CANADIAN GRADUATE JOURNAL
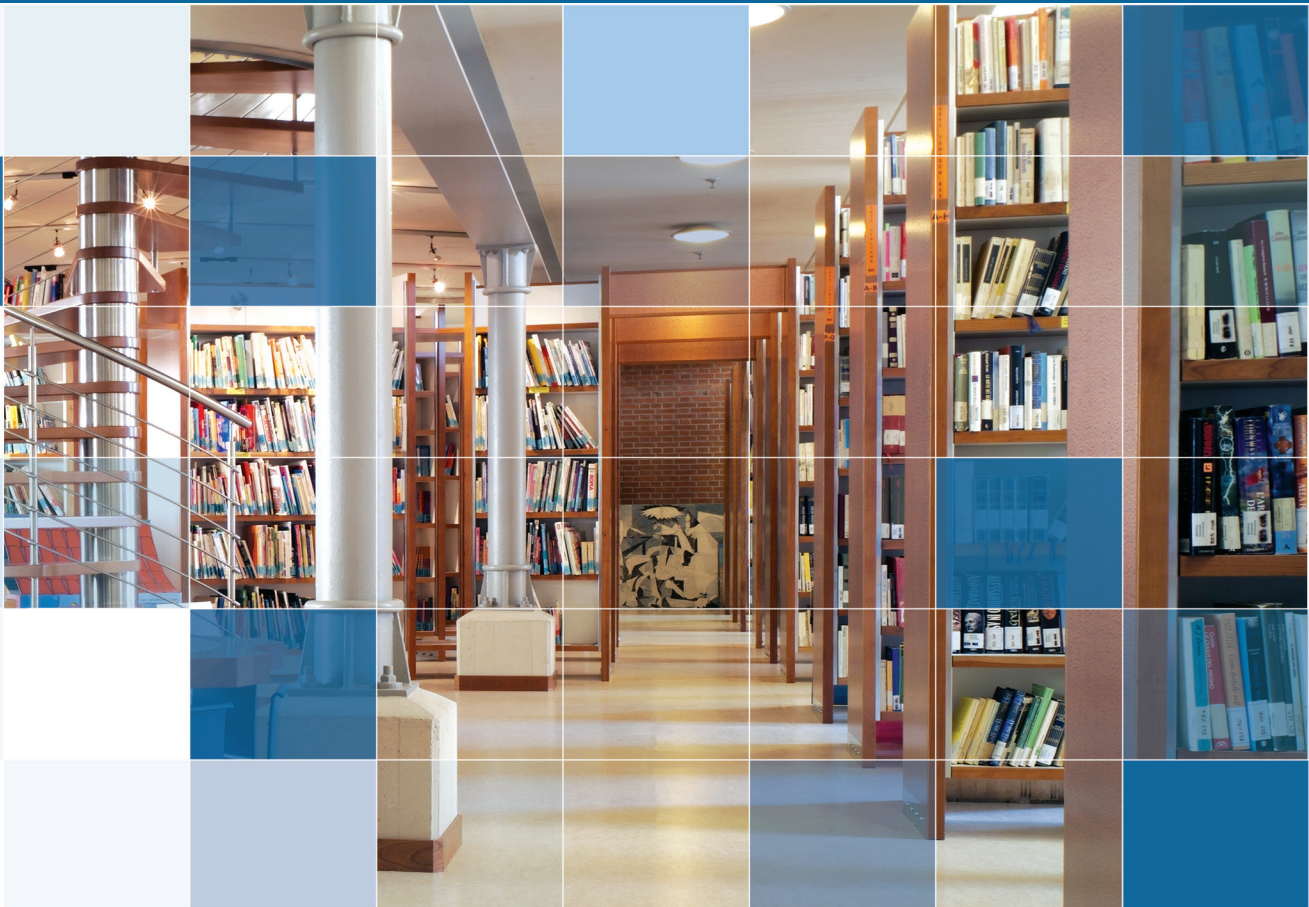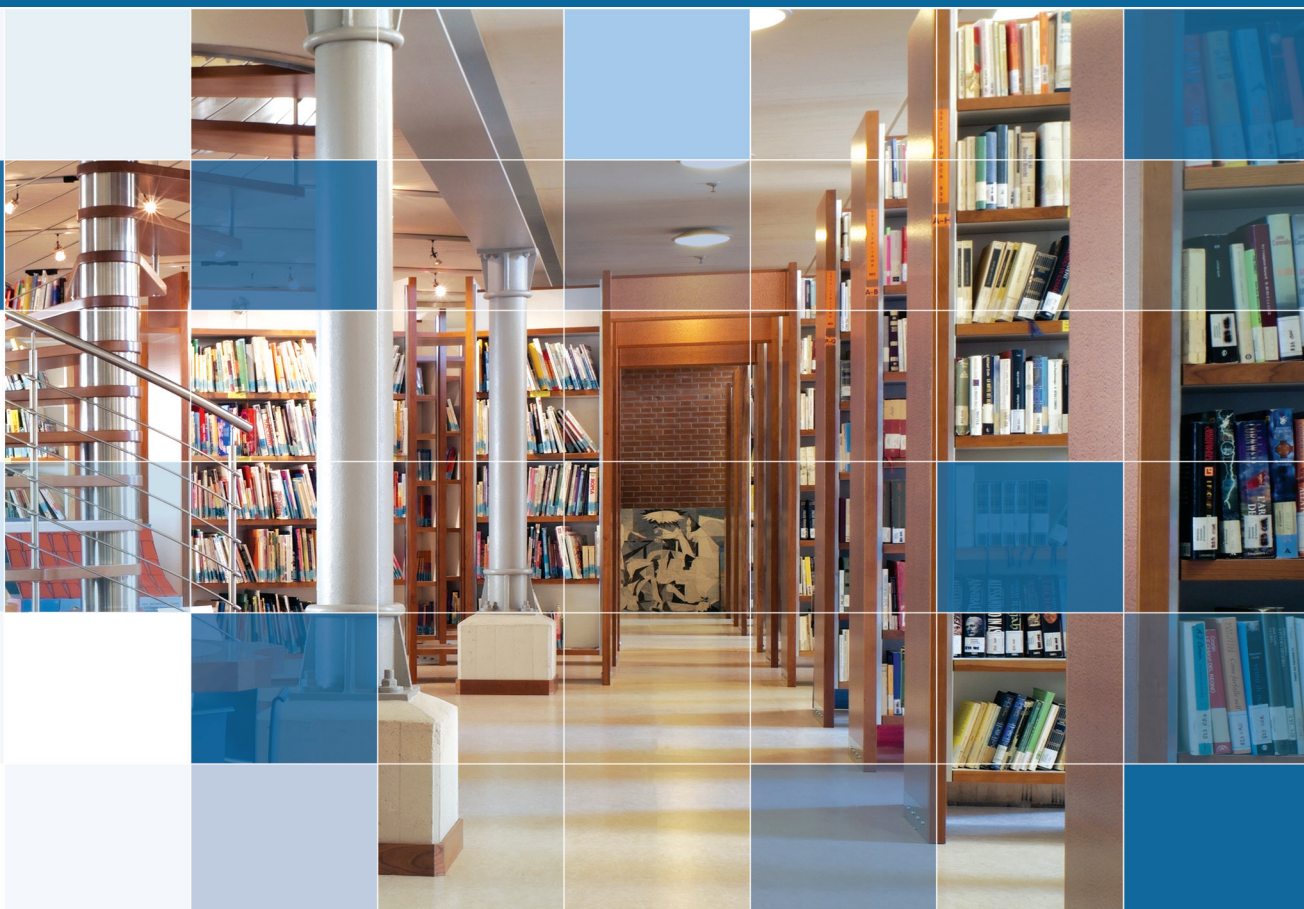## OF SOCIOLOGY AND CRIMINOLOGY

