

**The Annual Review of
Interdisciplinary Justice Research
Volume 7, 2018**

**Edited by
Steven Kohm, Kevin Walby, Kelly Gorkoff,
Michelle Bertrand and Bronwyn Dobchuk-Land
The University of Winnipeg
Centre for Interdisciplinary Justice Studies (CIJS)
ISSN 1925-2420**

Introduction: Representing Justice

Kevin Walby, Steven Kohm, Kelly Gorkoff,
Michelle Bertrand and Bronwyn Dobchuk-Land
Centre for Interdisciplinary Justice Studies

This volume of the *Annual Review of Interdisciplinary Justice Research (IJR)* examines the theme of representation and justice. In this seventh volume of the *IJR*, published by the Centre for Interdisciplinary Justice Studies (CIJS, housed in the Criminal Justice Department at the University of Winnipeg), scholars from across the social sciences and the humanities examine how people are represented in the justice system and how the justice system is represented in popular culture and academic work.

Many of the papers in this volume stem from the Representing Justice conference held in conjunction with the Ottawa-based Critical Perspectives Conference in May 2017 at University of Ottawa. We invited submissions examining historical, legal, feminist, philosophical, criminological, and artistic perspectives on representation and justice; reflections, research, and exhibitions on representation and justice; area-based approaches to justice and representation including but not limited to social justice, ecological justice, urban justice, decolonization, and human rights; as well as photographic exposures of these topics. We also invited submissions on lawyering and advocacy in the justice system as well as activism outside of the formal legal system.

Mirroring the diverse scholarship undertaken by members of the CIJS, this volume of the *IJR* showcases work from scholars of many disciplinary backgrounds, but also students, justice researchers, activists, and others seeking to partake in a scholarly engagement with representation and justice. As readers will see, our definitions of justice and representation are broad and inclusive.

Context

In one sense, representation refers to the communication and interpretation of meaning. Any examination of representation and

justice is indebted to Stuart Hall's (1997) now classic text on the subject. As Hall (1997: 61) notes, representation "is the process by which members of a culture use language (broadly defined as any system which deploys signs, any signifying system) to produce meaning." To examine representation is to study how meaning is created, communicated, and interpreted. Scholarly work on representation can also involve images, video, sound, semiotics, and visual culture in addition to text. For this thematic volume of the *IJR*, our authors are specifically interested in representations of justice. These representations could take the form of television shows or films, museum displays, billboards, commercials and advertisements, newspaper stories, public inquiries, academic journals, and more. Hall (1997) notes that representations communicate messages that are shaped by broader, dominant cultural packages of meaning, or discourses. In this sense, representations and the discourses they signify are powerful. As Purvis and Hunt (1993: 483) put it, "discourse is the thing for which and by which there is struggle, discourse is the power to be seized." Similarly, writing about crime films, Rafter (2006: 8) urges analysts to focus on the messages bound up in representations, meaning "the assumptions about the nature of reality embedded in film narratives and imagery." As she further claims, "we cannot negotiate the world or get through a day without drawing on the myths, attitudes, beliefs convictions, and assumptions that constitute ideology" (Rafter 2006: 9). There is thus a lot at stake in how criminal justice agents such as public police are depicted, for example, or how criminalized and marginalized groups are portrayed in mediated and popular cultural representations of justice.

For already authoritative organizations such as police and corrections, it is especially important to examine how these agencies represent themselves in media and other cultural forms. According to Doyle (2003, 2006), it is imperative to consider the power of the media in shaping organizational behavior. From this perspective, the police have become increasingly "mediatized" and devote considerable organizational resources to ensuring they are favorably represented in

and by the media. This applies more broadly in criminal justice as well. For instance, Gorkoff (2011) examines how competing discursive representations of young people involved in prostitution become a significant part of the process of framing policy interventions.

Representations have the ability to shape public understandings of criminal justice—and justice more broadly—as well as strategies for social change, which is why these representations are so crucial to investigate. This is not to say all pop culture representations of criminal justice are the same. Far from it. The variation is part of what needs to be examined. As Hohenstein (2009) has demonstrated, some television representations of criminal justice can portray wildly different ideas about law, crime, and order. There are never any guarantees that representations are accurate either. For example, Modlin Jr. (2008) and Buzinde and Santos (2008) reveal that historical representations of plantations in the United States depict slave owners as benevolent and noble. Similarly, in the Canadian context, Walby and Piché (2015a, 2015b) show that representations of prisons tend to foster stereotypes about prisoners, prison, and jail conditions. As Ross and Sneed (2017) put it, these representations can normalize views of criminal justice that may be entirely inaccurate or far-fetched. Representations of drug users and the homeless might foster misconceptions about these groups, which may have real implications for social and criminal justice policy (Taylor 2008). Representations of women in the criminal justice system might extend stereotypes and gendered assumptions about women (Keitner 2002). There could also be silences and absences in representations (Bonnes & Jacobs 2017) that are equally important to explore.¹

¹ There are related ideas in social science that overlap with representation in this sense, notably the idea of framing. The idea of framing refers to how communications are handled and directed to promote particular meanings (van Gorp 2007). There are debates about exactly how to define framing (Goffman 1981; Denzin and Keller 1981). We do not offer an exhaustive review of these ideas here.

