Prison Expansionism, Media, and "Offender Pools": An Abolitionist Perspective on the Criminalization of Minorities in the Canadian Criminal Justice System

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Increases in prison construction under Stephen Harper's Conservative government pave the way for an ever-expanding prison population followed by a persistently growing pool of offenders to ensure prison beds will be filled. This phenomenon of prison expansionism is outlined in Thomas Mathiesen's (1986) classical text on abolitionism. Informed by Mathiesen's argument of prison expansionism this paper will explore the role of mass media in conjunction with the criminalization of minorities which ensures a constant pool of offenders to supply the much-needed bodies for prison consumption.

Mathiesen points out the expansionist characteristic of prison construction, referring to two types: prison substitutes and prison additions (Mathiesen, 1986). Although, as Mathiesen (1986) points out, there is a greater tendency for prison additions because prisons constructed as substitutes rarely result in the replacement or closing of older, outdated prisons: they continue to stand and function (1986, 91). As Justin Piche shows, provincial governments have constructed twenty-two new prisons accompanied by seventeen prison additions from 2007 to the present; during this same period there have been thirty-four additions to federal prisons (Piche, 2011). The construction of prisons will naturally increase the capabilities of government to house more offenders. This increase in prison beds begets a subsequent increase in potential "offenders" to

draw from within the general population to meet this increasing need. The role of the mass media to propagate messages of criminality to the general public is vital in this process.

Mathiesen illustrates the dangerousness of the "new media" and points out how we have become dependent on media institutions for "definitions, significance, and response" (1986, 85). The operation of the media to "prime audiences" serves to reinforce specific messages about race and criminality to the general population (Jiwani 2011, 45). Working alongside priming is the use of "media templates" to simplify analysis of news stories to ameliorate misunderstandings the general population possess regarding news events (Jiwani 2011, 45). Stereotypes and racial profiling are the trademarks of the mass media, aiding to criminalize those outside of the mythical norm.

The social construction of criminal populations stands in juxtaposition to the mythical norm, defined on the basis of race, sex, age, sexual orientation, religion, and economic position (Perry 2011a; 2011b). This construction is further refined by Lorde:

> Somewhere, on the edge of consciousness, there is what I call a *mythical norm*, which each of us within our hearts knows "that is not me". In America, this norm is usually defined as white, thin, male, young, heterosexual, Christian and financially secure. It is with this mythical norm that the trappings of power reside within this society. (quoted in Perry 2011a, 19)

Those blessed by fate to possess characteristics of the mythical norm become the standard to which all are judged. Fiske (1996) suggests that "whiteness is exnominated," whereby the characteristic of whiteness is the "normative background against which others are defined and their differences rendered salient" (quoted in Jiwani 2011, 41–42). It becomes clear that those who deviate from said norms become easy targets of criminalization and incarceration. There is no greater example than black Canadians and their treatment by criminal justice agencies because of the mass media.

The media play an influential role in defining the criminality of black Canadians. Wortley (quoted in Wortley and Owusu-Bempah 2011) suggests that black Canadians are vulnerable to media depictions as criminal offenders rather than victims of crime. These depictions of black criminality primes the populace, reinforcing stereotypical notions of black behaviour and

criminal tendencies. These sterotypes often manifest in "popular culture [films, music, etc]" (Wortley and Owusu-Bempah 2011, 130). The role mass media play in disseminating information will strongly influence public opinion.

The stereotypes propagated by the mass media depicts and demonizes entire black communities based on the actions of a few Wortley and Owusu-Bempah 2011). Entire communities are seen as "foreign" or "alien" (Wortley and Owusu-Bempah 2011, 130). This process of demonization has serious negative consequences, as Wortley and Owusu-Bempah observe: "the negative impact that racialized images of crime can have on the black community is evident in the results of public opinion polls" (2011, 130). These polls found that half of Ontario residents believe in a strong relationship between race and crime (Wortley and Owusu-Bempah 2011, 130). Police officers are as much affected by media stereotypes as any other member of the population. These processes result in differential treatment of black Canadians by the gatekeepers of the criminal justice system.