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REVUE CANADIENNE
DES ÉTUDES SUPÉRIEURES

EN SOCIOLOGIE ET CRIMINOLOGIE

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CGJSC is a peer-reviewed graduate journal seeking original content and discussion by graduate students researching within the disciplines of sociology and criminology. The scope of CGJSC is purposefully broad in order to offer a diverse range of graduate students the opportunity to submit their research for publication. Examples of acceptable submissions that fall within the journal's scope are, but not limited to: **theory pieces, conceptual pieces, critical analyses, substantive explorations and book reviews.** Qualitative, quantitative and mixed methodologies are accepted. We aim to publish insightful and well-written empirical pieces that enrich the collective knowledge within the disciplines of sociology and criminology.

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The 'Frozen' Heart of the Continent: Place-Myths and Winnipeg in Canadian Crime Films

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Within Canadian national cinema, audiences view places that draw attention to the shared experience of being within these geopolitical, socio-spatial locations. This paper contends that crime films set in Winnipeg, a city situated in the centre of North America, reflect and contribute to the cultural identity of the city within the national imaginary. Place-myths have the potential to construct meanings about a particular place, indicating whether it is romantic or dangerous, progressive or "backward," vibrant or decaying. While currently branded by local civic boosters as the 'Heart of the Continent,' (Kives, 2008) the construction of Winnipeg-as-place on film tells a different tale. By implementing a qualitative media analysis, we argue that place-myths manifest themselves within Canadian crime film narratives, and that a better understanding of place allows us to observe how Winnipeg becomes socially spatialized onscreen. As our paper suggests, one's sense of space can only constellate when one's experiences of being and acting within a place is taken into account. Winnipeg ultimately becomes represented on film as a place where crime is rampant and law enforcement is unable to combat the criminal behaviour within the city—in other words, where law and justice is 'frozen.'

Keywords: Place-myths; crime; film; space; Winnipeg

Dans le cinéma national canadien, les auditoires vont associer les lieux avec leur propre expérience de ces emplacements géopolitiques et de leur espace social. Cet article soutient que les films policiers qui se déroulent à Winnipeg, une ville située au centre de l'Amérique du Nord, reflètent et contribuent à forger l'identité culturelle de la ville au sein de l'imaginaire national. Les mythes liés aux endroits ont le potentiel de construire des significations autour d'un lieu spécifique, indiquant si cet espace est romantique ou dangereux, progressif ou « rétrograde », animé ou déserté. Même si des représentants de Winnipeg vont qualifier la ville de « cœur du continent » (Kives, 2008), sa construction imaginaire au cinéma raconte une autre histoire. Par la mise en œuvre d'une analyse qualitative des médias, nous soutenons que les mythes des lieux se manifestent dans les trames narratives des films policiers canadiens, et qu'une meilleure compréhension des lieux nous permet de constater comment l'espace social de Winnipeg a été présenté à l'écran. Comme notre article le suggère, notre perception de l'espace ne peut s'exprimer pleinement que si nous expérimentons concrètement et agissons dans celui-ci. Winnipeg devient finalement représenté au cinéma comme un endroit où le crime est à la hausse et les organismes d'application de la loi incapables de combattre les comportements criminels dans la ville – en d'autres mots, où la loi et la justice sont « immobiles ».

Mots clés: mythes; crime; filme; Winnipeg

As a cultural medium, films both reflect dominant values in society and also play an essential role in the shaping of our perspectives. Ideally, Canadian cinema aims to foster and promote the telling of Canadian stories to Canada and the world (Lam, forthcoming). However, Canadian cinema has not had the same significance to Canadians as Hollywood has had with its American counterparts. Indeed, Hollywood—with its vast economic resources, the glitz and glamour of the star system as well as the high production values—attracts international audiences and has appealed to Canadians more than their own domestic film industry (Melnyk, 2014). Interestingly, what distinguishes Canadian cinema from other national cinemas is a focus on particular -places and "national myths that grow out of people's shared experiences of history and geography," all of which are circulated and then developed in the national culture (Giannetti and Leach, 2008, p. 318). Within Canadian national cinema, audiences view places that draw attention to the shared experience of being within these geopolitical, socio-spatial locations. Such experiences, embodying Canadian culture, are replicated on screen, and demonstrate how shared meanings of culture are (re)produced in Canadian films. Giannetti and Leach (2008, p. 318) claim that what is more important than conscious attempts to construct or define a national identity are "the indirect, and often inadvertent, ways in which films reflect the traditions and cultures of the nations in which they are made." Consequently, this paper contends that crime films set in Winnipeg, a city situated in the centre of North America, reflect and contribute to place myths and cultural identity of the city within the national imaginary. Place-myths have the potential to construct meanings about a particular place, indicating whether it is romantic or dangerous, progressive or "backward," vibrant or decaying. In this sense, place-myths are in many ways akin to cultural stereotypes (Shields, 1991, p. 68). While currently branded by local civic boosters as the 'Heart of the Continent,' (Kives, 2008) the construction of Winnipeg-as-place on film tells a different tale.