Studying the meaning of representations of justice raises questions of methodology. Typically, approaches to studying the social effects of representations are bifurcated into quantitative social science and qualitative methods rooted in cultural studies. Valverde (2006: 31–32) notes that the first approach “usually ignores the whole world of feeling, myth, symbolism and signification,” while the second approach frequently eschews any discussion of methodology while being prone to pitfalls including: “arbitrariness in choice of case studies; a tendency to generalize from very peculiar samples; and a certain slippage between objectively documentable social meanings, on the one hand, and fanciful interpretations on the other.” While recognizing that there are strengths and weaknesses in both approaches, we concur with Valverde’s (2006: 32) assertion that there “cannot be a universally useful method for the analysis of representations” and we thus embrace a diversity of approaches that engage the subject matter from multiple conceptual, theoretical, and methodological standpoints.

As noted, there is a part of criminology and criminal justice studies that is dedicated to analysis of visual representations—visual criminology (Carrabine 2011; Fiddler 2007; Hayward 2010; Lippens 2004; Rafter 2014). The point of visual criminology is to explore how depictions of criminal justice and crime are communicated in images. In this vein, and drawing from film studies as well, some research focuses specifically on representations of crime and control in films, or in other words how justice is screened for audiences and how these audiences interpret these portrayals of justice (Kohm, Bookman, & Greenhill 2016).

In a different sense, representing justice can also refer to lawyering and advocacy carried out in courtrooms and other law-related spaces and fields. This other main meaning of representing justice refers to justice work carried out by a variety of agents that is significant to criminal justice outcomes. Some of this work is practitioner-oriented. For example, the Alberta Civil Liberties Research Centre (2017) has

examined how persons with mental health issues are represented in the criminal justice system. Other work is more academic, such as the comparative and historical writings of Resnik and Curtis (2011), which show just how varied the activity of lawyers and advocates has been over time depending on jurisdiction and culture. Resnik and Curtis examine visual depictions of legal work and courts over time as well. This sort of work is not limited to the courtroom either. The fight for justice takes place in different sites, at different scales, and through multiple organizations including unions (Savage 2006) and social movement and activist groups.

There are certainly other ways to approach the representing justice theme. Academic texts themselves can be conceived as representations, as vessels of specific discourses (Frauley 2005). As Hall (1997) noted, representation takes work. And academic work is one among several ways of representing justice. Melossi (2000) has argued that academic representations of crime and justice are projections of deeper societal and cultural concerns and trends. The perspective of many authors in this volume is a critical one, which means that all representations should be subject to interrogation. As such, academic texts should not be treated as faultless truths, but as subject to the same forms of framing, production, and manipulation as any other text or signification. The task is to reveal the taken-for-granted meanings in these representations, explain why they were created, and ask how things could be depicted otherwise.

Another interpretation of the representing justice theme is to focus on the idea of ‘over-representation’ as a concept used in criminology and criminal justice studies and policy. Over-representation is frequently invoked in undergraduate criminology and criminal justice textbooks and courses, as well as in official government documents, but over-representation itself is seldom subject to critical assessment. As Saleh-Hanna (2017) argues, the notion of over-representation, applied to prisons and African American persons in the United States or Indigenous persons in Canada, assumes if social groups were imprisoned in a manner proportionate to their number in the overall

population, then prison and imprisonment would be acceptable. Yet such a claim is not a basis for critical scholarship or advocacy. The idea also normalizes the counting and measuring of human life in ways that end up being inhumane. For Saleh-Hanna (2017), rejecting the notion of ‘over-representation’ is part of an abolitionist politic that aims to provide a more radical scholarly critique and basis for activism. It is only by challenging such use of taken-for-granted concepts that alternative forms of justice can be envisaged and fought for.

