary) are more visible and charges and convictions are higher than for white-collar or suite crimes

Environmental criminology has been praised for the shift in its focus from criminals to conventional people (those who did not break the law), aiding in a better understanding of crime events and their prevention. Second, it has also rejected the evil-causes-evil fallacy by arguing that offenders make rational choices in crime situations and are born with similar natures. It challenges the view that evil is a condition that generates crime. Lastly, it also shows the benefits of a situational perspective and rejects the "nothing works" doctrine that suggests, the state can do nothing to reduce crime through the criminal justice system (Bruinsma et al., 2018). Environmental criminology theories have played a pivotal role in challenging the idea that it is impossible to reduce crime by embracing this goal and then identifying an array of effective prevention strategies (Eck, 2002). These theories have helped in illustrating that there are fresh ways of thinking about crime; still, there are some key limitations to be discussed.

Limitations

Environmental criminology theories can hinder our understanding of the lived experiences

of Indigenous peoples. First, they have neglected the study of motivated offenders, treating them as a given in the crime event. These theories fall short in understanding the underlying and possibly motivating factors of committing a crime: systemic oppression, colonization, and legislated poverty within the settler state. A more detailed study of offenders could perhaps demonstrate the ways in which people become involved in crime events. That is, what are the conditions present that create an environment in which crime is most likely to occur, and how do these motivations differ for Indigenous peoples. For example, the *Aboriginal Justice Inquiry (AJI)*, the *Royal Commission on Aboriginal Peoples, the Truth and Reconciliation Commission*, and the Murdered and Missing Indigenous Women movement all do this from a first-person narrative of Indigenous peoples.

The complete disregard of Indigenous experiences or 'motivations' is a particularly troubling aspect of these theories of crime. Second, environmental criminology theories need to develop a fuller understanding of the risk of victimisation. There are many individual-level factors related to risk exposure. These theories fail to look at why some individuals are less exposed to risk. For example, what about Indigenous peoples and the neighbourhoods that some are born into? Explanations of why different individuals take specific steps to avoid risk under certain circumstances are deficient. This can be connected to the colonisation, systemic oppression, and legislated poverty that have occurred under the Indian Act. Some Indigenous peoples leave their reserve and relocate to a neighbourhood or town to try to build a better life; however, systemic oppression is widely distributed in each institution of Canada. This is another reason why it is challenging to implement the universal framework of minimum standards for the survival, dignity, and well-being of the Indigenous peoples of the world: the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). *The Indian Act* is one of the oldest pieces of legislation in Canada and it applies to First Nations as an Indigenous group whether on or off reserve. This is important because the neighborhood cannot be the only link or risk factor of crime as laws and colonial policies play a pivotal role in crime.

Lastly, environmental criminology theories neglect to look at the role of inequality in the broader social environment. Here, we can look at the distribution of resources across Indigenous peoples. The experience of colonisation, systemic oppression, and imposition of the Indian Act have imposed a reservation system and the removal of traditional territory within the nation-state of Canada Further, what about money? Money can be used to purchase security systems to maintain safe households. What about the recognition of crime in impoverished areas? Here, looking at Indigenous peoples' vulnerability to victimisation would be useful. Paying attention to the role of inequality in shaping key elements of opportunity is paramount. The laws of Canada under the Indian Act work are in tandem with breaches of inherent and treaty rights and a lack of recognition of human rights resulting in a push for the implementation of UNDRIP.

16.10 Chapter Review and Concluding Thoughts

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In this chapter, you were introduced to the field of environmental criminology, and you learned that environmental criminology has gone through a number of phases. You learned that the first phase emerged as a European phenomenon in the early nineteenth century; the second North American phase was introduced in the early twentieth century; and the third, a North American and British phenomenon, emerged in the late twentieth century. More specifically, you were introduced to the North American and British contributions from the late 20th century. You learned that defining environmental criminology has been conceptually difficult, and you also learned that in 1979, C. Ray Jeffery coined the term environmental criminology. More specifically, you became familiar with how environmental criminology is interested in the spatial distribution of crime, victimisation, and offenders in society and that it is significantly dissimilar to green criminology.

You were then introduced to four environmental criminological theories concerned with the environment in which crime occurs, all of which have strengths and limitations in their explanation of crime. You first learned that routine activity theory is concerned with changes or variations in the social environment that lead to changes in crime rates, that geometric theory is concerned with the built environment and how it shapes the geographic pattern of crime; and that rational choice theory is concerned with the cognitive environment that governs the choice-structuring processes of potential offenders. You learned that individually, each of these theories adds to our understanding of crime, but collectively, they can provide a meaningful representation of the environment in which crime occurs within. Then, you learned about pattern theory which emphasizes the dynamic nature of the decision to offend at a particular time and place, which incorporates all three previously discussed theoretical frameworks. The theory section of this chapter concluded with a discussion of situational crime prevention and how it is a highly practical and effective means of reducing specific crime problems. Lastly, you learned many of the strengths and limitations of environmental criminology theories.

To conclude this chapter, it is important to reiterate that environmental criminology is an important field of criminology. However, we must be cognisant of the fact that these environmental criminological frameworks discussed have been mainly built upon a Western view of human nature. This is significant because this means that the underpinnings of these theoretical frameworks came from a particular time and place in history. This means they were shaped and incorporated into criminology and sociology textbooks and journal articles world-wide with an often Western view. The implications herein are that many theorists claim to have developed a universal framework. In order for this to be accurate, we have to be honest about our history. Understanding and respecting differences amongst Indigenous peoples' lived

experience and worldviews and Western worldviews is essential as there are opposite laws and enforcement that alter the lived experience of crime. We cannot overlook colonisation, systemic oppression, or the poverty induced by the *Indian Act* as Indigenous worldviews have been drastically impacted by these factors.

Criminological theoretical frameworks can never fully capture an entire nation of experience. Indigenous peoples' experience in the nation-state of Canada occurs against a backdrop of systemic oppression, racism, and colonialism that continues to exist to this day. Environmental criminology must factor this into the Indigenous worldview or otherwise the perspective well be vastly flawed. The inclusion of Indigenous peoples' voices and lived experiences would likely provide a more holistic, inclusive perspective of crime. However, in order to address crime, criminology, and environmental criminology, we must first address the colonisation, systemic oppression, and legislated poverty imposed through the *Indian Act*. Recognising this as a student and perhaps future scholar – is imperative as incorporating Indigenous perspectives in academia (e.g., in environmental criminology) would help ensure that the history, voices, and lived experiences of Indigenous peoples be presented respectfully and accurately in criminology and sociology courses, research, and publications.

16.11 Discussion Questions

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1. What do you think are the strengths and limitations of environmental criminology? Why was it essential that this theoretical framework emerged as a formally recognised sub-area of the general study of criminology?
2. Without question, environmental criminology is deserving of critical attention by Indigenous scholars and their non-Indigenous collaborators. Explain why.
3. What would be the added value of incorporating Indigenous knowledge into environmental criminology? Please provide two concrete examples to strengthen your argument.
4. Using the theories discussed in this chapter (routine activity theory, geometric theory of crime, rational choice theory, and the pattern theory of crime), provide one strength and one weakness of each theory.
5. In the concluding remarks of this chapter, it is stated that it is imperative to incorporate Indigenous perspectives into academia to help ensure that the history (e.g., colonisation, systemic oppression, and legislated poverty imposed through the *Indian Act*), voices, and lived experiences of Indigenous peoples are presented respectfully and accurately. What are some other reasons why this is so critical?

16.12 References

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17. RESTORATIVE, TRANSFORMATIVE JUSTICE

We, the authors of this chapter, were both raised on the unceded traditional territory of the Semiahmoo First Nation, Katzie, and Kwantlen First Nation (colonially known as Surrey, British Columbia). We were also both the first in our families to either attend a post-secondary institution or to complete a university degree.

Dr. Alana Abramson, Kwantlen Polytechnic University

Positionality Statement

I, Alana Marie Abramson, am of British, Romanian, Metis, and Cree descent. I had challenges during my teens that brought me in conflict with the law as a victim of violence and as an offender. On my journey, I have also experienced homelessness, foster care, and substance misuse. The tribulations of my youth and the privilege I was born into have both facilitated my education and career and inspired my critique of the current criminal legal system. I was fortunate to meet a caring professor during my undergrad who encouraged the growth of potential I was yet aware of. She and other mentors helped me process shame and trauma from my past and cultivated my passion for creative and healing ways to address harm such as restorative, transformative justice.

Melissa Roberts, M.A., Langara College

Positionality Statement

I, Melissa Leanne Roberts, am of English, Welsh, and German descent. While I did not come from a wealthy family, my siblings and I were well taken care of and lived with stable housing, a two-parent household, and with all the necessities of life. We were encouraged to pursue our dreams and seek careers that are supportive and enable us to be contributing members of society. It was during my post-secondary education that I was exposed to ideas that challenged me to question why the world is the way it is and what it ought to look like

instead. Taking a single class changed the trajectory of my life: from pursuing a graduate degree focused on restorative justice to volunteering in restorative justice, to teaching restorative justice to university students like yourselves.

We both acknowledge that we benefited directly from the unearned privileges of being white-presenting, cisgender, able-bodied and educated. We also were both heavily influenced by a passionate professor during our undergraduate degrees. These paths, although different, led us both to incorporate the principles and values of restorative justice into our lives, relationships, and work.

Introduction

One of the central topics of criminology is the criminal justice system—the formal methods and institutions that societies use to address the harms caused by crime. While many criminological theories seek to explain criminal offending, others explore different ways of understanding and achieving justice. But what does it mean to achieve justice? And do some justice systems have advantages over others?

This chapter examines theories of restorative, transformative justice. These approaches are part of the critical tradition in criminology, as they argue for a paradigm shift in criminal justice and changes to the social structures that perpetuate injustice and inequality. Restorative, transformative justice re-evaluates our conceptions of justice, retribution, rehabilitation, and punishment.

By the end of this chapter, you will be able to define and distinguish between these various conceptions of justice. You will also be able to identify restorative justice principles, as well as key stakeholders and restorative justice models, and you will be able to explain how restorative, transformative justice can be used as an approach to criminal justice. Further, you will be able to understand important differences between restorative justice and Indigenous approaches to harm. Lastly, you will be able to identify the key benefits and critiques of restorative, transformative justice.

17.1 Restorative Justice: A Paradigm Shift

DR. ALANA MARIE ABRAMSON AND MELISSA LEANNE ROBERTS, M.A.

> Restorative justice has become a social movement that impacts the way we understand and respond to crime and conflict in diverse communities throughout the world. – (Umbriet et al., 2005, p. 254)

Since the 1970s, restorative justice has gained tremendous momentum in Canada as an alternative or addition to contemporary criminal justice. Restorative justice approaches are informed by values, principles, and practices from a variety of sources including Indigenous ways of knowing, faith-based traditions, peacemaking criminology, the Victims' Rights Movement, penal abolition, and community justice initiatives. With a primary focus on healing people and relationships, restorative justice promotes meaningful accountability, collaborative dialogue, and the empowerment of offenders, victims, and communities. Restorative justice falls within the field of criminology (see chapter 10 Critical Criminology) called **critical criminology** and is related to transformative justice which highlights the essential need to change social structures that perpetuate injustice and inequality.

Howard Zehr is a criminology affectionately known in the field as the "grandfather of restorative justice". Zehr argues that the retributive justice construct requires a new "lens" given the widespread dysfunction and crisis in the current criminal justice system. Rethinking is required in relation to the legal system as well as institutions in which punishment and retribution prevail as methods used to regulate social behaviour. Zehr (1990) advocates a paradigm shift to inform and shape what is done within criminal justice and in "areas where we have more control such as out families, churches, and daily lives" (p. 227). The restorative justice paradigm is inclusive, has a problem-solving focus, and involves accountability, dialogue, and reparation in the pursuit of healing and righting relationships (Zehr, 1990). As a **paradigm**, then, restorative justice challenges existing justice structures and advocates for a different approach to conflict. Another way to think about a paradigm is as a lens through which to see the world and in the case of restorative transformative justice, a different way to see conflict, harm, and punishment.

17.2 Justice as Healing

DR. ALANA MARIE ABRAMSON AND MELISSA LEANNE ROBERTS, M.A.

Restorative justice is often thought of as the opposite of **retributive** or **punitive** justice; however, this distinction is an oversimplification. Restorative justice and the current legal system are not mutually exclusive, and can work together. Although the legal system focuses on punishment and **deterrence,** other goals include offender treatment and **rehabilitation**. These aims are evident in the principles of sentencing within section 718 of the *Canadian Criminal Code*. In addition to the outcomes of previous cases and **aggravating** and **mitigating factors**, judges must consider the following purposes when determining sentencing: **denunciation**, deterrence, protection of the public, rehabilitation, **reparation** and responsibility. See *Criminal Code (R.S.C., 1985, c. C-46)* for a more detailed description of these purposes of sentencing.[1]

Regardless of the specific purpose of sentencing, the current legal system equates these goals with "justice." However, research tells us that many victims, offenders, and Canadians as a whole are dissatisfied with the process and outcomes of the legal system, as shown in Figure 17.1 below.