This paper begins by first establishing how theoretical conceptions of place, such as Cresswell's (1996) and Thrift's (2003) focus on place, impact how place-myths manifest within Canadian crime film narratives. Second, the paper examines Winnipeg as a 'city place' including the cityscape's signs, landmarks and geography and the 'North' identity that has become synonymous with the Canadian identity at large (Shields, 1991; Grace, 2007). Indeed, the city's official slogans over the course of the last several decades speak to how the promotion of the 'city place' continues to be viewed as a vital component of economic development for Winnipeg (Lehr and Zubrycki, 2012). Finally, as a 'frozen place', there is little Winnipeg can do to counter the reality of its severe winter climate (ibid). Perceived as "damn cold," Winnipeg is characterized by a climate that predetermines the routines and lifestyles of those that inhabit the cityscape (ibid, p. 65). It is important to differentiate between the notions of 'white' and 'White' onscreen, as the former refers to the colour while the latter refers to the racialized identity of the majority of protagonists. On film this is shown through the reoccurrence of 'white', snowy spaces and the policing of such spaces. However, 'white' spaces are not solely represented in terms of snow-covered landscapes. Such spaces symbolize the hegemony of 'White', Canadian Anglophone men in film, as in the city, and the marginalized place of non-white characters and Indigeneity (with the notable exception of *Stryker*) on screen. In essence, the (re)presentation of Winnipeg-as-frozen place culturally frames the city as a northerly outpost where civilization ends and where justice rarely prevails against both the forces of nature and for the racialized 'Others' who live there.

A Brief Note on Methodology

We implement a qualitative media analysis (Altheide and Schneider, 2013) in order to highlight the unique attributes of Winnipeg that inevitably reappear on film. As Altheide and Schneider (ibid, p. 25) suggest, it is important to construct a protocol that guides data collection for each film under analysis. Our subsequent protocol focused initially on the narrative structure of each film, as well as the setting; the lighting, sound, and set scenery; characters' movements onscreen; and camera angles. We then performed data coding to conceptually refine and determine the themes that arose our data analysis—namely, the emergent themes from each film separately and from the films collectively (ibid; see also Giannetti and Leach, 2008). The films were all shot on location in the city of Winnipeg. Furthermore, Winnipeg plays itself in these films, rather than standing in for another American city, as is often the case. Offering stories about crime and criminality, these films depict a city whose cinematic representations remain relatively underexplored (Bookman and Gacek, forthcoming).

The films analyzed in this paper are read as Canadian crime films, defined as films that depict as a significant theme, crime and its consequences in Canadian society (Kohm, Bookman and Greenhill, forthcoming) and draw on frozen, winter motifs to supplement such a theme. However, as Valverde (2006, p. 32) contends, we are reminded that there cannot be a "universally useful method" when analyzing law and order representations and images. Reliability, validity, replicability, and the ability to predict and forecast future events—while not wholly irrelevant—are methodological concerns and are rarely and directly useful "for the purposes of qualitative analyses of what are often unique sets of signs" (ibid). Nevertheless, our research contributes to the literature on Canadian film studies by filling the literature gap concerning Canadian shared meanings and Canadian places that repeatedly proliferate such embodied experiences (Melnyk, 2014; Bookman and Gacek, forthcoming; Lam, forthcoming). We selected films set in Winnipeg that conform to Nicole Rafter's (2006: 6) definition of crime films: "films that focus primarily on crime and its consequences." In particular, we included only those Winnipeg crime films that engage the common place myth of Winnipeg as a frozen and wintery city. Thus, we excluded films that either lacked significant focus on crime and its consequences, such as Guy Madden's celebrated film *My Winnipeg* (2007), as well as films that were not set during a Winnipeg winter such, as John Paizs' *Crime Wave* (1985) or *Zeyda and the Hitman* (2004). Our analysis of *Stryker* (2004), *Mob Story* (1989), *Seven Times Lucky* (2004), and *High Life* (2009) incorporates socio-spatial and cultural criminological scholarship into an analysis of film in an attempt to diversify and broaden the field of knowledge within Canadian film studies. These feature-length films were selected for analysis because of their repeated use of Winnipeg neighbourhoods and streetscapes, the centrality of crime and its consequences in the narrative, and importantly, their incorporation of Winnipeg's harsh winter climate into each respective storyline.

Theorizing Place

Contemporary literature suggests that researchers investigating places in society must take into account how and why individuals and/or groups in society become attached to particular places (Pollini, 2005; Dahl and Sorenson, 2010; Raymond et al., 2010; Rollero and De Piccoli, 2010; Lewicka, 2011; Cassiers and Kesteloot, 2012). In addition, researching the shared meanings of experiences becomes essential to place identification and the ways in which such individuals and

groups construct their sense of selfhood from places (Stedman, 2002, 2003; Kyle et al., 2004; Hernández et al., 2007; Hernández et al., 2010).

'Place-myths' play a significant role in social spatialization (Shields, 1991), which may conflict with the branding of the place that is sustained and carried out by entrepreneur coalitions and business interests, local governments, and media (Greenberg, 2008; see also Jayne, 2006). Social spatialization designates "the ongoing social construction of the spatial at the level of the social imaginary (collective mythologies, presuppositions) as well as interventions in the landscape (the built environment)" (Shields, 1991, p. 31). Place-myths resonate with Rafter's (2006) assertion that myths are ideological and refer to the "fundamental notions that people hold (usually without much conscious thought) about how the world is structured, what is valuable and unworthy, who is good and who is bad, and which kinds of actions are wrong or right" (p. 9). As Creswell states, places—and the landscapes that encompass them—are "ideas set in stone that, like it or not, we have to *act in*. Our actions are interpretations of the text of a place that are recognizable to other people and thus reinforced" (Cresswell, 1996, p. 157, emphasis added). In this regard, how characters on film perform in places becomes recognizable to audiences that reinforce and reaffirm the performance in how they use and understand these and similar places. Bookman and Gacek (forthcoming) suggest that three key place-myths establish and circulate within Winnipeg: Winnipeg as a blue collar city, a stagnant place that is stuck in time and a divided multicultural city. The repeated imagery in Winnipeg crime films of older, inner-city neighbourhoods and streets, the North End rail yards, former factories and abandoned warehouses, machine shops, as well as low-end hotels and motels form the backdrop for criminal activity and are entangled in depictions of crime as masculine as well as working class.