Racial profiling has been defined by Wortley & Tanner (2003; 2004; 2005), and Harris (2002) as "(1) significant racial differences in police stop and search practices; (2) significant racial differences in Customs search and interrogation practices; and (3) particular undercover or sting operations that target specific racial/ethnic communities" (quoted in Wortley & Owusu-Bempah 2011, 135). These differential treatments of black Canadians based on media-driven stereotypes create an "offender" population to fill the expansion and construction of prisons. Not all black members of a community will commit crimes. Indeed, as Wortley and Owusu-Bempah (2011) suggest, the practice of racial profiling "may help explain why black people comprise the majority of people charged with drug crimes in North America, even though criminological evidence suggests that the majority of drug users and sellers are white" (2011, 137). These practices of increased surveillance increase the odds that a black person will come into contact with the gatekeepers of the justice system to ensure a consistent flow of "offenders" headed towards incarceration. Once entered into the system black Canadians also experience differential treatment by the judiciary.

Although there is a lack of comprehensive research in Canada regarding sentencing for minorities who victimize white people, American research strongly suggests that "regardless of their own race, individuals who victimize white people are sentenced more harshly by the courts than those who victimize blacks and other racial minorities" (Cole 1999, quoted in Wortley and Owusu-Bempah 2011, 141; Spohn 2000; Johnson 2003; Urbina 2003). Differential sentencing against a multicultural backdrop, such as Canadian society, ensures prison beds remain occupied by racial and ethnic minorities. So long as racial and ethnic minorities continue to receive differential treatment by the criminal justice system, the prisons will continue to have a pool of socially constructed offenders to draw upon. Black Canadians have served this role for the state well but the scope of surveillance and security has expanded its focus towards other immigrant populations as well.

Mass media communication technologies serve a vital role in (mis)characterizing immigrants. Media typographies arranging and ordering information in a specific way reinforce notions of criminality among these newly arriving populations. Jiwani's analysis of Toronto *Globe and Mail* newspaper headlines illustrates this point: the majority of headlines pertaining to Middle Eastern countries relate to terrorism and Al-Qaeda, while other immigrant nations are highlighted with violence, corruption, and gangs (2011, 47). The connection between immigrants and crime is due to "media-driven moral panic" (Costelloe 2009, quoted in Ismaili 2011, 94). Moral panics aim to hide underlying societal issues by scapegoating marginalized members of a population as a threat to the social order. Moral panics effectively utilize populace support for government-based programs which seek to deny accused individuals by restricting their rights and placing them under surveillance and control.

Immigrants have historically been the targets of moral panics, even though the expansionist culture of prisons that Mathiesen (1986) spoke of had not yet been established. The Opium Act of 1908 criminalized otherwise law-abiding Chinese Canadian workers under the guise of morality (Zong and Perry 2011). Chinese Canadians, hardworking and underpaid, became the focus of security and became criminalized under the

moral panics of that era. The new, present-day moral panic has expanded its focus from Chinese workers and fixated upon religious minorities.

Islamophobia, defined by the British Runnymede Trust, is "the dread or hatred of Islam and therefore the fear and dislike of all Muslims" (quoted in Helly 2011, 164). These attitudes are based on:

> four main negative stereotypes…[manipulated] by politicians, intellectuals, journalists, and pressure groups: (1) Islam is an intolerant and even dangerous religion; (2) democracy and modernity are impossible in Islamic societies; (3) women's oppression is inevitable in Islam; and (4) immigrant Muslims are archaically religious and beset by the conflicts of their societies of origin. (Helly 2010b, quoted in Helly 2011, 170)

These attitudes towards Muslim immigrants stem from media coverage's "mediocre analysis of socio-political contexts in foreign countries and… ignorance of the cultures and opinions of immigrants from those countries" (Helly 2011, 171). The effects of biased media coverage have impacted Canadian attitudes spanning from the West to the East; many Canadians "wanted to see a reduction in immigration from Islamic countries" (Helly 2011, 170). These attitudes would have drastic effects when coalesced with government policies, and administered to place immigrants from Islamic countries under surveillance, control, and incarceration.

The events of 9/11 changed the world, egregiously impacting Muslim immigrants. As Helly reminds us, Muslims were quickly criminalized with the passing of the Anti-Terrorism Act, among other similar legislations (2011, 178). In Canada, the Anti-Terrorism Act expanded police powers, allowing them to perform secret searches, listen in during conversations between individuals, and perform secret investigations under the guise of fighting terrorism (Helly 2011). As absurd as these practices appear, the use of security certificates has amounted to atrocious violations of human rights against suspected individuals.