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1. Scan the QR code to access https://laws-lois.justice.gc.ca/eng/acts/C-46/section-718.html

Visit Statistics Canada to review data on the confidence Canadians have in the legal system[2], victim reporting[3], and the support Canadians have shown in research for restorative justice.[4]

2. Scan the QR code to access https://www150.statcan.gc.ca/n1/pub/89-652-x/89-652-x2015007-eng.htm

3. Scan the QR code to access https://www150.statcan.gc.ca/n1/daily-quotidien/210825/dq210825a-eng.htm

4. Scan the QR code to access https://www.justice.gc.ca/eng/rp-pr/jr/rg-rco/2018/mar08.html

Chart 1
Confidence in Canadian institutions, 2013

Institution

(https://kpu.pressbooks.pub/app/uploads/sites/199/2023/01/c-g01-eng.gif)
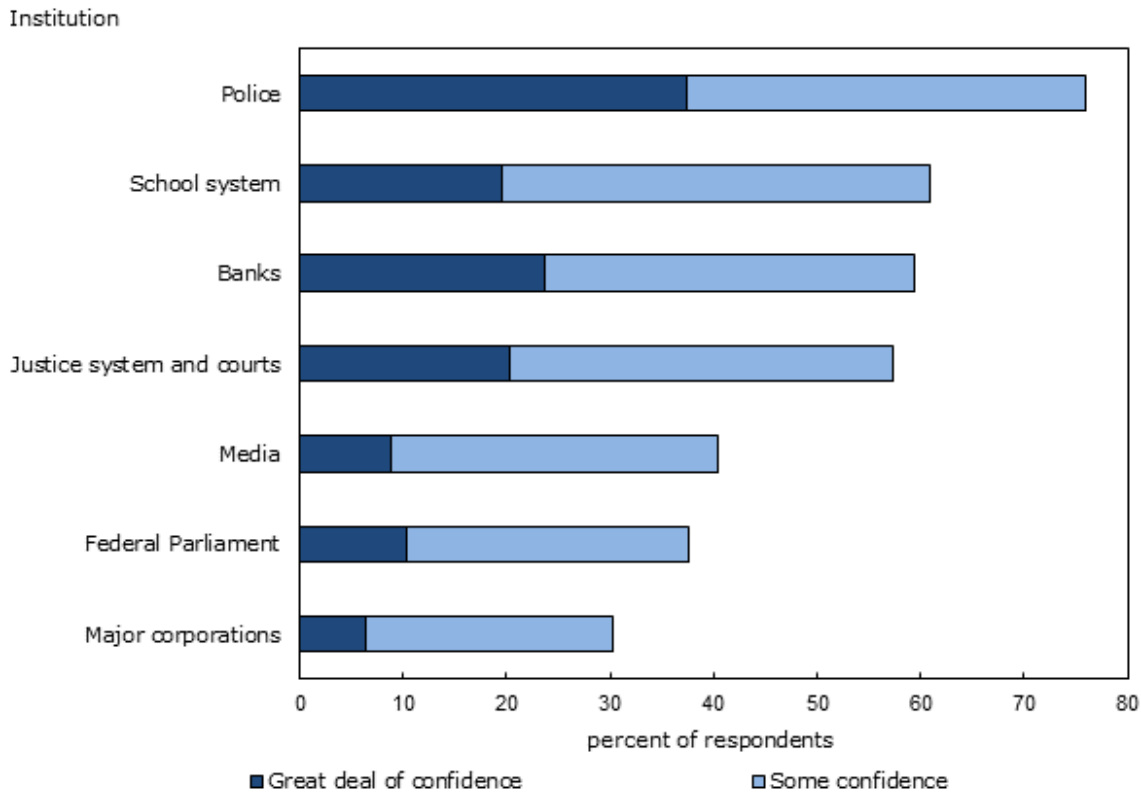
Figure 17.1: Citizens have a great deal of confidence in the police followed by banks, the justice system, the school system, federal parliament, media, and major corporations. Source: Statistics Canada, Confidence in Canadian Institutions, 2013. Chart reproduced and distributed on an "as is" basis with the permission of Statistics Canada.

Restorative justice aims to put victims' needs at the centre of the justice process and to encourage greater community engagement through inclusive and collaborative processes. Rather than focusing on rules, restorative justice focuses on the emotional and relational dimensions of crime. Pranis et al. (2003) characterise this as a shift in thinking from justice as getting even, to justice as getting well.

When comparing the main goals of contemporary criminal justice and restorative justice, there are marked differences, as shown in Table 17.1 (Zehr, 2015, p. 30) below.

Table 17.1

Criminal Justice	Restorative Justice
Crime is a violation of the law and the state	Crime is a violation of people and relationships
Violations create guilt	Violations create obligations
Justice requires the state to determine blame (guilt) and impose pain (punishment) or expect they get better (rehabilitation)	Justice involves victims, offenders, and community members in an effort to repair the harm, to "put things right"
Central focus: offenders getting what they deserve	*Central focus: victim needs and offender and community responsibility for repairing harm and promoting accountability*

As Zehr (2015) suggests in Table 17.2, the key differences between criminal justice and restorative justice can be boiled down to a few central questions for each approach. The following table compares the primary questions the contemporary legal system is based on with the core questions of a restorative, transformative approach to justice.

Table 17.2 Citizen Confidence in Canadian Institutions

Criminal Justice asks...	Restorative, transformative justice asks...
What law was broken?	Who has been harmed?
Who did it?	What are their needs?
What do they deserve?	Who and/or what structures are obligated to address the harm caused?
	What needs to happen to address the harm and begin to promote healing of people and relationships?

Restorative processes can occur at various stages of criminal justice/legal processes. In circumstances where the criminal justice system is involved, restorative justice can be used:

- Pre-charge (process initiated by the community or police)
- Post-charge/pre-conviction (process initiated by the Crown)
- Post-conviction/pre-sentence (process initiated by the courts)
- Post-sentence/pre-integration/re-integration (process initiated by the victim, corrections or community) (Griffiths, 2015, pp. 309-310)

Outside of the criminal justice system, the individuals affected by harm can initiate a restorative process at any point. For example, a victim may approach a community-based restorative justice program and request a justice process without reporting to the police. The reasons for not wanting police intervention vary, including lack of trust in police, fear of nothing being done, fear of judgement, and a lack of trust in the legal system. Once this self-referral is made, someone from the community-based restorative justice program reaches out to the offender and the community to explore whether they would be interested in participating

in restorative justice. This empowers the community to resolve many issues themselves and creates a sense of shared accountability and support amongst the participants. This may also mean that individuals who have experienced interpersonal harm in the community, workplaces or schools may opt to explore a restorative justice process. On a larger scale, restorative justice has been used to address harm in the aftermath of genocide, governmental issues, and/or apartheid.

In some Indigenous communities, people involved in a harm or conflict would prefer to have a more culturally responsive justice process and avoid the colonially-based, legal system altogether. In some cases, Indigenous peoples will refer matters to their Nation's justice program and engage in a restorative process that embodies cultural practices such as prayer and ceremony unique to that Nation. Indigenous nations reclaiming responsibility for justice practices is an important component of self-determination and self-governance.

Media Attributions

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17.3 The Aims of Restorative Justice

DR. ALANA MARIE ABRAMSON AND MELISSA LEANNE ROBERTS, M.A.

Given that restorative justice is a theory of justice, it is important to consider how restorative justice differs from the other approaches more widely understood in the legal context: rehabilitation and retribution.

Rehabilitation is a guiding principle of criminal justice practice in Canada (and in other countries around the world) and usually involves interventions that focus on reducing the risk that perpetrators will cause harm in the future. The goal of rehabilitation rests on the assumption that individuals can be guided toward a crime-free lifestyle. Professional and non-professional interventions attempt to address and correct the underlying causes of behaviour with either consent or coercion on the part of the perpetrator. Some examples of rehabilitation include group therapy, anger management programs, substance misuse supports, and trauma or cognitive behavioural therapies. Rehabilitation programs are available in prison and the community and are offered to both youth and adult offenders. For an example of rehabilitation in relation to Canadian federal prisons see CORCAN employment programs at Drumheller Institution.[1]

Retribution also aims to reduce the likelihood that the offender or other would-be perpetrator will cause future harm. Rather than focusing on treatment, retribution seeks to impose a proportional amount of discomfort on an individual to create both general and specific deterrence. This discomfort is understood as essential to "teach a lesson" and give offenders what they "deserve." Retributive justice involves the implicit assumption that those who cause harm freely choose to do so and, therefore, should be made to feel discomfort, shame, or pain as their victims might have. Retributive responses to crime include incarceration, probation (which includes limits to freedom such as curfews, and restrictions on associations and substance use), and fines.

Neither retribution nor rehabilitation attend to a central aspect of crime—the relationships that are harmed. The positive impact restorative justice approaches offer for victims, offenders, and communities can be understood through relational theory which "recognizes not only that we live in relationships with others but also that relationship and connection with others is essential to the existence of the self" (Llewellyn & Downie, 2011, p. 4). Restorative justice aims to address the relationships that have been impacted, whether they are between the victim and

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1. Scan the QR code to access https://www.youtube.com/watch?v=5WfWSXXeeqM

offender or those within families and communities. To explore this idea of relationships and how they are addressed or ignored by the different justice approaches see Restorative justice – Everything you need to know.[2]

Retributive, rehabilitative, and restorative justice approaches are not mutually exclusive restorative justice can be explored before, during, or after rehabilitative efforts are undertaken by the offender. Restorative justice might also be more appropriate following services accessed by victims such as support groups, counselling, or other interventions focused on emotional, psychological and physical healing.

2. Scan the QR code to access https://www.youtube.com/watch?v=KLPZy2wW-x8&t=65s

17.4 Restorative & Transformative Justice: Definitions and Conceptions

DR. ALANA MARIE ABRAMSON AND MELISSA LEANNE ROBERTS, M.A.

> Restorative justice is an approach to achieving justice that involves, to the extent possible, those who have a stake in a specific offense or harm to collectively identify and address harms, needs, and obligations in order to heal and put things as right as possible. (Zehr, 2015, p. 48)

Restorative justice is more than responding to crime in a different way. It is a way of interacting with one another and attending to needs arising from structural and systemic injustices. Braithwaite (2003) envisions the potential for restorative justice to radically transform the legal system, our family lives, conduct in the workplace, and the way we practice politics. Hopkins (2012) believes that "by using the principles and practices implicit in the restorative justice philosophy, we have a set of tools for ensuring greater social justice in every aspect of our lives" (p. 122). Harris (2004) captures this connection to social justice in her definition of restorative justice:

> [t]ransformative, restorative justice focuses on a given point in time and on the specific people who are involved with one another at that time, as well as directing attention to both the preconditions and antecedents of that particular moment, which generally implicate factors and forces that go beyond the individuals most directly affected (p. 139).

Harms do not occur in a vacuum or in isolation. As suggested by Harris (2004), restorative justice also looks to the life events that led up to the incident. The short film *The Woolf Within*[1] shows how restorative justice addresses preconditions that lead to harm.

Restorative justice in its most expansive definition is about individual, social, economic, and political transformation. Van Ness and Strong (2010) note the importance of turning the lens inward to examine our daily lives and how we treat others. This shift is a *transformation of relationships* within ourselves and with one another. Van Ness and Strong (2010) argue that individual perspective transformation leads to the recognition that some *structures* also need transformation. In the justice system, structures like the police and courts privilege some

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1. Scan the QR code to access https://vimeo.com/247465341

citizens over others, sideline the concerns of victims, include systemic and systematic barriers, and often cause further harm to people and relationships. This legacy demands a remediation or even a transformation of structures (Van Ness & Strong, 2010). Van Ness and Strong (2010) and Elliott (2011) contend that attending to both the individual and their relationships with social structures is necessary.

While this may be the most expansive definition, it is important to note that restorative justice is defined in many different ways and there is not one universally accepted definition. To organise the various definitions of restorative justice, Johnstone and Van Ness (2007) propose three conceptions: encounter, reparative, and transformative. Below you can find examples of definitions that fall under each of these conceptions and examples of how restorative justice could be practiced in line with these three conceptions. You should notice that there are common elements such as a focus on collaboration, problem solving, dialogue, healing and restoration. Johnstone and Van Ness (2007) note that different definitions of restorative justice often have a different emphasis on either encounter, reparative, or transformative dimensions.

Encounter Definition

> Restorative justice is a process whereby the parties with a stake in a particular offense come together to determine collectively how to deal with the aftermath of the offense and its implications for the future. (Marshall, 1985, as cited in Braithwaite, 1999, p. 5)

Victim-offender dialogue in which affected parties come together to discuss the impacts of a crime and how to address it constitutes an encounter.

Restorative justice approaches have the potential to build and repair relationships through encounters following harm caused by crime, as illustrated by a young woman who stole from a café in a city in Nova Scotia meeting the person she hurt.[2]

Reparative Definition

Reparative conceptions of restorative justice involve seeking non-punitive responses to fulfill

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2. Scan the QR code to access https://www.justice.gc.ca/eng/news-nouv/photo/video10.html

reparation to people and relationships after a crime has occurred. Decisions about reparation are made by those directly involved in the harm. Reparation can be symbolic and/or material. Material reparation generally addresses specific harms (tangible and intangible) and could include acknowledging responsibility for the harm caused, returning stolen property, offering an apology, or performing services for or paying restitution to the person harmed. Symbolic reparation aims to address the less tangible needs victims often have in the aftermath of crime such as the desire to understand what happened and why, have their story heard, and hear a sincere expression of remorse from the person who harmed them. Symbolic reparations can be even more meaningful to victims and can convey the offenders' willingness to make amends (Sharpe, 2007).

For situations where victims and offenders do not directly communicate, offenders may still engage in acts of community reparation, as shown in this documentary called Emma's Acres.[3]

Transformative Definition

Restorative justice in its most comprehensive form is relational, transformative, democratic peacebuilding that attempts to transform communities and schools toward recognizing that people are not objects to be manipulated, but rather organic, interconnected, worthy human beings. (Vaandering, 2014, p. 513)

Transformative conceptions of restorative justice are grounded in the notion that restorative justice is a way of living whereby the well-being and needs of all are considered individually and structurally (Sullivan & Tifft, 2005, p. 187). Justice involves meeting needs, treating all beings as equal and worthy, and seeking the transformation of relationships between people and our environment (Johnstone & Van Ness, 2007).