Cresswell (1996) contends that in order to unravel and examine the qualities of place, researchers must describe places in terms of three elements: location, locale, and sense of place. A set of coordinates provides a location (i.e. a café as a point in space). Additionally, while the locale refers to "a broader context for social relations," (p. 156) sense of place refers to "the subjective feelings associated with a place" (p. 156). It is this sense of 'being there' that becomes the focus for cultural and human geographers alike. By incorporating the notion of a symbolic relationship between person and place, and involving perceptions of qualities that imbue places with a particular character (Peterson and Saarinen, 1996), the image of a place becomes the sum of ideas, beliefs and impressions that people have of a place and that (re)present "a plethora of associations and pieces of information that are connected with that place" (Lehr and Zubrycki, 2012, 51; see also Kotler et al., 1993). Moreover, the routines and practices found within these places create meanings that, when taken into consideration with others' feelings of 'being there,' permit shared meanings of experience to proliferate the place as a whole.

Combining Cresswell's understanding of place with Thrift's (2003) focus on "place space" provides researchers insight into how place can be investigated further. According to Thrift (2003), "place space" centers on the notion that certain spaces are more 'human' than others, and that certain places permit bodies to live out more easily "a particular Western idea of what human being should be being" (p. 102). Specifically, place space consists of "particular rhythms of being" that confirms, naturalizes and evokes particular embodiments, emotions, memories, and the existence of certain spaces (p. 102). As Soja (1989) argues, spatiality is socially (re)produced and, like society itself, exists as an "'embodiment' and [as a] medium of social life" (p. 120).

Winnipeg Crime Films

The first film, *Stryker*, tells the tale of an Aboriginal boy who leaves his reservation in the hopes of a better life in Winnipeg. Unfortunately, Stryker becomes caught up in the middle of two rival gangs: the Indian Posse and the Asian Bomb Squad. The gangs are in a war over Winnipeg's North End, a neglected inner-city neighbourhood. A second film, *Mob Story*, centres on Luciano (Luce), a mob boss living a luxurious lifestyle in New York City. However, in an attempt escape the watchful eye of the "feds," Luce takes a plane to Winnipeg, instead of heading to Palm Springs. To his surprise, Luce arrives in the cold, wintry Winnipeg. Inevitably he becomes embroiled in the local crime scene to save his son and his ex-lover as well as their family business. In the third film, *Seven Times Lucky*, we follow a conman named Harlan. Harlan is always looking for the next opportunity to score big in the illicit goods market. However, in order to settle his debts by Christmas Eve, he becomes tangled up with a number of characters (such as a pawnbroker, a wealthy tribal fund manager, and a handful of petty criminals) and their schemes. Finally, *High Life* is set in 1983, just after the birth of the Automated Teller Machine (ATM). *High Life* is a story of loyalty, honour and kinship amongst a group of four thieves. In a downtown hospital, a visit from his former sociopathic cellmate Bug had led to Dick (the main protagonist of the film) to be fired from his job as a janitor. Unemployed and in desperate need of money, Dick decides to rob one of the new ATMs at Meyer Bank in order to "buy a little self-respect". The other two members of the crew include Donnie, a criminally minded identity thief; and Billy, a promiscuous, sleepy-eyed charmer of women. Unfortunately, things do not go according to plan, as an employee of the bank double-crosses the team. In the end, the unfolding of alternately tragic and comedic events tests the friends' loyalties as their plan for quick riches results in the deaths of Bug and Billy and the imprisonment of Dick.

With the exception of *Stryker*, these films fall into the category of "traditional crime films" that follow "the usual moral pattern of which is violation, discovery, punishment, and resolution" (Rafter 2006: 74; see also Bookman and Gacek, forthcoming). Following the "alternative tradition" of critical crime films, *Stryker* does not rely on "pat endings and feel-good morals" (Rafter 2006: 74). Instead, the criminal activity of gangs goes unpunished as Indian Posse declares victory over the Asian Bomb Squad. Indeed, *Stryker* ends with a scene of Stryker, escorted to the city limits by police, solemnly gazing at the Winnipeg skyline, with cuts to shots of bison grazing on the winter prairie. The film's opening sequence resembles this final scene, and in so doing does not offer resolution. Alternatively, *Stryker* invites audiences to ponder broader societal issues, such as Aboriginal justice and the social divisions affecting Winnipeg.

A 'City Place' and a 'Cold Climate': Winnipeg and the 'North' Identity

When an audience views the setting of a film, almost indirectly the place itself attempts to appear through the usage of signs that are native to its location. While recognition varies amongst films, some cityscapes like Paris, London, and New York City exist as iconic places that have no difficulty in promoting itself on the silver screen. Yet, what makes these places stand out amongst other cities in the world? What makes Winnipeg stand out on film to audiences? What identifiers exist in the real world that permit audiences to recognize this cityscape?

After examining the aforementioned crime films, it appears that particular infrastructural signs and Winnipeg's architectural legacy consistently (re)appear on screen. There is overlap between films, in the sense that one infrastructural sign may appear in more than one film to

represent Winnipeg. The Arlington Bridge, a bridge that connects Downtown Winnipeg to the 'North End' neighborhood, is a piece of infrastructure that is used repeatedly in *Stryker* and *High Life*. As well, the Garrick Hotel—a hotel that is now a heritage building in the city—is shown in films such as *Horsemen*, *High Life* and *Seven Times Lucky*. Finally, Main Street and Selkirk Avenue are two inner city streets that frequently used in transition scenes that involve tracking shots (i.e. shots that are taken from a dolly or a truck and filmed in motion). Examples of such tracking shots include the scene where Luciano and Tom (Luciano's son) are driving down Selkirk Avenue in *Mob Story* (as well as a car chase scene down Main Street), and when Harlan visits Eddie's illicit goods store on Selkirk Avenue in *Seven Times Lucky*.