Outline of this Volume

This volume of *IJR* features 15 peer-reviewed articles and two book reviews. Several contributions interrogate representation and justice in fictional film. Sonia Bookman interrogates the representation of crime and place in films set and produced in Winnipeg, Manitoba. She argues that representations of crime, criminality, and place work together to construct popular myths about both the city and of the origins of crime itself. The author contends that more so than other film genres, crime films contribute to an ambivalent construction of the city that emphasizes the divide between criminal and non-criminal, as well as urban and suburban city neighbourhoods. Suzanne Bouclin draws from film studies to examine how justice and community are represented in Brazilian film. Specifically, Bouclin shows how law and its absence are depicted in the film *City of God*. Steven Kohm and Taylor Richtik examine representations of justice in Indigenous Canadian crime films and the intersections with decolonization. The authors show how these films juxtapose western and Indigenous approaches to justice.

Several contributors analyze the production and circulation of meaning in the work of representation and justice. Patrick Watson examines the complexities of how videos of police violence are circulated and interpreted. Watson suggests video alone needs to be supplemented with other evidence in legal proceedings involving police violence. Christopher J. Schneider conducts an analysis of

comments about body worn camera footage and police shootings found on YouTube. He shows how the content and form of the footage strongly shapes public perceptions of these events. James Popham and Latasha VanEvery examine the role of social media in representations of justice through analyzing the discourse related to a single image. They analyze the commentary surrounding an image shared widely during the Dakota Access Pipeline protests. They present analyses suggesting that the commentary repeats and reinforces typical colonial and mass-media representations of Indigenous peoples. Dipa Dube and John Winterdyk examine how justice is represented through the eyes of women living in the slums of Mumbai and Kolkata, India. The authors and their research team undertook 1,910 semi-structured interviews to learn about the women's personal experiences with violence, both within and outside their families, and how attempts to access any measure of justice were treated.

Institutional and corporate involvement in the work of representation and justice is the focus of several other contributions. Kevin Walby and Steven Kohm question how justice is represented in the social science journal industry. They examine the processes and resulting fetishization of impact factors and journal prestige as well as upward trends in cost of journals as indicators of the corporatization of academic publishing, and they discuss the ethical, practical, and academic influence of this phenomenon. Matthew S. Johnston and Rhys Steckle present an argument for a radical shift in thinking regarding the conceptualization of mental health and mental healthcare. They propose that traditional systems of mental healthcare and treatment represent forms of social control and power—power which is subject to abuse and should be questioned and resisted. The authors argue for shifts in thinking, and shifts in power dynamics within these systems. Patricia Lundy and Kathleen Mahoney discuss their participant action research to represent the experiences of survivors of institutional abuse. The paper argues that the redress mechanisms of the Historical Institutional Abuse Inquiry of Northern Ireland do not represent the needs and concerns of survivors, and

claim the redress mechanisms based on legal criteria alone fail both corrective and restorative pathways to justice. Lauren Menzie discusses representations of justice through judicial verdicts and how legal discourse is privileged in case law. She argues the juridico-discursive character of law forms and reproduces knowledge which excludes, limits, and disciplines sexual behavior.

The analysis of representation and justice is pursued by utilizing a broad range of empirical methods and conceptual approaches, as typified by a number of contributions to this volume. Michael Weinrath et al. present the results of a multi-year study of a drug treatment court. The authors examine a wealth of data to determine which factors influenced program retention, as well as attrition, in the Winnipeg Drug Treatment Court (DTC). In addition to determining the impact of various demographic characteristics (e.g., gender, age, and ethnicity) on retention and attrition, they examine whether actuarial instruments for risk/needs were effective predictors for DTC completion. Using interviews, James Gacek examines the relationship between solitary confinement in Canadian carceral contexts and masculinities. Analyzing media and policy documents, Kara Brisson-Boivin examines representations of penalty in Nunuvut and significant intersections with settler colonialism. The contribution by Jarrod Shook, Justin Piché, and Kevin Walby examines the way punishment is represented in a virtual museum established by the Correctional Services of Canada (CSC). Using Access to Information disclosures, the authors demonstrate how CSC officials attempted to carefully manage the representation of punishment in the online museum. The authors argue that this was undertaken to establish legitimacy and consent for imprisonment and prisons in general at a time when the Canadian government was adopting a 'tough on crime' agenda.