An example of a transformative approach to restorative justice can be found by analysing the sexual harassment case of Dalhousie Dentistry School which made international news in 2014. Not only did the perpetrators participate in face-to-face encounters with those they hurt, they also committed to working with the School of Dentistry to address the culture of misogyny. These attempts to address cultural change as well as individual impacts show the promise of

3. Scan the QR code to access https://www.youtube.com/watch?v=4hF4m517v0o

a restorative, transformative justice approach. To learn more about the Dalhousie case, see Dalhousie dentistry class reflects on Facebook scandal after restorative justice.[4]

4. Scan the QR code to access https://www.cbc.ca/news/canada/nova-scotia/dalhousie-dentistry-class-reflects-on-facebook-scandal-after-restorative-justice-1.3083244

17.5 Justice Stakeholders

DR. ALANA MARIE ABRAMSON AND MELISSA LEANNE ROBERTS, M.A.

Restorative justice aims to meaningfully include three stakeholders in the justice process: victim, offender, and community.

Victims

The focus of the current justice system is on apprehending, prosecuting, and sentencing people who cause harm or "offenders." Only a fraction of the over $30 billion dollars spent on justice in Canada each year is directed towards victims. The Victims Rights Movement began in the 1970s and brought awareness to the exclusion victims face and the secondary victimisation they experience. Secondary victimisation refers to the harm victims may experience after reporting a crime. This harm could be perpetuated by members of the criminal justice system, the medical system or the victims support network of friends and family. It can take the form of victim blaming, not being believed, or treating victims with scorn, disrespect, mistrust, or suspicion. Secondary victimisation can also be experienced as a result of the investigation by police or providing testimony in court. In both these examples, people are asked to relive their victimization experience and may even have their stories/truth/experience called into question by criminal justice professionals. In cases of physical or sexual violence, the medical examination and evidence collection process can be incredibly traumatic for victims.

Restorative justice attempts to minimise the risk of secondary victimisation by placing victims' needs at the centre of the justice process. According to Achilles and Stutzman-Amstutz (2006, p. 217), the promise of restorative justice is:

- an elevation of the victim's status,
- identification of the victim as the person that the offender is first and foremost accountable to,
- greater and more meaningful participation in the legal process,
- a focus on harm to provide a necessary identification of victim needs as the starting point of justice, and
- the creation of a space where victims in the aftermath of trauma can control the process of justice.

Offenders

From a restorative justice perspective, harming another person creates obligations on the part of the harm-doer to take responsibility for what happened and to be accountable through making things as right as possible. Beyond punishment and rehabilitation, offenders are invited to take part in acts of reparation/restoration by being willing to repair both material and symbolic dimensions of harm. Material reparations might include the repayment of monies stolen or financial restitution of items lost, stolen or damaged. Symbolic reparation could involve acts of service in the form of volunteer work or personal service to the victim to repay the costs related to the crime. This could also mean apologies, recognition of wrongs, and displays of contrition. Restorative justice also means that offenders consider how to minimise the risk further through making amends and demonstrate changed behaviour over time.

The obligations created by harm are often too vast for the victim or offender to address alone. This is where restorative justice questions can expand the circle to ask, "Who else's obligations are these?" Communities of care that include both informal and professional supports can assist in addressing the immediate, intermediate, and long-term needs arising from incidents involving harm.

Community

Community has multiple facets and can be considered geographically (where the harm took place) or it could be socially defined in terms of who was impacted (Schiff, 2007). From a restorative, transformative perspective, communities are obligated to play a role in both providing support to those directly impacted and holding themselves and others accountable for creating the conditions for crime and harm to occur. The larger and more socially disconnected a community is, the harder it will be for obligations to be undertaken. The question becomes: To what extent is the wider community obliged and what role should the community play in restorative justice. For a further explanation of community accountability, check out restorative justice advocate and practitioner Phil Gatensby from the Yukon territory in The Problem With Youth – It's Adults![1]

A community can include anyone who feels connected to the harm or the people involved in the

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1. Scan the QR code to access https://www.youtube.com/watch?v=9xFG2t5JIFU

harm. Community members—those directly or indirectly impacted by the harm—have individual needs that often mirror victim needs. Community members may express other needs such as:

- recognition of their position as victims
- reassurance that what happened was wrong, that something is being done about it and that steps are being taken to discourage its recurrence
- information about what happened and the response
- avenues for building a sense of community and accountability
- encouragement to fulfill responsibilities for the well-being of victims and offenders
- engagement in activities that promote community restoration and social pride (Obi et al., 2018, pp. 6-7).

Restorative justice approaches encourage collaborative, collective, community-based responses that aim to address the conditions that create harm and the impacts of harm. The obligations communities have when harm occurs include:

- responsibility for communicating the harm that occurred, its degree and expectations for appropriate repair;
- communicating standards of expected behaviour, norms, and values;
- collective ownership of the causes of harm and work together on how to address it;
- supporting the completion of reparation agreements that result from restorative justice processes;
- creating a safe environment for community members, including the victim and the offender;
- being informed of available services to support victims and offenders;
- mentorship and support (materially, physically, emotionally) to victims/survivors and offenders; and
- developing reintegration strategies (Schiff, 2007, pp. 236-238).

Some restorative justice theorists believe that all three stakeholders – victim, offender, community – must all be involved for a process to be considered fully restorative. See Figure 17.2 for a visual representation of the types and degrees of restorative practice and an illustration of the interplay of these three stakeholders.

Types and Degrees of Restorative Justice Practice

(https://kpu.pressbooks.pub/app/uploads/sites/199/2022/02/Picture5.png)
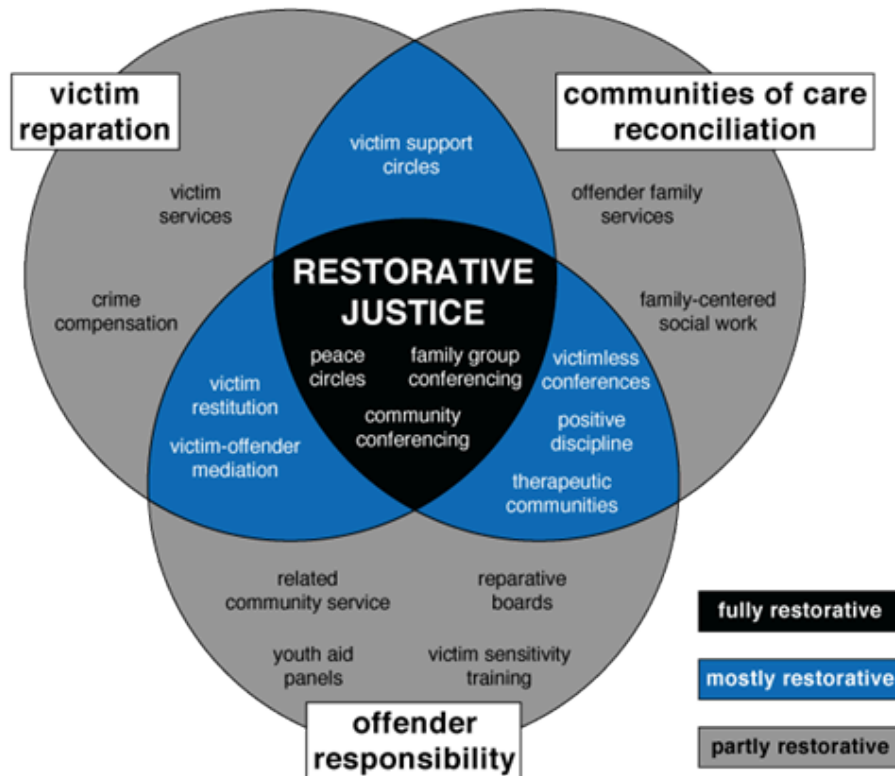
Figure 17.2: Types and Degrees of Restorative Justice Practice. Figure used under Fair Dealing Exception.

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17.6 Restorative Justice Models

DR. ALANA MARIE ABRAMSON AND MELISSA LEANNE ROBERTS, M.A.

Certain are justice practices are often associated with restorative, transformative justice. Although there is nothing inherently restorative about sitting in a circle or having dialogue between a victim and offender, when these models are based on restorative justice principles, the impact can be meaningful for all parties involved. For a process to move forward, several criteria must be met. In most instances, the person who caused the harm must accept responsibility for their actions and be open to making reparation. The victim/survivor must participate voluntarily and be provided voice and choice in how the process will unfold. Community members might also be included and must be informed and prepared to ensure the process itself upholds the values of respect, honesty, accountability, and safety. Some examples of processes that embody these core restorative justice principles are **victim-offender dialogue**, **conferencing** and **circles**.

Victim-Offender Dialogue

Victim-offender dialogue processes have been associated with restorative justice since the early 1970s. The approach involves facilitating communication between the victim/survivor and the person who caused them harm. The dialogue could be direct/face-to-face or indirect through exchanging letters or video recorded messages. A trained facilitator acts to explain the process, prepare each party, and facilitate the exchange. The encounter prioritises physical and emotional safety, meaningful dialogue, and reparation of harm. People are not expected to leave the dialogue as friends: rather, the aims are to have gained understanding of what happened, the harm caused, and what is required for reparation to begin. For an explanation of the process of victim-offender dialogue see Restorative Justice: Victim Offender Mediation Overview.[1]

1. Scan the QR code to access https://www.youtube.com/watch?v=IC2aBPISDno

Conferencing (sometimes called Victim-Offender Conferencing or Family Group Conferencing)

Conferencing evolved from practices from many parts of the world including New Zealand and Australia. Often a process used with youth, conferences are similar to victim-offender dialogue but involve more participants. These additional people might be family members of the victim and offender and other resource people (for example victim services, youth workers, mentors, counsellors, teachers, etc.) that can support the restorative justice process. After preparation, participants come together to talk about what happened, who was impacted and how, and work together to form an agreement about how the harm can be repaired. Conferencing participants provide support to both victims and offenders, often providing accountability for the offender to complete the reparations they have agreed to.

Circles (sometimes called sentencing circles, healing circles, or peacemaking circles)

Peacemaking circles have deep roots in many Indigenous traditions and worldviews. A more traditional peacemaking circle involved the entire community, leaders, Elders and respected knowledge holders to resolve an issue. In current use with the Canadian criminal justice context, a peacemaking circle is a process that may bring victims, offenders, and community members together to provide input to community leaders, Elders and other decision-makers on sentencing criteria. (i.e., sentencing circles). These circle processes are convened to reintegrate people into the community following crime or incarceration or used instead of the formal court process. While all these models can be flexible to the needs of the participants, peacemaking circles will often bring in more holistic elements which may include opening prayers, smudge, passing a talking stick or feather to make space for all participants around the circle, and other cultural expressions that are meaningful to the group. Circles are used by both Indigenous and non-Indigenous peoples and can be adapted to meet the needs of people and communities. For an example of a circle process see Reconciliation through Restorative Justice.[2]

2. Scan the QR code to access https://www.justice.gc.ca/eng/news-nouv/photo/video3.html

17.7 Restorative Justice & Indigenous Ways of Knowing

DR. ALANA MARIE ABRAMSON AND MELISSA LEANNE ROBERTS, M.A.

While there are similarities between some traditional Indigenous practices and restorative justice, it is not appropriate to use these terms interchangeably. Chartrand & Horn (2016) have noted "there are important features that make Indigenous legal traditions quite different from restorative justice processes, including how Indigenous legal traditions often use proactive/ preventative strategies mediated through kinship networks" (p. 3). While restorative and Indigenous approaches to justice are unique, "there are opportunities for cross-cultural dialogue between advocates for restorative justice and Indigenous legal traditions, as well as opportunities to learn from each other's experiences and journeys" (Chartrand & Horn, 2016, p. 3). This has been the case in some parts of Canada where Indigenous worldviews and justice practices have shaped restorative justice in significant ways (Elliott, 2011).

It is important for criminology students to understand important differences between restorative justice and Indigenous approaches to peacemaking without making overgeneralisations. There is a rich diversity of nations within the country now called Canada and each nation may have traditions and cultures related to peacemaking practices. The imposition of the Indian Act through colonisation has criminalised many aspects of Indigenous life and culture that criminalizes the actions and many aspects of life for Indigenous peoples.

As restorative justice approaches become more recognised, it is important to respect the various aspects of Indigenous culture that can lead to access to justice. Cunneen (2003) warns against the trivialisation of Indigenous cultures and laws in the name of universalising claims about restorative justice. [**pb_glossary id="4400"]Decolonisation[/pb_glossary**] requires decolonising our minds and our imagination—a rethinking of possibilities. Cunneen (2003) notes that restorative justice cannot run the risk of trampling over local traditional customs but requires reimagining justice outside the context of colonisation. Reimagining justice should consider existing Indigenous rights expressed in the Canadian Constitution of s.35 and further articulated in the recommendations of the Royal Commission on Aboriginal Peoples (1996) whereby "federal, provincial and territorial governments recognise the right of Aboriginal nations to establish and administer their own systems of justice pursuant to their inherent right of self-government, including the power to make laws, within the Aboriginal nation's territory" (p. 224). If the outcome of restorative justice practices is the further integration of colonized peoples into the dominant legal system, restorative justice advocates cannot claim that it is socially and politically transformative or a radical alternative to existing justice practices (Cunneen, 2003, p. 44).

In support of the self-determination of Indigenous peoples, the Department of Justice initiated the Indigenous Justice Strategy in 1990. Programs funded through this initiative aim to support

Indigenous, community-based justice programs that offer alternatives to mainstream justice processes. The objectives of these programs are:

- to assist Indigenous people in assuming greater responsibility for the administration of justice in their communities;
- to reflect and include Indigenous values within the justice system; and,
- to contribute to a decrease in the rates of victimisation, crime and incarceration among Indigenous people in communities with community-based justice programs funded by the IJP.