Another theme that is shown across the crime films is how the cityscape both constructs and impacts the 'North' identity that can be seen in Canadian society at large. In a sense, what it means to adhere to 'Northernness' implies that, as Shields (1991) contends, for most English-speaking Canadians, the idea of 'North' is not just "a factual geographical region but also an imaginary zone: a frontier, a wilderness, an empty 'space'" (p. 165). While the study of the 'North' is not new to Canadian studies (Shields, 1991; Grace, 2007; de la Barre, 2013), the focus on the frontier is significant in relation to the intersecting themes of crime and place that appear in Canadian cinema. Arguably, if "[i]dentity *freezes* the gesture of thinking," (De Certeau, 1986, p. 194; emphasis added) then it is correct to say that a 'North' identity substantiates the feelings, experiences and bodily sensations that Canadians—and Winnipeggers, more specifically—undergo when they immerse themselves in the environments (both the urban and the frontier) that pervade Canadian cinema. Winnipeg's North End neighbourhood is a clear example of such environments, as for outside observers, the North End of Winnipeg is "Canada's quintessential land of despair, where the seedy bars of the North Main street empty into an area of poor-quality housing, low educational attainment, high unemployment, and visible poverty" (Hiebert, 1992, p. 92; see also Rowley, 1978; Hiebert, 1991; Lehr and Zubrycki, 2012).

Therefore, what constitutes a 'North' identity in terms of a Canadian and Winnipeg context? Shields (1991) suggests that central to Canadian myths vis-à-vis socio-spatiality entails the myth of the "True North Strong and Free" (p. 162, see also Grace, 2007 regarding the 'True North' identity). This notion is appropriated as one symbolic identity within English-speaking Canadian nationalistic discourse, in which Canada itself is a frozen, "resource and economic hinterland" that is concomitantly incorporated in a social spatialization as a mythic, cultural heartland (ibid, p. 163). A phrase from the English version of the Canadian national anthem, 'True North Strong and Free' harnesses the physical datum of the 'North'—such as "truth, purity, freedom, [and] power" (ibid, p. 164). A 'North' identity exudes a resilience to the geographical elements, and a perseverance to achieve the great riches and opportunities that the Frontier can offer, much to the same extent as the fur traders, hunters and pioneers that first settled in Canada historically (Brody, 1987; Shields, 1991; Grace, 2007; de la Barre, 2013). The idea of crossing the Frontier, then, is central to the cinematic exploration of crossing boundaries and differences between 'civilized' society and the freedom or disorder found in the wilderness, of the "paradise that lies beyond" (O'Shaughnessy and Stadler, 2005, p. 211). Furthermore, the North End landscape reflects the importance of ethnic and racial diversity, as this landscape is punctuated "by churches, halls, and small-scale ethnic businesses. Main Street and Selkirk Avenue are the area's two commercial thoroughfares… [and the] the southwest portion of Main is dominated by hotels and bars and is reminiscent of the *wild-west* atmosphere of Winnipeg's early days" (Hiebert, 1992, p. 96. Italics in original). By incorporating traits of the frontier into the cityscape, Winnipeg (and the North End) on film appears both as a "place of recreative freedom" (Shields, 1991, p. 191) and

as a distinctive city that is "miraculously alive… in the grey desolation" (Marlyn, 1957, p. 220, cited in Hiebert, 1992, p. 97). In turn, such frontier traits pose a threat to the ordered structures of Canadian society at large.

Since the 1980s onwards, Winnipeg has had a terrible reputation as "'damn cold' and a city that had many down-and-out drunks hanging around Main Street" (ibid, p. 65; see also Squire, 1986). Such a reputation suggests that the cold climate of Winnipeg exists as a stagnant city. Indeed, as a city that is stagnant and 'frozen' in time, Winnipeg seems to offer little in the way of legitimate opportunities for advancement in work or life (Bookman and Gacek, forthcoming). Moreover, this chilly climate could convince anyone to leave the cityscape, yet what is important to note is the body language of the main characters that is relatable to the audiences that inhabit cities experiencing similar conditions to Winnipeg. When the audience sees the characters shiver in the icy winds and the winter chill, these films attempt to forge a connection to audiences through their own bodily experiences. As Clare (2013) argues, bodily sensations, such as the sensation of temperature, indexes "a quality of our encounter with the world as we live and *act* in it" (Clare, 2013, p. 174, emphasis added). In this sense, the audience as social actors and the characters as physical actors on screen can be linked through their affirmation of each other's experiences. In other words, the audience affirms the characters' visible sensations of coldness, and in turn the characters affirm the audiences' experiences of coldness by presenting bodily sensations visually on screen. The fact that the place of Winnipeg is used to reinforce this relationship merely oscillates the relationship between the audience and the characters-on-screen further, inevitably forging a stronger emotional connection between the former to the latter and vice versa.

A Frozen 'Urban' Space

As Ferrell and colleagues (2008) have previously noted, the analysis of urban space and its under-life runs throughout cultural criminological literature (see also Hayward and Young, 2004; Hayward, 2010). Suffused by rules and regulations, the urban city nonetheless "remains a place where transgression occurs" (p. 80) and the ability to bend the rules becomes negotiated with the citizens that inhabit the cityscape.

Winnipeg on film is represented as a place of transgression, in which the rules of law, order and justice are contested, negotiated, and resisted by the main characters. In a phone conversation between Luciano and Sam—the former being the protagonist of *Mob Story* while the latter is the antagonist—Luciano explains to Sam that in order to successfully hide out in Winnipeg until the suspicion from 'the Feds' goes away, Sam (who is at this point in the film Luciano's second-in-command of Luciano's crime mob organization) must not follow Luciano to Winnipeg. Luciano states that he "[wouldn't] recommend that you come into Winnipeg Sam, it's a *real killer*."

As a 'real killer,' Winnipeg on film contests law, order, justice *and* crime, as it almost appears to be the 'real' antagonist within Canadian crime films and has an omnipotent presence on screen. This is shown through the white winter landscapes, as the omnipresence of white has been suggested to imply symbolic death (Shields, 1991; Grace, 2007). As Grace (2007) points out, "the qualities of snow, ice, extremes of cold, isolation, space, silence, austere beauty, and dread" are all qualities we experience as northern and uniquely Canadian (p. 125). Yet the 'recreative freedom' of winter is both beautiful and horrific (i.e. 'chilling') as the chaos of such recreative freedom on screen—the panning shots of the vast urban sprawls and remote winter landscapes, coupled with the close-up shots of protagonists juxtaposed with the blurred distinctions of winter foregrounds and backgrounds—suggests that the tensions between protagonists, antagonists and the narrative

can only be resolved by a character undergoing "a symbolic death and re-creation of him- or herself" (Shields, 1991, p. 191). An example of this would be the final scene in *Stryker* where Stryker is abandoned on the outskirts of Winnipeg by a police officer.