References

- Alberta Civil Liberties Research Centre. 2017. Representing Mentally Disabled Persons in the Criminal Justice System: A Guide for Practitioners, 2017 Edition. University of Calgary, Faculty of Law.
- Bonnes, S. and J. Jacobs. 2017. Gendered Representations of Apartheid: The Women's Jail Museum at Constitution Hill. *Museum & Society* 15/2: 153–170.
- Buzinde, C. and C. Santos. 2008. Representations of Slavery. *Annals of Tourism Research* 35/2: 469–488.
- Carrabine, E. 2011. Images of Torture: Culture, Politics and Power. *Crime, Media, Culture* 7/1: 5–30.
- Denzin, N. and C. Keller. 1981. Frame Analysis Reconsidered. *Contemporary Sociology* 10/1: 52–60.
- Doyle, A. 2006. How Not to Think about Crime in the Media. *Canadian Journal of Criminology and Criminal Justice* 48/6: 867–885.
- Doyle, A. 2003. *Arresting Images: Crime and Policing in Front of the Television Camera*. Toronto: University of Toronto Press.
- Fiddler, M. 2007. Projecting the Prison: The Depiction of the Uncanny in *The Shawshank Redemption*. *Crime Media Culture* 3/2: 192–206.
- Frauley, J. 2005. Representing Theory and Theorising in Criminal Justice Studies: Practising Theory Considered. *Critical Criminology* 13/3: 245–265.
- Goffman, E. 1981. A Reply to Denzin and Keller. *Contemporary Sociology* 10/1: 60–68.
- Gorkoff, K. 2011. Othering or Protecting? The Discursive Practices of Saving Youth Prostitutes. *Annual Review of Interdisciplinary Justice Research* 2: 5–34.

- Hall, Stuart. 1997. The Work of Representation. In Stuart Hall (ed.) *Representation: Cultural Representations and Signifying Practices*. London: Open University Press, pp. 13–74.
- Hayward, K. 2010. Opening the Lens: Cultural Criminology and the Image. In K. Hayward and M. Presdee (eds.) *Framing Crime: Cultural Criminology and the Image*. New York: Routledge, pp. 1–16.
- Hohenstein, K. 2009. *CSI and Law & Order: Dueling Representations of Science and Law in the Criminal Justice System*. In Byers M and Johnson VM (eds.) *The CSI Effect: Television, Crime, and Governance*. Lanham, MD: Lexington, pp. 61–74.
- Keitner, C. 2002. Victim or Vamp? Images of Violent Women in the Criminal Justice System. *Columbia Journal of Gender and Law* 11/1: 38–71.
- Kohm, S., S. Bookman, and P. Greenhill (eds.). 2016. *Screening Justice: Canadian Crime Films, Culture and Society*. Halifax: Fernwood.
- Lippens, Ronnie (ed.). 2004. *Imaginary Boundaries of Justice*. Oxford: Hart.
- Melossi, D. 2000. Changing Representations of the Criminal. *British Journal of Criminology* 40: 296–320.
- Modlin Jr, E. Arnold. 2008. Tales told on the Tour: Mythic Representations of Slavery by Docents at North Carolina Plantation Museums. *Southeastern Geographer* 48/3: 265–287.
- Rafter, N. 2014. Introduction to Special Issue of Visual Culture and the Iconography of Crime and Punishment. *Theoretical Criminology* 18/2: 127–133.
- Rafter, N. 2006. *Shots in the Mirror: Crime Films and Society*, 2nd edition. New York: Oxford.

- Resnik, J., and D. Curtis. 2011. *Representing Justice: Invention, Controversy, and Rights in City-States and Democratic Courtrooms*. New Haven: Yale University Press.
- Ross, J. and V. Sneed. 2017. How American-based Television Commercials Portray Convicts, Correctional Officials, Carceral Institutions, and the Prison Experience. *Corrections: Policy, Practice and Research*, forthcoming.
- Saleh-Hanna, V. 2017. An Abolitionist Theory on Crime: Ending the Abusive Relationship with Racist-Imperialist-Patriarchy. *Contemporary Justice Review* 20/4: 419–441.
- Savage, L. 2006. Justice for Janitors: Scales of Organizing and Representing Workers. *Antipode* 38/3: 645–666.
- Taylor, S. 2008. Outside the Outsiders: Media Representations of Drug Use. *Probation Journal* 55/4: 369–387.
- Purvis, T. and A. Hunt. 1993. Discourse, Ideology, Discourse, Ideology, Discourse, Ideology... *British Journal of Sociology* 44/3: 473–499.
- Valverde, M. 2006. *Law and Order: Images, Meanings, Myths*. New Brunswick, NJ: Routledge.
- Van Gorp, B. 2007. The Constructionist Approach to Framing: Bringing Culture Back In. *Journal of Communication* 57/1: 60–78.
- Walby, K. and J. Piché. 2015a. Staged Authenticity and Carceral Museums in Canada. *Tourist Studies* 15/3: 231–247.
- Walby, K. and J. Piché. 2015b. Making Meaning Out of Punishment: Penitentiary, Prison, Jail and Lock-up Museums in Canada. *Canadian Journal of Criminology and Criminal Justice* 57/4: 475–502.