While some of these programs include restorative justice, the focus is primarily on alternatives to sentencing. For an example of restorative justice in the context of an Indigenous healing circle, see Reconciliation through Restorative Justice.[1]

1. Scan the QR code to access https://www.justice.gc.ca/eng/news-nouv/photo/video3.html

17.8 Benefits & Critiques of Restorative Justice

DR. ALANA MARIE ABRAMSON AND MELISSA LEANNE ROBERTS, M.A.

Benefits

There are many benefits of restorative justice for all the justice stakeholders involved. These benefits have been addressed throughout the chapter and are summarised below under the headings: benefits for victims/survivors, benefits for offenders and benefits for the community.

Benefits for victims/survivors include:

- information and answers to questions
- direct accountability from the person who caused harm
- influence, choice and voice in determining how the harm will be addressed
- restitution, reparation and vindication
- opportunities to be heard and understood
- community support
- increased satisfaction with justice
- opportunities for meaningful direct or indirect communication with others involved

Benefits for offenders include:

- opportunities to start to make things right and be accountable
- encouragement for personal transformation and support in addressing underlying issues
- community reintegration and support
- opportunities for meaningful direct or indirect communication (exchange of letters, messages, videos, etc.) with others involved in the harm

Benefits for community members include:

- increased sense of safety
- reduced re-offending
- inclusion in the justice process
- strengthening the sense of community and building relationships through participation in justice

Critiques

As with any theory of criminal justice, restorative justice has limitations and is subject to criticism. One set of critiques concerns the lack of support and awareness within the criminal justice system and among the general public for an approach to justice that differs from the "norm" in Canadian society. Because transformative approaches reject punishment and retribution as primary goals, some people perceive that it is "soft on crime." Criminal justice stakeholders trained in and conditioned to the punitive system may resist adopting new practices. There could be a lack of support and awareness from the criminal justice system and citizens including resistance from criminal justice and correctional personnel.

Another criticism concerns the practicality of shifting an entire criminal justice system to a new paradigm. Just as the criminal justice system is not the most appropriate response for every case, the same is true for restorative justice. Restorative justice initiatives have many components and involve the participation of multiple stakeholders; the costs of establishing and maintaining such a system at the national level would exceed current governmental budgets. As a result, current restorative justice programs in Canada are limited in scope and often rely on volunteers.

Net widening is also a critique of restorative justice in that the mere establishment of restorative justice programs means that more people might be processed through the system. For example, if restorative justice programs did not exist, in many cases justice professionals would give a warning and not proceed through the criminal justice process. With the addition of restorative justice programs, cases that would have otherwise been excluded from the system are now being processed.

Although restorative justice addresses many of the harms caused by contemporary criminal justice, it poses possible risks of its own. Lacking established and universally agreed-upon standards of practice, participants may experience inconsistent processes in different jurisdictions and facilitators with varying levels of expertise, which may cause harm or lessen faith in the fairness and efficacy of the system. Broad community involvement is a key component of restorative justice theory; any system that labels itself "restorative" but limits the stakeholders who may participate risks reproducing inequalities of centralised state power. In some situations, victims or offenders could be coerced or pressured by justice professionals to participate, which jeopardises the voluntary nature of restorative justice. For example, a young offender could be given the choice of participating in a restorative process or "taking their chances" in court with a judge. This is hardly a choice and certainly not voluntary. Finally, because many restorative principles originate in the traditional practices of Indigenous and other cultures, there is a risk of cultural appropriation and disrespectful distortions that perpetuate the exploitation and oppression of marginalised peoples

Golden Globe winner Laura Dern referred to restorative justice in her acceptance speech: "I urge all of us to not only support survivors and bystanders who are brave enough to tell their truth, but to promote restorative justice" (as cited in Hornaday, 2018, para. 4). Her portrayal in the film "The Tale"[1] (Fox, 2018) tells a story of a restorative approach to sexual abuse.

17.9 Conclusion

DR. ALANA MARIE ABRAMSON AND MELISSA LEANNE ROBERTS, M.A.

While restorative, transformative justice does not address all the issues associated with the legal system, it offers an alternative vision of justice that balances the needs of offenders, victims, and communities. Research with respect to restorative justice has demonstrated positive results in Canada and around the world in terms of reducing recidivism, increasing victim satisfaction, and providing reparation to survivors and communities (Sherman & Strang, 2007; Weatherburn & Macadam, 2013). Furthermore, there is evidence from around the world that demonstrates restorative approaches can be more cost-effective than the legal system (Webber, 2012). Restorative justice alone does not address the complex causes of harmful behaviour; however, transformative justice attends to both the interpersonal aspects of harm as well as the systemic and structural issues. In this way, the justice lens is widened to offer innovative, collaborative, and healing approaches to harm. As the examples in this chapter demonstrate, the benefits of restorative justice are plentiful and awareness of these principles can be integrated across the criminal justice system, from the community, to policing, to courts, and corrections.

17.10 Discussion Questions

DR. ALANA MARIE ABRAMSON AND MELISSA LEANNE ROBERTS, M.A.

1. How are the values of restorative justice present in the processes you learned about in this chapter? For example, how might "respect" be demonstrated towards offenders, victims, and communities in restorative justice practice?
2. One of the barriers for Canadians to access restorative justice is a lack of information about these approaches. How might Canadians and criminal justice professionals (police, judges, victim services, correctional services) become more aware of restorative justice? Who should be responsible for educating Canadians about restorative justice?
3. What are the main differences and similarities between retributive, rehabilitative, restorative and transformative justice approaches?
4. Many restorative principles originate in the traditional practices of Indigenous cultures and other cultures. How would we respectfully approach the inclusion of these practices into restorative justice with an aim to mitigate cultural appropriation and disrespectful distortions that perpetuate the exploitation and oppression of marginalised peoples?

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Glossary

academic imperialism

an unequal relation between academics where one group dominates while other groups are ignored or silenced.

Ag-gag laws

laws which criminalize actions which seek to render the animal agriculture and use industries more transparent, specifically, criminalizing undercover investigations and recording of animal agriculture activities, limiting whistleblowing, and otherwise interfering with normal business operations.

agenda-setting function

the ways in which the media play a role in determining which topics will receive the most attention and, thus, be deemed the most important for the audience to consider

Aggravating factors

These are factors that are considered by the sentencing judge that would increase the crime's severity and would result in a more severe punishment. Examples of aggravating factors include previous criminal record for the same crime; use of a weapon; offence motivated by bias, prejudice or hate (based on race, sex, religion, age, sexual orientation or gender identity, or any similar factor); offence was committed against the offender's intimate partner or family; the offence was committed against a person under the age of eighteen; offence was committed for the benefit of, at the direction of, or in association with a criminal organization; the offence was a terrorism offence; or the offence had significant impact on the victim's health and financial situation.

analysis

the process of compiling and reviewing information, and then summarizing and synthesizing the data, often with the aide of statistical techniques, to reach a conclusion or explanation about the phenomenon under study.

Anthropocentrism

the idea that humans are the most important beings; in the context of green criminology, the exclusive focus on humans as victims of crime and harm.

antisocial personality disorder (ASPD)

a deeply ingrained and dysfunctional thought process that focuses on social exploitive,

delinquent, and criminal behavior most commonly known due to the affected individual's lack of remorse for these behaviors. ASPD falls into 1 of 4 cluster-B personality disorders within the DSM V, which also includes narcissistic, borderline, and histrionic personality disorders.

attachment theory

A psychological (https://en.wikipedia.org/wiki/Psychological), evolutionary (https://en.wikipedia.org/wiki/Evolution) and ethological (https://en.wikipedia.org/wiki/Ethology) theory concerning relationships between humans (https://en.wikipedia.org/wiki/Interpersonal_relationship). The most important tenet is that young children need to develop a relationship with at least one primary caregiver for normal social and emotional development. The theory was formulated by psychiatrist and psychoanalyst John Bowlby (https://en.wikipedia.org/wiki/John_Bowlby).

Attribution error

The over-emphasis of personal characteristics while devaluing environmental characteristics when judging others.

authenticity

our connection to our true, genuine self; the ability to show up as us, and connect with our feelings in a meaningful way.

backwards law

the idea that the way in which media present crime and justice issues is the opposite of the way in which these phenomena occur in real life

Biocentrism

a perspective that sees every species and being as equal in worth.

biopsychosocial criminology

a multidisciplinary approach that seeks to understand criminal behaviour by examining the interactions between biological, psychological and sociological factors.

carceral feminism

feminism that advocates for police and prison responses to things like gendered violence, sexual assault, child abuse, etc.

causality

when one variable is said to cause a specific effect, the two variables must at least be

correlated, the cause must precede the effect, and other possible explanations must be eliminated.

Circle

Circles are a process often associated with restorative justice although the roots of this ancient practice lie in many Indigenous traditions around the world. The circle embodies and nurtures the state of inter-connectedness we exist in as human beings. The circle is a structured process that can be adapted for many different purposes such as relationship and community building, sharing, problem solving and decision making, celebration, or as a response to harm. The circle allows all participants the opportunity to speak about values or a specific topic. Circles create a space for deep listening and to be heard. All voices are honoured equally which can cultivate mutual support and learning.

cognitive bias

systematic patterns of deviation from norm and/or rationality in judgment that occurs when people are processing and interpreting information in the world around them.

colonialism

the practice of controlling a territory, or another nation, and populating it with settlers in an exploitative manner. In this regard, colonization is also closely correlated with the practice of "settler-colonialism."

colonisation

the establishment of a colony to expand a nation state or territory. Establishing a colony might involve both the establishment of control over a territory and the Indigenous peoples who previously resided in that area. It may also involve the colonisation of minds through the imposition of Western European ideals, religion, language, and social practices onto the people who were living there before colonisation. The term "colonisation" is closely related to the term "colonialism."

Community-based victim services

Provides direct services to victims and receive funding either in whole or in part by the provincial and/or federal government responsible for criminal justice matters.

Compensation

The repayment of losses to the victim given by the state.

computational methods

research methods that involve using computers to model, simulate and analyze social phenomena, and to assess patterns and trends working with big data. Big data could be

anything from corporate databases or datasets from the government that could not feasibly be examined by humans using discourse or content analysis.

conceptualisation

to form a concept or idea about something and to become very specific about what we mean by those concepts for the purpose of our own research.

conditioning

a learning process in which the likelihood of a specific behaviour increases or decreases in response to reinforcement or punishment that occurs when the behaviour occurs.

Conferencing

A process based on restorative principles whereby the people most impacted by a harm come together to dialogue about what happened, how they were impacted, and explore ways to repair the harm. These processes are facilitated by a trained facilitator and often include victims, offenders, their supporters, and representatives of the community.

control dimension

involves parental expectations, limits, rules and control. Parental control can be flexible and democratic, or harsh, rigid and coercive.

convict criminology

an approach to criminology that privileges the voices and standpoint of persons who have been criminalized or who have been system affected.

correlation

when two or more variables are associated with one another. The direction of the association is known when two variables are correlated. A positive correlation means that as one variable increases, so does the other, or as one decreases, the other decreases. A negative correlation means that as one increases, the other decreases, and vice versa. Correlation does not guarantee causality.

Crime Victim Assistance Program (CVAP)

A provincial and/or territorial program that provides financial benefits to help offset monetary losses and supports recovery for victims. Programs and eligibility vary by province and/or territory in Canada.

criminogenic risk

Criminogenic needs may be defined as those offender need areas in which treatment gain will reduce the likelihood of recidivism; they have also been referred to as dynamic risk.

Critical criminology

A theoretical perspective in criminology which focuses on challenging traditional beliefs, uncovering false beliefs about crime and criminal justice, and unearthing biases and inequalities within the theories of criminology and the criminal justice system.

critical discourse analyses

method of research to explore the connections between the use of language/text and the social and political context within which it occurs.

cross-sectional research

a research study that gathers data at one point in time. It provides a snapshot of the phenomenon of interest.

Crown or court-based services

Provides support for people who have become involved in the criminal justice process as either victims or witnesses, offering information, assistance and referrals to victims and witnesses with the goal of trying to make the court process less intimidating.

cultural studies perspective

theoretical perspective that considers the role of media in producing and reproducing culturally relevant and socially constructed meanings

Culture

is a general term used to describe all aspects of a society related to individual and collective identity and meaning. Culture can be expressed in the material items of a particular society, such as clothing and other consumer goods, as well as in the ideas and beliefs that circulate and shape the way individuals and groups understand themselves and the surrounding world. Culture can more narrowly refer to aspects of creative output such as art, music and literature, and is often divided into high culture and low culture. While high culture is found in art galleries, museums and opera houses, low culture, or popular culture, can be found all around us and is the stuff of TV, popular music and graffiti art. Cultural criminologists view culture as arising from broader economic and social relations, and therefore tends reflect dominant ideas related to crime and crime control.

culture

an umbrella term which encompasses the social behaviour, institutions, and norms found in human societies, as well as the knowledge, beliefs, arts, customs, capabilities, and habits of individuals in these groups.

data sovereignty

implies rightful ownership of specific data. This involves allowing Indigenous peoples to control who collects data about their people and what data are collected, as well as how the results are disseminated.

Decolonization

is the process of deconstructing colonial ideologies of the superiority and privilege of Western thought and approaches embedded in western societies such as Canada. Decolonization can also mean cultural, psychological, and economic freedom for Indigenous peoples.

deductive

a research model that involves working from the general to the specific, or from theory to data collection. The deductive model employs quantitative methods of research.

deinstitutionalisation

the process of discharging chronic mental health patients into the community in order for them to receive care from community mental health services. The deinstitutionalisation movement began in Canada in the 1960s.