While in *Mob Story* Luciano makes a statement in reference to Tom's life expectations for the future (see the start of this section), this statement can be indicative of the place in which such opportunities unfold for its inhabitants. In other words, as a 'frozen place,' Winnipeg is a cityscape that appears timeless and resistant to change on film. While characters try to achieve higher socioeconomic statuses, life opportunities, and to "buy a little self-respect" for themselves (Dick, *High Life*), from a cinematic perspective, the setting of winter repeatedly used throughout the crime films suggests that Winnipeg as place takes on a life of its own and attempts to reassert a dominance on screen by the reinforcement of winter and freezing temperatures. Inevitably, the mountains of snow, icy winds and tundra-like conditions of the city suggests to the audience that greater life opportunities within this cityscape are possible insofar as the *city permits them* to occur.

'Frozen Justice' and 'Frontier Justice'

As mentioned earlier, the 'recreative freedom' of the North works into the vastness of the space and weakens the attachment with the urban spaces of the city. While many criminal activities involve danger and risk-taking, the act of criminality can represent an attempt to break free of one's demeaning and restraining circumstances, "to exercise control and take responsibility for one's destiny" (Jewkes, 2004, p. 29). The proximity between urban and frontier spaces are important to consider, as proximity has both cultural and spatial dynamics—while cultural proximity refers to an event's 'relevance' to an audience, a spatial proximity indicates an event's geographical 'nearness' (Jewkes, 2004). These factors intertwine when we examine the proximity between urban and frontier spaces, in which the journey from the urban to the frontier reinforces a greater physical distance between the two spaces.

The extent of this detachment from law, order and justice is shown in *Stryker, Horsemen* and *High Life*, as the rural, wintry landscapes that the protagonists travel to indicate both a greater distance from Winnipeg and a greater indication of heinous criminality. In *Stryker*, Stryker is taken to the outskirts of Winnipeg and physically assaulted by a police officer; and in *High Life*, Bug tries to escape on horseback from a deserted ranch Bug and Dick have come across, but the gun fired intentionally into the air by Dick scares Bug's horse and throws Bug off, killing Bug instantly.

The escape from the 'civil' society's constraints to journey to rural landscapes means that freedom, then, has the potential to reinforce self-reliance. Living life "*outside the law*" (O'Shaughnessy and Stadler 2005, p. 211, emphasis added) forms the basis then upon which vigilante or 'frontier' justice supersedes law and order. Law—and arguably, order—cannot be everywhere at once because state and local legal actors—such as municipal police, Royal Canadian Mountain Police (RCMP), lawyers and so forth—cannot be everywhere at once (Pruitt, 2014). 'Frontier justice' is more than just simply vigilantism—it is vigilante justice within the cultural context of association or belonging to a particular social group. Frontier justice on film appears as modified or altered law and order constituted in the urban space, in which it polices those individuals that journey from urban spaces, and surveying them from 'outside the law' of the urban, constructs new culturally shared meanings of law and order. Frontier justice pushes the physical and cultural boundaries of criminological knowledge into terra nova by questioning and evaluating preconceptions of crime, incorporating the "dangerous knowledges" that are discovered when we leave the familiar 'civilized' society we know (Hayward and Young, 2004).

Moreover, frontier justice goes further by 'responsibilizing' individuals to fend for themselves and instructs them to take the law into their own hands (see also Gonzales-Day, 2006). Emphasis on the 'rural highways'—that is, where the rural or frontier spaces were established for heinous crimes in *Stryker*, *Horsemen* and *High Life*—indicates that in the case of Winnipeg, frontier justice begins by operating in terms of one travelling to such spaces on the periphery of Winnipeg. By travelling to the cusp of 'civil' society, what exists is an alternative justice system that enacts draconian punishments and odious consequences for disobeying the rules of the frontier—for example, the 'starlight tour' Stryker is taken on by the police officer in *Stryker*, and the bloody teeth served on a silver platter out on a frozen pond in *Horsemen*. A 'chilling' structure of feeling is evoked through film as a result—one that centers on the shared experience of living through Winnipeg's cold climate. In effect, the move from the city suggests that perhaps protagonists are attempting to escape the 'stagnant place' of Winnipeg. With references to its cold, snowy winters and landscapes, frontier justice appears 'frozen' onscreen, suggesting that the symbolism of snow and ice construct a notion of Winnipeg as perpetually "frozen" in time. Inevitably, frontier justice on film appears as 'frozen' justice—that is, a frontier justice system deeply rooted in tradition, stasis, and incapable of changes to its system for fear of abhorrent results.

Moreover, multiple and overlapping representations of 'whiteness' (re)occur within this structure—namely, the snow-covered landscapes, the horrific (i.e. 'chilling') crimes that are committed, and the White, male hero. The predominance of White, English-speaking Canadian men is important to note, as frontier justice appears to run along gendered, racial axes. While the argument for White, masculine spaces has appeared in the literature (Shields, 1991; Grace, 2007; de la Barre, 2013), what has not been discussed is the way in which the gendered, racial axes of spaces permeate frontier justice. Canadian cinema allows for such an understanding in terms of visualizing how the law and order of the cityscape appears inadequate to combat crime and criminality, which in turn affirms the use of self-reliance and frontier justice in these peripheral spaces. In travelling from the urban to the frontier, the characters that make this journey in *Stryker* and *High Life* are predominately White and male.

Therefore, the cityscape's justice is represented on film as fragmented and failing, insofar as the legal actors and law enforcement within urban spaces are not qualified to combat the criminality that is (re)appearing within its own boundaries, let alone on the frontier where more heinous criminality occurs. While there is a great deal of scholarly research focusing on racial profiling, the 'usual suspects' phenomenon may be more significant in communities where law enforcement officers are likely to be socially embedded with those whom they police (Pruitt, 2006). It becomes possible, then, to link "the predominance of personal, face-to-face social relationships among similar people" with the reluctance to alter tradition and stasis, both of which are widely associated with the frontier (Willits et al., 1982, p. 70). Situating this understanding in the case of Winnipeg, the city on film is shown as one that tries to absorb the ideals of frontier justice. Characters such as Stryker (originally from Broken Ojibway Nation in *Stryker*) and Billy (from Montreal in *High Life*) are immediately distrusted by many of the cast that interacts with them on screen. While they are permitted to enter into the masculine spaces of the cityscape on screen, their racial/ethnic backgrounds (i.e. the Aboriginal background of Stryker and the French background of Billy) are consistently brought up in dialogues with the characters themselves. In effect, the presence of Stryker and Billy increases the level of distrust amongst the groups they interact with (i.e. IP and ABS in *Stryker*, and Dick's crew in *High Life*, respectively) and an increase in reluctance to accept them into the society of the cityscape. Consequently, the imaginative geography of Winnipeg combines aspects of the urban and rural to construct a place-myth that

upholds White, masculine spaces and interactions while 'Other-ing' those individuals in the process.