Security certificates allow for the prolonged detention of Muslim immigrants with no obligation on the state to convict (Helly 2011). Muslims detained under these certificates lacked the "procedural safeguards respected in a democratic state" such as the disclosure of evidence, public trial, appeal, etc.

(Helly 2011, 178). The issuance of security certificate feeds the prison expansionist paradigm by detaining individuals for long periods of time, often without the consultation of legal aid, and offers very little chance for victims to defend themselves. Lacking protective measures against state control targeted people of Muslim background and future immigrants deemed a threat to the social order, real or perceived, will continually provide physical bodies to meet the needs of the prison expansionist beast. Alongside this continuum of racial and immigrant "offender" populations, the scope of authoritarian powers to surveil and incarcerate continues to expand, seeking to place more members of the population under its criminalization paradigm.

There must be alternatives to the the expansion of incarceratory practices and validating prison constructions. Huslman's (1986) analysis of crime and our conception of responses provides an appropriate base to begin our discussions on alternatives to penality. Drawing on the work of Black (1976) and Meclintock (1980) Huslman applies person oriented and structure oriented responses to social conflict (quoted in Hulsman 1986, 73). These responses of social control include: "penal, compensatory, therapeutic, conciliatory, and educational" (Hulsman 1986, 73). Hulsman (1986) provides a deeper analysis to these styles of resolving conflict in his work, but it suffices to say there are many alternatives to our formal mode of punitive punishment: the criminal justice system. Though such informal modes may appear unapplicable in our highly securitized society, such reforms are the basis of negative reforms advocated by Mathiesen (1986) and other abolitionists.

Meaningful change will depend on how we choose to respond to social conflicts between racial and ethnic communities, and also how we deal with the dissipation of community and family relations. These changes must occur within the panopticon of a mass media institutions which promote stereotypes and biases; the emergence of a new, independent media must be pursued. The dissemination of evidence-based perspectives underscoring compassion and understanding towards criminalized members of the population must be consciously addressed. Finally, we must cease the propagation of fear, instead choosing to foster empathy and knowledge, and in doing

so undermine prison expansionism to return "offender" populations back into the community of human beings.

REFERENCES

Harbison, J. 2011. "Older People, Crime, and State Intervention." In *Diversity, Crime, and Justice in Canada*, ed. B. Perry. Don Mills: Oxford University Press, 253–277.

Helly, D. 2011. "Justice and Islam in Canada." In *Diversity, Crime, and Justice in Canada*, ed. B. Perry. Don Mills: Oxford University Press, 164–186.

Hulsman, L. H. 1986. "Critical Criminology and the Concept of Crime. *Contemporary Crises* 63–80.

Ismaili, K. 2011. "Immigration, Immigrants, and the Shifting Dynamics of Social Exclusion in Canada." In *Diversity, Crime, and Justice in Canada*, ed. B. Perry. Don Mills: Oxford University Press, 89–105.

Jiwani, Y. 2011. "Mediations of Race and Crime: Racializing Crime, Criminalizing Race." In *Diversity, Crime, and Justice in Canada*, ed. B. Perry. Don Mills: Oxford University Press, 39–56.

Mathiesen, T. 1986. "The Politics of Abolition." *Contemporary Crises*, 81–94.

Perry, B. 2011a. "Framing Difference." In *Diversity, Crime, and Justice in Canada*, ed. B. Perry. Don Mills: Oxford University Press, 16–38.

Perry, B. 2011b. "The Mythical Norm." In *Diversity, Crime, and Justice in Canada*, ed. B. Perry. Don Mills, Ont: Oxford University Press, 57–70.

Piche, J. 2011. "Tracking the Politics of 'Crime' and Punishment in Canada." *TCPC-Canada Blogspot*. Retrieved December 4, 2011. http://tpcp-canada.blogspot.com/2011/04/considering-abolition-notes-for.html

Wortley, S. and A. Owusu-Bempah. 2011. "Crime and Justice: The Experiences of Black Canadians." In *Diversity, Crime, and Justice in Canada*, ed. B. Perry. Don Mills: Oxford University Press, 125–148.

Zong, L. and B. Perry. 2011. "Chinese Immigrants in Canada and Social Justice: From Overt to Covert Racial Discrimination." In *Diversity, Crime, and Justice in Canada*, ed. B. Perry. Don Mills: Oxford University Press, 106–124.