Denunciation

the condemnation of an individual's actions, specifically with regard to offending.

Deterrence

the idea or theory that the threat of punishment will deter people from committing crime and that the punishment of someone else will deter them as well (general deterrence). It also can mean punishing an individual to teach them not to offend again (specific deterrence).

disciplinary power

how individuals shape their conduct to line up with expert knowledge and rules of discourse.

discourse

the general domain of all statements and classifications about something/anything, like the discourse of child development or discourse of victimhood, and a system of categories that structures the way we perceive reality.

doctrine of discovery

an edict given by the Catholic church to Western European nations to discover, colonize,

and spread the Christian message. It gave countries like England, France, Spain, and Portugal the god given right to conquer and colonize new lands that were uninhabited by Christians.

Ecocentrism

a perspective that holds that humans are relationally connected to the natural world and that, while humans need to utilize resources to survive, they have a duty to use resources responsibly and minimize their impact on other species and the environment.

Ecological justice

a perspective holding that natural entities and the natural world is worthy of protection in their own right and not just as resources to be exploited or used instrumentally.

Ecosystem

a dynamic complex of plant, animal and micro-organism communities and their non-living environment interacting as a functional unit.

empiricism

a method of study based on tangible and observable facts, evidence, and research.

environmental criminology

a branch of criminology that deals with researching special – physical and social – determinations of patterns of criminal behavior and is closely connected with situational criminal prevention

Environmental justice

an approach to justice that strives to overcome the manner in which negative impacts of environmental crimes and harms disproportionately affect marginalized groups in society, specifically based on race (Black, Indigenous, people of colour), class (e.g., low-income), and gender (e.g., dangers of male dominated slaughterhouse work, affects of toxic chemicals on female reproduction).

Environmental racism

policies or practices that result in a discriminatory environmental impact (whether intended on unintended) on racialized groups or individuals.

epistemology

the study of knowledge or ways of knowing.

ethnic

a categorization of a group of people who share a national, cultural, religious, or language commonality. Such categorizations could be either an external labelling or one that is self-defined by the group. A concept of ethnicity can also overlap with a concept of race because ethnic categorization may also use skin colour, hair texture, and other physical characteristics to describe membership in an imagined ethnic community.

Ethnography

is a method of field research pioneered in cultural anthropology that involves immersive and lengthy interaction with cultural groups in order to learn about their ways of life and beliefs. In the nineteenth century, ethnography was used predominantly to study cultures in distant and non-western contexts. However, through the twentieth century, scholars in the social sciences began using this method to study subcultural groups closer to home. Ethnography involves participation in aspects of the culture under study as well as lengthy periods of contact and the development of mutual trust and respect. A common critique of this method is that researchers may grow too close to their subjects, and lose scholarly, detached perspective. A considerable strength of the method is that researchers gain deep, detailed, and realistic knowledge about a culture by adopting the perspective of insiders. Ethnography is a favoured method of cultural criminology, but it is not the only approach in this perspective.

evidence-based

information you use to make decisions that is based on research, not opinion.

evidence-informed

when information and research is combined with experiences and expertise to best fit the population and culture being served.

experiment

a quantitative scientific procedure performed to determine something or test a hypothesis.

field research

a qualitative method that involves observing and possibly interacting with research subjects in their natural environment.

focus group

a qualitative method that involves a group of individuals brought together and led by a moderator to share similarities, opinions, or differences.

folk devils

in the context of moral panics, these individuals or groups are the perceived menace upon which the public concern is focused

framing

fitting a story into a ready-made social construction such that it is easy for the audience to understand and interpret

freedom of information requests

a tool to use in social science research to investigate state and criminal justice practices that accesses state records that would not otherwise be disclosed.

gatekeepers

a person or position that controls access to something and has the power to decide who obtains resources or opportunities and who does not.

General Social Survey

every five years a series of cross-sectional surveys conducted by Statistics Canada which collect comprehensive socio-demographic information and information on one topic in-depth each year. The experiences of victims of crime are captured here.

generalisability

the degree to which the results of a study can be applied to a larger population. The larger the sample, the greater the ability to generalise the findings of the study.

geometric theory of crime

demonstrates how individuals develop an individual awareness space that consists of their major routine activity nodes (e.g., home, school, workplaces – activity spaces): the travel paths that connect them and everything within the visual range of the offender

governmentality

the set of practices (rationalities, techniques, knowledges) via which people are (self) governed but also the means by which someone else's activities are shaped.

green criminology

a branch of criminology that deals with research into criminality against the environment and associated phenomena (e.g., animal cruelty)

Green victimology

the study of the breadth of victims (environment, human, and animal) and avenues of victimization related to environmental crime and harm, as well as the institutional and state responses to such victimization

Greenwashing

the corporate practice of portraying a product as environmentally friendly or not harmful; for example, using images of plants on a bottle to imply connection to environmental sustainability but the ingredients contain harmful chemicals.

grey literature

information produced outside of traditional publishing and distribution channels, including government and community reports, conference papers, and dissertations.

hegemony

the dominance of one group's ideas over another group's ideas and when the dominant group controls the thinking of other groups, or when the ideas of the dominant class become the ideas of everyone.

hierarchy of credibility

the preference shown by journalists towards sources in powerful positions, casting them as primary definers whose opinions and ideas are portrayed as inherently more credible than those of others who might wish to comment upon a story

historical ethnography

method of research where a researcher examines a culture or society or social practice by immersing themselves in the history of experiences for the group or individual they are interested in.

historical trauma

multigenerational trauma experienced by a specific cultural or racial group, such as the violent colonization experienced by Indigenous peoples.

human ecology

refers to the study of the dynamic interrelationships between human populations and the physical, biotic, cultural and social characteristics of their environment and the biosphere

hypothesis

a proposed explanation used as a starting point in the deductive model for further investigation, or emerging at the end of the research process in the inductive model. A

hypothesis is typically written as an "if, then" statement and outlines how we expect the variables to be related to one another and the direction of that relationship.

ideal victim

the socially constructed victim who is seen as weaker than their attacker, blameless, and with whom the audience will readily sympathize

Indian

Indigenous peoples in Canada were originally referred to as "Indians" by Western explorers because they were looking for a western passage to the East Indies. When Christopher Columbus arrived in the Caribbean in 1492, he incorrectly thought he had discovered a new passage to the imagined territory of the Indies (i.e., China, Japan, and India). The inhabitants were hence thought to be "Indians."

inductive

a research model that involves working from the specific to the general or from observations to the development of theory. The inductive model employs qualitative methods.

institutional ethnography

method of research where a researcher examines a specific institution via in-depth study of all of its elements and practices to identify power relations that structure an experience in the institution and how the institution itself is organized

institutional racism

a practice of racism where the racism can be understood as "racism without racists." It does not require the presence of racist subjects or beliefs; it is the racism practiced by an institution or a governing body. The bias that is produced exists because of the invention and application of a rule or a policy. The racist outcome would not be the product of an individual's racist ideation.

instrumental Marxism

the argument that the state system always operates as an arm of, or instrument of, capitalism, or the state apparatus and criminal law exists as a direct result of capitalism to uphold capitalism and the capitalist mode of production.

intersectionality

a concept of analysis designed to show how the categories of race, class and gender, sexuality, and (dis)ability—and their social effects—are interlinked or interlocked in a way that makes them difficult to pull apart and to be analyzed as separate entities. Critical legal theorists like Kimberlé Crenshaw and others have used the concept of "intersectionality" to

describe how race intersects with social and economic class, gender and sexual expression, nationality, and other institutional markers of identity in such a way that race is more fruitfully examined when considered as co-located and connected with these other social markers.

interview

a qualitative method that involves asking a series of mostly open-ended questions in an effort to capture the participants' voices in their own words.

Keynesianism

a theory of economics arguing for increased government spending (on things like education, employment insurance, etc.) and lower taxes (for businesses) to stimulate demand, meaning employers will invest more and employ more people thereby maintaining economic growth and stabilizing the economy.

Late Modernity

refers to the time period beginning in the late twentieth century and extending to today. Social theorists like Anthony Giddens and Zygmunt Bauman argue that the defining features of the modern era were transformed in significant ways in the late twentieth century. Capitalism, communications, and conceptions of the self were markedly altered in this period. However, these theorists dispute the notion that there has been a complete break from modernity heralding a new *post*-modern era. Instead, they see the present time period as being characterized by an intensification of modernity. Cultural criminology does not completely disavow the ideas and insights of postmodernism, but generally prefers the term late modernity to denote the present era marked by widespread interactive digital communications, commodification of crime and violence, rapid global flows of capital, goods and people, and an intensification of feelings of insecurity and anxiety (e.g. Young, 2007).

Legal personhood

a person or other entity that at law has the powers and responsibilities normally associated with an ordinary human; legal personhood is not limited to flesh-and-blood humans but can extend to corporations, municipalities and, in some cases, natural entities.

life-course persistent offenders

Offenders that begin to show antisocial behavior in childhood that continues into adulthood are what Moffitt considers to be life-course-persistent offenders. Their delinquent behavior is attributed to several factors including neuropsychological impairments and negative environmental features.

literature review

a written summary and overview of writings and other sources on a selected topic to gain an understanding of existing research relevant to the topic.

lived experience

personal knowledge about the world gained through direct, first-hand involvement in everyday events rather than through representations constructed by other people

longitudinal

a study which extends beyond a single point in time and involves the collection of data at various time intervals.

looping

the recirculation of media content in different formats, contexts, and media outlets

lumpenproletariat

in addition to the capitalist and working class, Marx identified the lumpenproletariat – a group that was defined as an unorganized, non-political underclass.

market model

theoretical perspective that views media as a business that delivers a product intended to meet market demand

media gaze

the way in which the perspective on society conveyed in mainstream media is similar to the dominant institutional perspective and encourages the audience to adopt the same perspective

methodology

system of methods, procedures and principles used in a particular area of study or discipline.

missing white woman syndrome

researchers generally attribute this term to Gwen Ifill, PBS news anchor, referring to the far more frequent and intense news coverage of instances where white women or girls go missing compared to instances where the missing persons are not white or not female

Mitigating factors

These are factors that are considered by the sentencing judge that would lessen the crime's

severity and support leniency in sentencing resulting a lighter sentence. Examples of mitigating factors include lack of criminal record; minor role in the offence; culpability of the "victim"; past circumstances such as abuse that resulted in criminal activity; addiction or mental health concerns; and circumstances at the time of the offense, such as provocation.

monetarism

a set of government policies that controls the amount of money in circulation as a way to stabilize the economy.

moral entrepreneurs

individuals or groups who attempt to draw attention to and impose their moral perspective on behaviours they deem deviant or criminal in order to advance their own interests or political agendas

moral panics

period of intensified or frenzied public concern, the level of which is out of proportion with the actual threat posed by the object of concern

nationhood

the idea that the world is divided into distinct territorial entities, or nations, comprised of peoples with inherent ethnic, cultural, and even biological characteristics. Such nations are almost always territorially-based where a specific land or geography is claimed. The imagined community and territory are often based on an ancient or long established history and identity allowing the group to claim a primordial right to sovereignty and territorial occupation.

negative reforms

reforms that diminish the power of the state and diminish the power of carceral institutions.

neo-liberalism

governmental reform focused on free-market capitalism – policies that frees the market for capitalists including deregulation, privatization, and free trade.

new media

term used to refer to Internet-based news, entertainment, social media, video games, etc. that are interactive

news values/newsworthiness criteria

the aspects of stories used by news media to determine which stories will be deemed of interest to the media audience and, thus, reported on

nodes

consists of places (conceptualized as points) that are places within the city that a person travels to and from (e.g., business, entertainment, or industrial districts in the context of large urban centres)

non-violent property crimes

crimes that do not involve the use of any force or injury to another person (e.g., property damage)

objectivity

deals with ideas that are based on fact and free from bias or personal opinion.

OCAP

The First Nations principles of ownership, control, access, and possession – more commonly known as OCAP – assert that First Nations have control over data collection processes, and that they own and control how this information can be used.

official data

data sets often produced by official governmental agencies for administrative purposes, such as Census data or crime figures.

ontology

the philosophical examination of being. As an invention of Western thought, the concept is often referred to as a "theory of being" and paired with the term "epistemology" that refers to the sister concept of a "theory of knowledge" or how something is known. In this regard, ontology refers to the study of the "thing in itself" and not how it may be represented or interpreted.

operationalisation

turning abstract concepts or phenomena that may not be directly observable into measurable observations. For example, this would involve selecting the exact wording of survey questions.

organisational model

theoretical perspective that views the routines of day-to-day news production as the most significant factor in shaping news content

overt racism

a form of discriminatory racism that may be expressed as a clear and unambiguous act of racialization. A subject or victim of such racism can experience overt racism as a direct and personal injury and/or emotional injury. It is often an encounter between two persons where racial bias is experienced by one party in a very personal and subjective manner.