Concluding Remarks

As Rob Shields (1991, p. 39) suggests, "[c]onceptions of space—which are central to any ontology—are part and parcel of notions of reality." One's relationship with the world results from the fundamental component to one's spatiality and sense of space. A sense of *place* is significant to consider when we contextualize shared meanings in Canadian film, as one's sense of space can only constellate when one's experiences of being and acting within a place is taken into account. Winnipeg ultimately becomes represented on film as a place where crime is rampant and law enforcement is unable to combat both the criminal behaviour within the city—in other words, where law and justice is 'frozen.'

By implementing a qualitative media analysis, we have argued that place-myths manifest themselves within Canadian crime film narratives, and that a better understanding of place allows us to observe how Winnipeg becomes socially spatialized onscreen. As a 'city place', the 'North' identity has greatly entrenched itself within the city's several slogans over the course of the last several decades (Lehr and Zubrycki, 2012). As a 'frozen place', Winnipeg's place-myths suggest that climate predetermines the lifestyles of the citizens that inhabit the city's severe winter climate. Shown through the reoccurrence of White, male spaces and the further policing of such spaces, we have witnessed how 'White' spaces are not solely represented in terms of snow-covered landscapes, but in terms of the traditions rooted within the city's culture that make Winnipeg appear stagnant, 'stuck' in time, and 'frozen' overall. Indeed, the (re)presentation of Winnipeg in Canadian crime film suggests that there is a far more complex relationship between the 'frozen' and the 'frontier' aspects of the cityscape. Frontier justice both constructs and reflects frozen justice and that by culturally framing Winnipeg as a northernly outpost, what audiences view onscreen are the place-myths at work: a 'frozen' city at the edge of the civilization's end, where justice rarely prevails against both the forces of nature and the racialized 'Others' living within them, and where winter consumes all who inhabit this place.

This study has forged a connection between place and film studies, and shows how the cold climate of the cityscape contributes to the place-myths at work. By using the case study of Winnipeg, it becomes possible to charter other investigations concerning how places are (re)imagined and (re)presented on the silver screen. Canadian cinema—specifically Canadian crime films—permits researchers to further investigate the link between Canadian shared meanings and places that repeatedly proliferated through embodied experiences. Investigating socio-spatiality vis-à-vis criminality extends and diversifies the field of knowledge and subsequent knowledge production within Canadian film studies.

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Publication Bans in a Facebook Age: How Internet Vigilantes Have Challenged the Youth Criminal Justice Act's "Secrecy Laws" Following the 2011 Vancouver Stanley Cup Riot

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On June 15th, 2011, a hockey riot occurred in Vancouver, British Columbia. This event is prominent in Canada's history for, among other reasons, the unprecedented extent to which it was documented via photographs and video footage. The days that followed the riot saw much of this media documentation uploaded to social media platforms on the Internet, where Internet users worked together to identify and collectively "name and shame" those believed to have been involved in the disturbance. Several individuals targeted by these "Internet vigilantes" were young offenders whose identities are legally protected from publication under the Youth Criminal Justice Act (YCJA). This article examines the phenomenon of "Internet vigilantism", and raises the issue of whether those provisions within the YCJA that prohibit the identification of youth remain relevant today, given the current difficulties in enforcing these provisions. Following an overview of these "secrecy provisions", the phenomenon of Internet vigilantism is defined, and challenges posed by acts of Internet vigilantism are discussed. A "naming and shaming" Facebook group created for the purpose of identifying participants in the 2011 Vancouver riot is then looked to as a case study of Internet vigilantism in action. This article concludes with recommendations for how justice officials and social media outlets may modify current practices to better protect the safety and security of young offenders, and to minimize harmful instances of Internet vigilantism.

Keywords: Young offenders; Riots; Cyber-Vigilantism; Facebook

Le 15 juin 2011, une émeute liée au hockey s'est déroulée à Vancouver, en Colombie-Britannique. Cet événement est important dans l'histoire du Canada, entre autres raisons, pour sa documentation sans précédent par l'entremise de photographies et de séquences vidéos. Les jours qui ont suivi l'émeute, une grande quantité d'information médiatique a été téléchargée sur les médias sociaux, où des internautes collaboraient afin d'identifier et de « nommer et pointer du doigt » ces personnes qui auraient participé aux troubles sociaux. Plusieurs individus ciblés par ces « justiciers de l'Internet » étaient de jeunes contrevenants dont l'identité est légalement protégée contre la publication en vertu de la Loi sur le système de justice pénale pour les adolescents (LSJPA). Cet article se penche sur le phénomène des « justiciers de l'Internet » et s'interroge sur la pertinence actuelle des dispositions dans le cadre de la LSJPA qui interdisent l'identification des jeunes, étant donné les difficultés présentes à faire respecter ces dispositions. Après un aperçu de ces « dispositions relatives au secret », le phénomène des justiciers de l'Internet est défini, et les défis posés par leurs actions sont discutés. Le groupe Facebook qui visait à « nommer et pointer du doigt » les participants de l'émeute de 2011 de Vancouver est présenté ici comme une étude de cas sur les justiciers de l'Internet. Cet article formule des recommandations sur la façon dont les fonctionnaires de la justice et les médias sociaux peuvent modifier les pratiques courantes afin de mieux protéger la sécurité des jeunes délinquants et réduire au minimum les effets nuisibles découlant des actions des justiciers de l'Internet.