Paradigm

A typical model, example, pattern, or theory of something. Restorative justice is often described as a paradigm shift (a fundamental change in approach or underlying assumptions).

parental monitoring

extent to which parents are aware of their children's activities, including how they spend their time and who they spend their time with.

paths

represents the channels that we use to move from node to node often limited by streets, walkways, and public transit

pattern theory of crime

examines the ways targets come to the attention of offenders and how this influences the distribution of crime events over time, space, and amongst targets

penal welfare state

government programs that focus on helping criminal offenders to stop offending by providing treatment or to provide for the welfare of prisoners.

personalisation

the process of making something personally relatable for the audience

personality

the characteristic sets of behaviours, cognitions, and emotional patterns patterns that evolve from biological and environmental factors. While there is no generally agreed upon definition of personality, most theories focus on motivation and psychological interactions with the environment one is surrounded by.

phenotypical

the observable properties of an organic organism. Phenotype is often understood as the product of both genotype, which refers to the genes of an organism, and the environment

surrounding it. In the context of race and racialization, it might refer to human traits like skin colour, height, weight, or eye colour.

police reform

making changes or slight modifications to the existing structure of policing but keeping the original purpose of police.

population

all members of a particular area or group, or all things, that you want to learn more about from which a sample is drawn.

positivistic paradigm

an orientation to the study of society that focuses on what can be observed – in criminology this means a focus on identifying and studying causes of crime that could then be corrected, which is strongly associated with crime control.

post-structuralist

set of theoretical ideas that examines language, text and culture and how these establish social spaces/creates our reality, as opposed to structuralism's contention that the social is a patterned, rigid, and material set of structures.

power

the diverse ways in which our actions control and are controlled by our relations (structural and otherwise) to others.

price-fixing

when two or more companies that are supposed to be competitors conspire to set prices at a certain level in order to avoid direct competition when selling the same products

primary data

data collected by researchers directly from the subjects or sources for the purpose of their own original research.

primary definers

individuals to whom the media turn to first to help define and explain a situation, who are perceived as having more specialized knowledge due to their institutional affiliation or professional position and, thus, as more credible sources (government officials, criminal justice system personnel, academics, etc.)

propaganda model

theoretical perspective that views the media as intentionally manipulating news content so that it aligns with the interests of the media owners and other powerful individuals or groups in society

psychopathy

a neuropsychiatric disorder marked by deficient emotional responses, lack of empathy, and poor behavioral controls, commonly resulting in persistent antisocial deviance and criminal behavior.

psychosis

an impairment causing difficulties in perceiving what is real and what is not.

Punitive

An approach to law and criminal justice that involves the intentional infliction of punishment.

qualitative

research that involves the collection and analysis of in-depth textual or verbal, non-numerical data. Methods include interviews, focus groups, and field observation.

qualitative methods

collecting and analyzing data that are non-numerical and focused on the detailed understanding of the subject being researched which can include in-depth interviews, observation, and other non-numerical data.

quantitative

research that involves the collection and analysis of numerical data. It can involve testing causal relationships and making predictions. Methods include closed-ended surveys and experiments.

racial profiling

the use of race—by the criminal justice system—as the basis for criminal suspicion. This term is often associated with policing. It can be understood as describing race-based policing, or race-biased policing, where police use racial appearance as a deciding factor in who to select for stopping, questioning, searching, detaining, and arrest. Outside of this reference to policing, it can also be used to describe an intentional and deliberate consideration of race that negatively impacts racial minorities in the form of increased contact with public and/or private authorities. That is, it might manifest itself as a) the activity of selecting or examining a racial minority at a rate of selection that is higher and

incommensurate with their demographic representation and/or b) attributing racial and stereotypical characteristics to a subject in a manner that is illogical and/or not based on empirical examination.

racialisation of crime

the assumption that the crimes committed by racial minorities can be explained by their race

racialisation/racialised

racialisation employs the word "race" as a verb to demonstrate that race is a human action or activity and not a biological or scientific certainty. In so doing, the term helps demonstrate that "race" is a man-made or invented category. Racialisation is an everyday happening where "race" is something that we do to somebody else or to ourselves. As a verb, we can understand it to be a common mental shortcut where we might use a person's physical appearance as a stand-in or as a marker of their intelligence, their thinking, or their potential actions. We racialise other people and sometimes we racialise ourselves in this moment of comparison and othering. Some might also understand racialisation as a form of race-based stereotyping.

racialized

the process by which groups of people are designated as being part of a "race" and subjected to differential or unequal treatment on that basis

rational choice theory

individuals use rational calculations to make rational choices and achieve outcomes that are aligned with their own personal objectives.

raw data

data collected directly from the source and that exist at this point without any processing, transformation, or analysis. Interview notes or survey responses are examples of raw data.

regulatory offences

regulatory offences deal with legal activities such as the manufacture of products to the public, driving on roads and highways, and working. The goal of this law is to protect the public from the potentially harmful consequences of otherwise legal activity.

Rehabilitation

In the context of the criminal justice system, this is the process of helping inmates grow and change, allowing them to separate themselves from the factors that made them offend in the first place. In addition, preparing someone for a productive/crime free life once out of incarceration.

reliability

the degree to which a measurement or research method produces consistent results. This consistency can also be understood as replicability, either at different times, and/or by different researchers.

Reparation

The making of amends for a wrong one has done. This can be done by paying money to or otherwise helping (with service) those who have been wronged. In the criminal justice system, reparation is often court ordered.

representation

the process of socially constructing images and attaching signification/meaning to them

repressive state apparatuses

bodies of government/states granted with the legal right to use physical force to control the masses.

Retributive/Retribution

An approach to law and criminal justice based on the punishment of offenders with the intention of making the offender "pay" for what they have done (an "eye for an eye").

routine activity theory

requires that a potential offender, a suitable target, and the absence of a capable guardian must come together in order for criminal activity to be realized

scientific racism

the positivist use of science to prove the existence of race as a scientific category. It exploits science and scientific method as a pathway to promote the existence of race and it attempts to use natural and evolutionary science to falsely demonstrate that different "races" of human beings have evolved over centuries and now populate our world. Contemporary scientific research has shown that race is a faulty construct because DNA examination proves there are no "racial" differences in the genetic samples taken from people adapted to the different climates and continents of the world. For example, a person with Western European ancestry might have more genetic similarity with someone with east Asian ancestry than they do with someone with Scandinavian ancestry.

secondary definers

those individuals who have the task of responding to the definition of a situation as set out by the primary definers (including journalists who reproduce and/or filter what the

primary definers have stated, as well as oppositional definers who journalists may include to provide a counter-point to what the primary definers have stated)

self-actualisation

fulfillment of one's full human potential.

settler-colonial/settler-colonialism

a form of colonization where newcomers resettle a territory that is already inhabited by Indigenous peoples. The resettlement erases and reterritorializes the land in such a way that the land becomes both foreign and inaccessible to the indigenous first inhabitants.

simplification

the process of making something easier to understand, which also results in a loss of detail and complexity

situational crime prevention

a highly practical and effective means of reducing specific crime problems. Essentially, it seeks to alter the situational determinants of crime so as to make crime less likely to happen

social formation

a society or a social structure (e.g., a nation, a city, family, etc.) made up of a complex of concrete economic, political, and ideological relations, bound together and characterized by their historical relation to the economic relations (e.g., capitalism) they are located in.

social responsibility model

theoretical perspective that views the media as playing an important role in upholding democracy, ensuring an informed citizenry, and shining light on abuses of power

social structures

organized patterns of social relations and institutions such as class, family, law, race, gender.

spatial criminology

a branch of criminology that measures and theorizes explicitly spatial processes and relationships

spatial patterns

refers to space

Species justice

an approach to justice concerned with living creatures as having value in their own right; as such humans owe obligations and duties to them.

Speciesism

connected to anthropocentrism, this is the assumption that humans are the superior species; human needs are prioritized and needs of other species are deemed unimportant; most often connected to the privileging of humans over animals.

state-organized crime

acts defined by law as criminal and committed by state officials in pursuit of their job as representatives of the state.

stereotype

socially constructed category or label relying on generalized assumptions about people, behaviours, or situations based on a specific characteristic (such as race, ethnicity, culture, nationality, neighbourhood, gender, social class, etc.)

street crime

crimes that include acts that occur in both public and private spaces, as well as interpersonal violence and property crime

structural Marxism

the argument that law works to ensure capitalist accumulation and to maintain conditions where the generation of wealth is possible based on the idea that states act on behalf of capital, not at its behest, and ideology is spread out among numerous social structures.

subculture

a subdivision within the dominant culture that has its own norms, beliefs, and values.

substance abuse disorders

a mental disorder that affects a person's brain and behavior, leading to a person's inability to control their use of substances such as legal or illegal drugs, alcohol, or medications. Symptoms can range from moderate to severe, with addiction being the most severe form of SUDs. **Support dimension**: warm, responsive parenting. Children who lack support feel rejected, unaccepted or neglected.

suite crime

crimes that include those referred to as corporate crime, crimes of the powerful, state-corporate crime, and state criminality

surveys

a general view, examination, or description of someone or something

symbiotic relationship

an interaction between two individuals or groups that is mutually beneficial

technique of neutralisation

a technique which allows the person to rationalise or justify a criminal act. There are five techniques of neutralisation: denial of responsibility, denial of injury, denial of victim, condemnation of the condemners, and appeal to higher loyalties.

techniques of neutralisation

a technique which allows the person to rationalise or justify a criminal act. There are five techniques of neutralisation: denial of responsibility, denial of injury, denial of victim, condemnation of the condemners, and appeal to higher loyalties.

temperament

an aspect of personality concerned with emotional dispositions and reactions and their speed and intensity; the term often is used to refer to the prevailing mood or mood pattern of a person.

temporal patterns

refers to time

the carceral

the multiple networks of diverse techniques and the power of normalization to regulate human behaviour that we see in prison as it extends into the entire social body.

the unfinished

an abolitionist concept capturing the idea that abolition is ongoing and requires constant struggle and analysis.

traditional (legacy) media

traditional types of media (that existed pre-Internet), including print (newspapers, magazines, books), visual (films, television programs), and audio (radio, music recordings) forms

Transgenic organism

a genetically modified organism (GMO) that has had DNA from another creature introduced into its genome.

trauma

Psychological trauma is a response to an event that a person finds highly stressful. Examples include being in a war zone, a natural disaster, or an accident. Trauma can cause a wide range of physical and emotional symptoms. Not everyone who experiences a stressful event will develop trauma.

trauma-informed approach

recognizes and responds to the signs, symptoms, and risks of trauma to better support the health needs of patients who have experienced Adverse Childhood Experiences (ACEs) and toxic stress.

victim-blaming discourses

ways of talking about victims and victimization that place at least part of the responsibility for the harm done to the victim on their own behaviour or attributes (e.g. how they were dressed, what they said, where they were, what they were doing, which measures they took to defend themselves, etc.)

Victim-Offender Dialogue

A process based on restorative justice principles where a victim and offender have direct or indirect dialogue in the aftermath of a harm. This dialogue is usually facilitated by a trained person who has worked with both parties to prepare them for the encounter.

victimization

the outcome of deliberate action taken by a person or institution to exploit, oppress, or harm another, or to destroy or illegally obtain another's property or possessions

white-collar crime

a crime committed by a person of respectability and high social status in the course of their occupation.

Zemiology

the study of social harm; from the Greek *zemia*, meaning harm or damage.

Contributors

Editor

Leah Ballantyne, LLB, LLM

Leah Ballantyne, LLB LLM is from the Mathias Colomb Cree Nation in Pukatawagan, Manitoba. The community is signatory to Treaty 6 in the northern boreal forest. Leah is the first and only member of her community to become a lawyer and she follows a long line of both elected and hereditary leadership from her Nation.

Leah graduated from UBC faculty of law in 2005 and earned her Masters-in-law (LLM) in international law and governance in 2017 as class valedictorian at the University of Hawaii at Manoa School of Law. Leah is a member of the law societies of both Manitoba and British Columbia.

Ms. Ballantyne serves grassroots leaders, Chiefs and other First Nation-led organizations in upholding treaty and inherent rights. Currently, Leah provides her time to the Lower Fraser Fishery Alliance for the RELAW project – "Revitalizing Indigenous Land, Air and Water." LFFA RELAW produced a legal synthesis report aimed at Indigenous law-based fish habitat restoration strategies for the Lower Fraser. The work is created in collaboration with the RELAW team of Relawyers at the West Coast Environmental Law Foundation. Leah also provides her expertise to a C-92 Child Welfare Law reform project, and recently to residential site school reclamation and memorialization work. She is currently an active board member with the First Nation Health Authority and the Canadian Mountain Network.

Kwantlen Polytechnic University has hired Leah to edit this textbook to ensure that culturally appropriate and safe language is used when involving Indigenous peoples and pedagogy.

Authors

Dr. Shereen Hassan
KWANTLEN POLYTECHNIC UNIVERSITY

I have been a faculty member of the Criminology department at Kwantlen Polytechnic University since 2004. I studied at Simon Fraser University, where I earned by PhD in 2010. But I did not enter SFU with the intention of pursuing a career in criminology or criminal justice. In fact, it was during my first-year experience enrolled in courses in the social sciences where topics like human rights and social justice were introduced, and this is when I developed a keen interest in this field of study. It was also my experience being racially profiled while travelling across the U.S./Canada border, which occurred for the first time during my 2nd year at SFU,

that really lead to my decision to pursue my degrees in criminology. As it turns out, flying while Arab has proven to be quite challenging. I expand on these experiences in the vignette at the start of the Race and Racism chapter of this textbook, and I touch on these experiences at the start of each term with my students, as I feel stories and lived experience are valuable ways to make these issues relevant in the classroom.

I grew up in a low-income family in Port Coquitlam, B.C., not far from the Pickton farm. I was one of the only 3 people of colour in my elementary school (my brother was one of them). I always felt like I had to fight to get through challenges in life, and have not been afforded the privileges that many of my classmates enjoyed. Developing a text that was easily accessible to students trying to pave their own path, some with very little support and resources, was really a dream come true for me. While my own experiences of racism and marginalization differ significantly from the experiences of Indigenous peoples of Canada, my background has certainly heightened my sensitivity around these complex issues and my appreciation for the need for culturally sensitive and trauma-informed approaches to teaching and learning.

Dan Lett, MA
KWANTLEN POLYTECHNIC UNIVERSITY

I am a faculty member and current Co-Chair of the Criminology Department at Kwantlen Polytechnic University. My research is in the areas of surveillance, morality, public criminology, and racism, and my work appears in journals such as *Media, Culture and Society*, *Criminology and Criminal Justice*, and *Canadian Journal of Sociology*.

I was born and raised in the town of Northampton in the UK. My undergraduate career began in a film studies program, but I quickly took an interest in media and sociology electives. After graduating, I taught English in Japan where I met my Canadian partner and made plans to pursue sociology for my graduate studies in Canada. I consider myself very fortunate to live and work as a settler in B.C. I take great inspiration from the determination of our students at KPU, many of whom overcome considerable challenges on their journey to achieving their education goals. I believe that open education resources like this one are a crucial component of education equity.

Contributors

Sean Ashley
CAPILANO UNIVERSITY

All human lives are both constrained and enabled by social context. My own family history is situated within the Maritimes of Canada. I was born in Moncton, New Brunswick, on the territory of Mi'kma'ki. My parents, Ron and Nancy Ashley, lived their entire lives in New Brunswick, close to where their ancestors had settled generations before. My maternal grandfather's ancestors migrated from Ireland to New Brunswick in 1830. My maternal

grandmother's family are Acadians who arrived at Fort St. John, Acadia, in 1657. My paternal grandparents' ancestors are English Loyalists who settled in what is today southwestern New Brunswick, on the territory of the Passamaquoddy and Wolastoqiyik people, after the American Revolution.

As I young man I benefited from the privilege that came from being an English speaking, white settler. I attended Mount Allison University, a school that many members of my family had already attended. I don't recall ever making a choice to go to university; it was simply always expected given our family's social position. Despite this privilege, Atlantic Canada is a poor region, and after graduation I found it hard to find work, so like many young people I headed west in search of economic opportunities. I enrolled in Simon Fraser University for my graduate studies, where I completed my Master of Arts and PhD. I have remained in British Columbia ever since, settling on the unceded territories of the Tsleil-Waututh, Musqueum, Stó:lō, Stz'uminus, and Qayqayt nations.

Jon Heidt
UNIVERSITY OF THE FRASER VALLEY

Social context and history are important to understanding anyone's background. I am originally from Bismarck, North Dakota in the United States. My ancestors arrived in the United States in the early 1900s and came from a variety of European countries including Germany, Russia, Norway, and Sweden. Many of my ancestors were farmers and were granted access to land through the Homestead Act—an option that was unavailable to the Dakota, Lakota, Arikara, Assiniboine, Chippewa, Hidatsa, and Mandan tribes of Indigenous people who were originally living in Dakota Territory. This is another example of how governments in the United States (through the *Dawes Act* and the Bureau of Indian Affairs) and Canada (through the *Indian Act*) used the law to ensure that European settlers would have access to opportunities to be successful. I have benefited greatly throughout my life from this unfair situation. I also am aware that many more educational and economic opportunities were afforded to me due to my status as a White male and because of the institutional racism that is present in North American society.

Gail Anderson
SIMON FRASER UNIVERSITY

My name is Gail Scott Anderson, and my background is Celtic. I was conceived in India, where my father worked at the time, and born in the north of England to a Scottish father and North Yorkshire mother of Scottish origins. Much of my early life was spent in the former Yugoslavia, where, again, my father worked. I grew up in Yorkshire, which is originally Celtic territory, but colonized and conquered many times by a variety of invaders over the millennia, to produce what is England today. My father was overseas most of my childhood, but I had a privileged, stable, and happy home. I was the first in my family to go to university.

I came to Canada for graduate school, coming to Simon Fraser University, where I work today, on the unceded traditional, ancestral, and occupied lands of the Coast Salish Peoples including the xʷməθkwəẏəm (Musqueam), Skwxwú7mesh (Squamish), Səl̓ílwətaɬ (Tsleil-Waututh), and Kʷikʷəƛ̓əm (Kwikwetlem) Nations. I am grateful to live on the unceded traditional, ancestral, and occupied lands of the Kwantlen, Sto:lo and WSÁNEĆ Nations.

I am a biologist, specifically an entomologist, and always wanted to do something useful with my science. So, I became a forensic entomologist, working on homicide, animal cruelty and poaching cases. When I moved to the School of Criminology from the Department of Biological Sciences, I was interested to see how little biology was considered in criminology, despite all the new and exciting research being conducted on the biology of criminal behaviour. I developed a course and later a book (now in its 2nd edition) on biological influences on criminal behaviour to introduce my students to the basic biological underpinnings of behaviour so they could understand the relatively new field of biosocial criminology. I feel that this is a very hopeful area of criminology as many biological risk factors can be better managed once we understand them. As well, studying biological factors such as epigenetic effects help us comprehend why the abuses of residential schools and other forms of systemic discrimination not only impact the generation abused but also produce biological effects on future generations, hopefully allowing us to understand and move forward.

I fully recognize the white privileges and benefits of the circumstances of my birth and upbringing and the impossibility of seeing the world from others' perspectives. We all have very different experiences and ways of understanding, and scientific thought, as a way of understanding the natural world, is one of those. Biological approaches are one of many different ways of attempting to understand criminogenic behaviour and there are many others, such as Indigenous approaches, which, although not covered in this chapter, are no less valid.

Jennifer Mervyn
REGISTERED PSYCHOLOGIST WITH BC COLLEGE OF PSYCHOLOGISTS

I am Metis on my father's side, with my ancestors originating from the Red River area, and European on my mother's side. I am a mother of three children who are also Cherokee/ Muscogee on their father's side. I am working hard to raise my family with a proud and rich sense of cultural identity, as I believe it is essential to healing from intergenerational trauma. I have worked in a clinical capacity with vulnerable children, youth, adults, and families for over 20 years, and supported a number of young people as they have interacted with the criminal justice system. Through this work, I have come to believe that the criminalization of mental health and addictions only further stigmatizes and entrenches our most vulnerable, and makes access to healing more difficult for all. My heart and life's work are centered around promoting trauma-informed policies, principles, and practices across all sectors (healthcare, policing, child services, education) so that we will see healthier individuals, families, and communities able to thrive.

Stacy Ashton
CRISIS CENTRE BC

I am a white, cis-gender, middle class professional who has spent her career in the non-profit sector, including frontline and administrative work in crisis intervention and suicide prevention. I am committed to community-based crisis and mental health response, and have recently submitted proposals to BC's Special Parliamentary Committee on Police Act Reform advocating for a crisis care continuum to drastically reduce the need for police response to mental health crisis situations.

Zachary Rowan
SIMON FRASER UNIVERSITY

We begin this chapter by acknowledging our own positions as authors and presenters of this criminological perspective. As the first of two co-authors of this chapter, it is not lost on me as a white male from the United States, educated mainly by scholars that look similar to me, that I am writing a chapter that aims to engage in a meaningful consideration of an Indigenous[1] and decolonized approach to the study of criminological theory. I grew up in a majority white, middle-class neighbourhood that rarely faced exposure to alternative views let alone challenges to that system. Consistent with the theoretical orientation of this chapter, I attempted to expand my worldview by immersing myself and learning from others at the culturally diverse University of Maryland, where I earned a Bachelor's, MA, and PhD in Criminology and Criminal Justice. It was at University where I experienced my first "othering" experience as my identity grew to include being a member of the LGBT community. These experiences and the privileges afforded by my ability to attend University have informed me and enabled me to research the role that groups, peers, and co-offenders play in facilitating criminal behaviour. I now work at Simon Fraser University on the unceded traditional territories of the Coast Salish peoples of the xʷməθkwəy̓əm (Musqueam), Skwxwú7mesh (Squamish), and Səl̓ílwətaɫ (Tsleil-Waututh) Nations.

Michaela McGuire
SIMON FRASER UNIVERSITY PHD STUDENT

As the second co-author, I am a current PhD student and my research focuses on the interconnection between belonging and justice. I grew up in Burnaby, B.C., visiting my other home (Haida Gwaii) every summer. I grappled to find my place in this world amongst racism, stereotypes, colonialism, educational streaming, and micro-aggressions. I have often felt as though I was of two worlds – in terms of my ancestry (Haida, Ojibwe, British & Irish), my

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1. Indigenous identity is a colonial construct that "describes… thousands of distinct societies with their own names, governments, territories, languages, worldviews, and political organizations" (De Finney, 2017, p. 11), from hundreds of Nations, peoples, and/or communities. We use the term Indigenous Peoples—out of recognition of the many Nations, peoples, and communities that existed (and still exist) as sovereign Nations prior to European contact. For further explanation see this video (https://www.youtube.com/watch?v=XEzjA5RoLv0).

physical location (the Lower Mainland & Haida Gwaii), and general sense of self. I have come to understand that education is powerful, and it feeds resistance, revitalization, decolonization, and resurgence. Learning about the ongoing impacts of colonialism, genocide, racism, and the complicity of the colonial state in perpetuating harm against Indigenous peoples through its institutions has fueled my desire to seek justice.

Dr. Rochelle Steveson
THOMPSON RIVERS UNIVERSITY

My name is Rochelle Stevenson, and I identify as a white, heterosexual, cisgender woman. I currently live in Kamloops, BC, on the lands of the Tk'emlúps te Secwépemc within Secwépemc'ulucw, the traditional and unceded territory of the Secwépemc peoples. I am an uninvited guest in their territory, and I am grateful for the hospitality of the Secwépemc people as I live, work, and learn on their lands. I share my life with my partner, and we are parents to a wonderful Standard Poodle and two adorable cats.

I was born and raised in Oakville, Ontario. My parents were both Canadian-born, as were my grandparents. My great-grandparents immigrated to Canada from Ireland and France, settling in Quebec and Ontario. Despite the fact that neither of my parents had attended university, we enjoyed a great deal of financial and social privilege. It was not until returning to university as a mature student to pursue my degree in Criminology that I truly realized the extent of that privilege. Confronting my privilege was very uncomfortable, but critical to my growth as a scholar and a person. My early studies opened my eyes to the stark contrasts in experience, comparing my own experiences of private ski clubs and private schools to reading about women who didn't leave abusive relationships because they had no resources. More than once I questioned whether I was in the right space, but my desire to effect change was the driving force to continue.

My research is firmly centred in a feminist space with its anti-oppression framework, paired with the non-speciesism of the human-animal bond. My work over the past 15 years has centred on the intersection of intimate partner violence and animal mistreatment, recognizing that companion animals are family members too, and domestic violence can include abuse towards animals in the home. My drive for change includes advocating for pet-friendly spaces, such as domestic violence shelters and housing, so that the family (animals included) can remain together while healing from violence. Though this work is emotionally challenging (even heartbreaking) at times, and I consistently wrestle with my own position of relative privilege, my furry family members are my inspiration to keep moving forward to create a safe and inclusive society.

Jennifer Kusz
SIMON FRASER UNIVERSITY

My name is Jennifer Kusz, and I am white, heterosexual, settler. My background is English/

Scottish and Italian. My father was RCMP for 31 years, and as a child we moved around B.C. a lot. I spent time living in small communities, including Port Hardy, Masset and then back to Vancouver Island as a young adult. My mother worked as a 911 operator, and then various bookkeeping jobs. I grew up believing we were middle class, but relative to the many people we were living alongside we lived a privileged life. There was always food on our table, we were able to plan for family vacations to Disneyland and Hawaii, and when we lived in what the RCMP defined as remote communities, there was funding available for us to travel. Neither of my parents completed university and being able to pay for both their daughters to attend university was an important goal for them. My sister and I went to university straight out of high school and graduated with our undergraduate degrees without any student debt, thanks to the generosity and privilege bestowed upon us by our parents. Currently, I live with my partner, three children, five cats and a dog. We live, work, teach, and learn on the ancestral, traditional, and unceded Indigenous territories of the Snuneymuxw, Quw'utsun and Tla'Amin peoples.

I am a feminist and a criminologist. I have spent more than 10 years researching and supporting victims of domestic and sexual violence. My line of work and research intersects with the intergenerational violence that Indigenous peoples have experienced for centuries. Over time, my understanding of the harms has broadened to consider how Indigenous people, particularly women, are simultaneously impacted through their experiences as women, interests with their experiences through colonization, intergenerational trauma, and systemic discrimination.

I continue to work through and unpack my own privilege, and attempt to use my power and privilege to educate students, colleagues, family and friends about privilege, power, racism, and discrimination. I will continue to be an ally with those who are in positions of less power and privilege than I.

Tara Lyons
KWANTLEN POLYTECHNIC UNIVERSITY

I am a queer cisgender woman of English, French, Irish, and other mixed European descent. I grew up on unceded, ancestral, and traditional Lheidli T'enneh territories and currently live on unceded, ancestral, and traditional Səlílwətaʔ/Selilwitulh (Tsleil-Waututh), Kʷikʷəƛ̓əm (Kwikwetlem), xʷməθkwəy̓əm (Musqueam), Skwxwú7mesh (Squamish), and Stó:lō territories.

It took me some time to find my way through an undergraduate degree including stops at BCIT, Douglas College, and Simon Fraser University. Gender studies classes at Douglas College were the first to open up my views of patriarchy and how my positionality shapes my experiences and understandings of the world I occupy. These and subsequent classes pushed me to think critically about the harms of feminist approaches that are exclusionary and narrowly focused on cisgender White women perspectives. My most valued learnings throughout graduate studies at Concordia University and Carleton University were call ins, collaboration, and actions with communities of folks engaged in drug policy, prison abolition, and anti-capitalist activism. I am one of the first in my family to attend a post-secondary institution.

Sheri Fabian
SIMON FRASER UNIVERSITY

My name is Sheri Fabian and I identify as a white, heterosexual, settler woman. I now live in Coquitlam, BC on the unceded traditional, ancestral, and occupied lands of the Coast Salish peoples including the xʷməθkwəy̓əm, Skwxwú7mesh, Səl̓ílwətaɬ, and Kʷikʷəƛ̓əm Nations. I acknowledge these are stolen lands, the harms and mistakes of the past and present, and I dedicate myself to moving forward as an accomplice with Indigenous communities in a spirit of reconciliation and collaboration.

My paternal grandparents immigrated from Scotland and Ireland, and my maternal grandfather was Slovakian, born in what was then Czechoslovakia, immigrating to Canada alone at 14. My maternal grandmother was born in Saskatchewan and she and my grandfather relocated to Kelowna, in the interior of BC. My father was born in Salmon Arm, BC, my mother was born in Kelowna, as were I and my brother and sister. Growing up, I was one of very few my age whose parents were born in BC, and it was even more unlikely that my classmates' grandparents were born in Canada, let alone BC. My husband and I have one daughter who lives in Edmonton, and we are about to be first-time grandparents. I live with my husband and four cats.

I moved Vancouver in 1980 to attend UBC, completing a BA in English and Sociology as a first generation university graduate. I've remained in the greater Vancouver area since then and I am now a University Lecturer in the School of Criminology at Simon Fraser University. I only began to understand my own privilege when I attended university. I became more aware of that privilege as I spent 15 years validating residential school survivor claims. That research helped me better understand the colonial project of the Canadian government that continues to harm Indigenous peoples today. That work continues to shape who I am, my relationships and interactions with others, and how I teach. One of my greatest joys is helping students see their own potential, paying forward the very gift my mentors gave to me.

Dr. Steven Kohm
UNIVERSITY OF WINNIPEG

I am a non-Indigenous, white settler scholar of mixed European and Ashkenazi Jewish ancestry, born and currently residing on traditional territories of the Anishinaabeg, Cree, Dakota, Dene, Métis, and Oji-Cree Nations in what is now Winnipeg, Canada. At the University of Winnipeg where I teach courses in criminology and criminal justice, formal land acknowledgements usually begin by recognizing that this area is within Treaty 1 Territory—the first of several numbered treaties between British colonizers and Indigenous peoples in what is now western Canada. Although this land was taken from Indigenous peoples using the legal framework of a treaty, those who live here today are haunted by the ghosts of colonialism. My childhood home was located two blocks from the former Assiniboia Residential School, which operated from 1958 to 1973. By the time I was old enough to notice, it was long abandoned, boarded up and left for bored teenagers to break into at night. I'm still haunted by the memory of the dusty rooms, rusty metal bedframes, and darkened hallways left behind as traces of a genocide that

took place right in my own backyard. Growing up in Winnipeg, I never gave clean, plentiful drinking water much thought. However, years later I discovered that the city's water is sourced from Shoal Lake 40 First Nation via an aqueduct connecting the city to a small Indigenous community in Northwestern Ontario. In order to ensure white settlers had clean water, this Indigenous community was forced to move to an island that was cut off from the mainland without all-weather road access for one hundred years until the completion of "Freedom Road" in 2019. Ironically, the community endured for more than 25 years under a boil water advisory while we enjoyed clean, plentiful drinking water. I am haunted by the colonial foundations of this nation and this city, which have brought me and my settler ancestors great benefit while displacing, marginalizing and criminalizing Indigenous people. This chapter is a small reflection of my commitment to reconciliation and reckoning with colonialism, and I hope it demonstrates that cultural criminology can play a role in exposing and critiquing the colonial injustices that continue today.

Dr. Gregory Simmons
KWANTLEN POLYTECHNIC UNIVERSITY

I am a white male who hails originally from the United Kingdom, a key historical centre of colonial and imperial power in relation to what we now call North America and across the globe. When I was 14, my family moved to northern British Columbia, on the territory of the Lheidli T'enneh people, where I witnessed firsthand the effects of colonialism and systemic discrimination against Indigenous peoples. My own privilege was made more apparent to me upon attending university, where the under-representation of Indigenous peoples was a striking reality. After completing a law degree at Osgoode Hall in Ontario, I worked in the non-profit environmental sector. Here, it was brought home how so much of the conflict, disrespect and injustice visited upon Indigenous peoples is rooted in environmental exploitation and how Indigenous peoples were so often on the frontlines of resisting that harm and defending their (often unceded) territory. Later in life, I went back to school to complete a Ph.D. in Criminology at Simon Fraser University, which was informed by this experience. I strive to be alive to and honour such struggles and to forward a green criminological praxis that hopefully can play a positive role in the much bigger process of reconciliation.

Dr. Mark Vardy
KWANTLEN POLYTECHNIC UNIVERSITY

I am a white male born in the Cowichan Valley where I was raised by parents who immigrated from England to Canada to work as school teachers. The intersection of privilege that I occupy became apparent to me when I was raising my daughter as a full-time single parent on a low income. I saw the differences between my ability to navigate social welfare systems and the obstacles that other young single parents faced. While we had similar economic situations, I realized that I had what I later learned in post-secondary was called "cultural capital." That is, my middle-class upbringing enabled me to express myself in ways that could be understood by workers within the social welfare system. I still see frequent occurrences of white privilege

when people seem to grant me a certain kind of status, power, respect or authority that strikes me as an artefact of colonialist cultures of white supremacy. Like Greg and Rochelle, I hope to use my position of privilege to work towards transformative social change.

Dr. Jordana Norgaard
BC MINISTRY OF PUBLIC SAFETY AND SOLICITOR GENERAL

My name is Jordana Norgaard, and my background is primarily English and Scottish (or at least that's what my ancestry results showed). I was born and raised on the unceded traditional, ancestral, and occupied lands of the Coast Salish Peoples including the xʷməθkwəy̓əm (Musqueam), Skwxwú7mesh (Squamish), Səl̓ílwətaɬ (Tsleil-Waututh), and Kʷikʷəƛ̓əm (Kwikwetlem) Nations, in Vancouver, British Columbia. I attended Simon Fraser University to originally pursue a career as a history teacher. However, my plans changed after I took my first criminology course. I immediately fell in love with the discipline and knew I had to switch majors. I eventually found myself in graduate school, earning a Master of Arts and Doctor of Philosophy in Criminology. My research focused on transit environments, crime prevention, and victimology. As I started to teach, I recognized that victims and/or survivors of crime were often overlooked throughout the criminal justice system. I found myself more drawn to find ways to empower survivors of crime by doing more than teach. I decided to leave academia and began working as a policy analyst for the provincial government in BC. My work helps provide a voice to survivors who are most vulnerable by researching strategies and initiatives to help provide direct support to those impacted by gender-based violence, human trafficking and much more. I recognize the immense privilege I hold as a white and educated female. I aim to write from a perspective of compassion, understanding, and respect. I hope for all of those reading, you come away with more insight about the role victims and/or survivors hold in the criminal justice system and to show kindness towards those who bravely re-tell their experiences of victimization in hopes of making the future safer.

Dr. Benjamin Roebuck
VICTIMOLOGY RESEARCH CENTRE, ALGONQUIN COLLEGE

My name is Benjamin Roebuck, and my family history is rooted in white, settler-colonialism. My father's British ancestors settled on Mi'kmaq lands on the east coast in the late 1700's, and my mother immigrated from the United Kingdom with her family when she was a child. I respectfully acknowledge that I was born and raised on the traditional territory of the Michi Saagiig Anishinaabeg, which includes Curve Lake First Nation, Alderville First Nation, Hiawatha First Nation, and the Mississaugas of Scugog Island First Nation. Settlers renamed the Nogojiwanong area, meaning "place at the end of the rapids," to Peterborough, and anglicized the Odenabe river to Otonabee. As an adult, I have lived and worked on the traditional unceded, unsurrendered territory of the Anishinaabe Algonquin People. The Algonquin word adawe, meaning "to trade," is believed to be the origin of the name Ottawa, which was used by settlers to refer to the people who hunted and traded along the Kichi Sibi, meaning "great river." I acknowledge the pain and victimization Indigenous Peoples have experienced through policy

and legislation imposed from this region by the Government of Canada. In my extended family, through adoption or marriage, I have witnessed the intergenerational harms of colonization, and the beauty and resilience of Indigenous cultures and teachings. I am grateful to Indigenous Elders, friends, and family members who have generously shared their wisdom. May I honour these teachings and partner in the work of reconciliation with humility.

Michael Brandt
COAST MOUNTAIN COLLEGE

Positionality refers to the belief our individual experiences in the world, our privileges and disadvantages, and our social locations (e.g., gender, social class, ethnicity) influence how we perceive, interpret, and understand the world. Making a "positionality statement" is an opportunity for me to introduce myself to you, the reader, and make visible factors that have influenced how I perceive, interpret and understand the world. This chapter challenges the dominant narrative that crime is predominately a problem of young males from the lowest socioeconomic strata. My own personal "challenge" to a dominant narrative began quite young. I was born in Canada at a time (early 1960s) when **heterosexism** was the norm, engaging in same-sex behaviour was a criminal offence, and when members of the LGBTQ community were labelled deviants. This kept me "in the closet," fearful that revealing my own sexual orientation would result in rejection by my friends and family, and in a diagnosis of mentally disordered. I have benefitted from (or not been penalized for) being a white, middle class, and **cisgender** male. I have never been subject to racial profiling by police or been denied a job because of my skin colour. I have never had to worry about being able to pay my bills or worried about where my next meal would come from. I have never been the object of sexual discrimination or been paid less because of my gender. However, my sexuality made me an outsider, a member of a marginalized and stigmatized community. It also made me question the prevailing norms of society, and why they existed. I have brought that questioning of prevailing norms and applied it to the official definition of crime and current operation of the criminal justice system.

Antonio Verbora
DEPARTMENT OF SOCIOLOGY AND CRIMINOLOGY, UNIVERSITY OF WINDSOR

It is important to discuss how my positionality and privilege impact my understanding and articulation of the world. Positionality is important because it affects the way we see and interpret the world around us, and consequently, how the world sees and interprets us (Jacobson & Mustafa, 2019). To begin, my mother was born in Ardore, Reggio Calabria, Italy and my father was born in Windsor, Ontario, Canada. Both my paternal and maternal grandparents left Southern Italy to move to Canada in the mid-to-late 1950s to provide a better life for their children. Italian emigration was fueled by dire poverty. Life in Southern Italy offered little more than hardship, exploitation, and violence. The soil was poor and malnutrition and disease were widespread.

I was born in the late 1980s and was raised in Windsor, Ontario, Canada with two older siblings

(sisters). In regards to the land I inhabit, I recognize that Indigenous peoples are the modern-day descendants of the first human inhabitants of North America. I was raised in a middle-class family that placed the upmost importance on education and being financially independent. As a White privileged man, I recognize that there are inherent advantages possessed by a White person on the basis of their race in a society characterized by racial inequality and injustice. I do believe that having and recognizing my White privilege is important. My White privilege exists because of historic, enduring racism and biases. And although I have family, friends, and colleagues from all walks of life, I will never experience or understand their lived experiences. I do, however, acknowledge this and I do my best in academia to shed light on these important issues when I am given the opportunity to do so.

Alana Marie Abramson
KWANTLEN POLYTECHNIC UNIVERSITY

I, Alana Marie Abramson, am of British, Romanian, Metis, and Cree descent. I had challenges during my teens that brought me in conflict with the law as a victim of violence and as an offender. On my journey, I have also experienced homelessness, foster care, and substance misuse. The tribulations of my youth and the privilege I was born into have both facilitated my education and career and inspired my critique of the current criminal legal system. I was fortunate to meet a caring professor during my undergrad who encouraged the growth of potential I was yet aware of. She and other mentors helped me process shame and trauma from my past and cultivated my passion for creative and healing ways to address harm such as restorative, transformative justice.

Melissa Leanne Roberts
LANGARA COLLEGE

I, Melissa Leanne Roberts, am of English, Welsh, and German descent. While I did not come from a wealthy family, my siblings and I were well taken care of and lived with stable housing, a two-parent household, and with all the necessities of life. We were encouraged to pursue our dreams and seek careers that are supportive and enable us to be contributing members of society. It was during my post-secondary education that I was exposed to ideas that challenged me to question why the world is the way it is and what it ought to look like instead. Taking a single class changed the trajectory of my life: from pursuing a graduate degree focused on restorative justice to volunteering in restorative justice, to teaching restorative justice to university students like yourselves.

We both acknowledge that we benefited directly from the unearned privileges of being white-presenting, cisgender, able-bodied and educated. We also were both heavily influenced by a passionate professor during our undergraduate degrees. These paths, although different, led us both to incorporate the principles and values of restorative justice into our lives, relationships, and work.

Kelly Gorkoff
UNIVERSITY OF WINNIPEG

I am a cis-white female who grew up in a working-class home that was strongly leftist politically. I was raised, and completed my undergrad work, in Winnipeg, Treaty One Territory and homeland of the Metis people. As an MA student and for 6 years after, I worked with a national feminist research group established after the Montreal Massacre where I examined gender-based, colonial violence. I studied political economy and sociology in Ontario, on unceded Anishinabe Algonquin territory, and I landed back on Treaty One Territory where I continue to teach, research, and work to understand the dynamics of marginalization and inequality, power and politics, ideology and subjectivity.

Kevin Walby
UNIVERSITY OF WINNIPEG

I am a cis-white male who grew up in Saskatchewan, including in small towns and rural areas. I was raised, and completed my undergrad work, in Saskatoon, Treaty Six Territory and part of the homeland of the Metis people. I studied sociology in Ontario, on unceded Anishinabe Algonquin territory, and I landed on Treaty One Territory where I continue to teach, research, and work to understand the dynamics of policing, surveillance, and security using qualitative and investigative research methods.