Mots-clés: jeunes contrevenants; émeutes; cyber-justiciers; Facebook

Introduction

On June 15th 2011, British Columbia's National Hockey League Team, the Vancouver Canucks, played their seventh and final game of the Stanley Cup Finals against the Boston Bruins. The Canucks' loss against the Bruins was followed by one of the most destructive and memorable riots in the city's history. Of the thousands of photographs taken by bystanders that night, one of the most iconic remains that of Nathan Kotylak, a 17-year-old former star athlete, seemingly attempting to light a police car on fire. The photograph was published online almost immediately following the riot, where it was shared innumerable times on various Internet social media sites. Within hours, Kotylak was identified by users on the social media website Facebook (Schneider & Trottier, 2012). The backlash he suffered from the public shortly after was immediate, merciless, and overwhelmingly public. As the photograph continued to make its way across the Internet, Kotylak found himself subjected to a torrent of verbal abuse, demands for punishment, and threats, until eventually he and his family were forced to flee their home following the publication of their home address online (Ryan, 2012). To this day, an Internet search of Kotylak's full name yields pages upon pages of news articles and blog posts devoted to vilifying him.

The unrelenting "naming and shaming" that Nathan Kotylak was subjected to following the 2011 Vancouver riot exemplifies a relatively recent and little understood phenomenon that has been described as "cyber vigilantism", "digitalism", or more commonly, "Internet vigilantism" (Juliano, 2011; Wehmhoener, 2010). Internet vigilantism raises a number of concerns pertaining to the overlapping realms of privacy, free speech, and criminal law – and online "naming and shaming", in particular, raises concerns regarding the enforceability of provisions within the *Youth Criminal Justice Act* that intend to prevent the publication of young offenders' names in any sort of public media. Though the consequences of violating a publication ban mandated by the *Act* are serious, these provisions are gradually becoming more difficult to enforce, as the Internet increasingly enables users to easily sidestep these laws.

Nathan Kotylak's experience does not signify the first instance in which young offenders have been identified online and made targets for subsequent public naming and shaming. Almost four years earlier, on January 1 2008, 14-year-old Stefanie Rengel was murdered by David Bagshaw in Toronto, Ontario, after being stabbed repeatedly in the stomach on the sidewalk near her home. The murder was reportedly orchestrated by Bagshaw's girlfriend, 15-year-old Melissa Todorovic, who had pressured Bagshaw into committing the murder when she began to see Rengel as a rival and grew jealous (Jones, 2013). Rengel was a popular and well-liked student at her school, and despite strong efforts on the part of justice officials and police to protect both her identity and the identities of the accused, a Facebook group was soon established for the purpose of mourning her death. Many angry and frustrated Facebook users posted to the group with the intention of publicizing the identities of Bagshaw and Todorovic; others did so imploring that they be tried as adults for the murder (Pallanik, 2008).

This case is merely one of many that, in recent years, have brought to the attention of justice officials the numerous difficulties involved in protecting the identities of young offenders on the Internet. The unprecedented magnitude of the Internet vigilantism that followed the 2011 Vancouver riot, in particular, urges us to reassess how secrecy provisions for young offenders can be enforced in a "Facebook age" – if, indeed, they can be enforced at all. This short paper addresses the phenomenon of Internet vigilantism and the problems it poses for the safety and privacy of those targeted by it, particularly when those targeted are young offenders whose identities are legally protected from publication. I begin with an overview of those provisions contained within

the *Youth Criminal Justice Act* that prohibit the publication of young offenders' names in all but exceptional circumstances, then turn to an exploration of the motivating factors behind Internet vigilantism. Next follows a discussion of the Internet vigilantism that followed the 2011 Vancouver riot, and a brief examination of the posts made to a particularly popular "naming and shaming" Facebook group created soon after the event. Based on the content of these posts, preliminary recommendations are offered for how both justice officials and social media websites may modify current practices and policies to better protect the safety and privacy of sensitive individuals, including youth.

The Youth Criminal Justice Act and the Logic of Publication Bans

The *Youth Criminal Justice Act* (hereby referred to as the YCJA) is the law that governs Canada's youth justice system. It replaced the *Young Offenders Act* when it came into effect on April 1 2003, and covers the prosecution of youths at least 12 years of age but under 18 years old for criminal offences. One of the many ways in which the YCJA is distinguished from the *Young Offenders Act* - and its predecessor, the *Juvenile Delinquents Act* - is through its prohibition of the publication of information that would identify youth accused of committing criminal acts, as well as youth who have been victims of crime (Department of Justice Canada, 2013b). The provisions outlining how and when this general publication ban is to be enforced are contained within s. 110 and s. 111 of the YCJA:

> 110. (1) Subject to this section, no person shall publish the name of a young person, or any other information related to a young person, if it would identify the young person as a young person dealt with under this Act.
> […]
> 111. (1) Subject to this section, no person shall publish the name of a child or young person, or any other information related to a child or a young person, if it would identify the child or young person as having been a victim of, or as having appeared as a witness in connection with, an offence committed or alleged to have been committed by a young person.

This publication ban is justified on the basis that publicizing information pertaining to the identity of a young offender has the potential to be so stigmatizing and harmful in its consequences that it can hinder the youth's eventual rehabilitation. This logic is in accordance with the YCJA's *Declaration of Principle* (contained within s. 3), which states that a primary goal of Canada's juvenile justice system must be, above all else, the reintegration of young offenders into society through rehabilitative and preventative channels wherever possible. This, in turn, is based on the premise that youth are more immature than adults, and thus typically possess greater outlooks for rehabilitation; it is this same logic that also informs the fundamental need for juvenile justice legislation separate from that of adults. Barring a number of exceptional circumstances under which such a ban may be lifted, breaking a publication ban imposed on a young person is a serious criminal offence. The publication of information which may reveal the identity of a young person, victim, or witness can carry a penalty of up to two years in custody (Department of Justice Canada, 2013b).

Within the YCJA, publication is defined as the communication of information by making it known or accessible to the general public "by any means" – including through print, radio, television or other electronic medium. Although it is not explicitly stated, s. 110 and s. 111 of the

YCJA are typically interpreted to include within the scope of "publications" the posting of identifying information on social media outlets, in accordance with the Act's intentions (Department of Justice Canada, 2013a). However, the legal issues that surround these interpretations remain highly complicated, which subsequently limits their enforceability (Powell & Mitchell, 2008). There is still no consensus, for example, as to whether all user pages created on the social media website "Facebook" are to be treated as "publications", since the website grants users a large amount of control over the individual privacy settings of all posted content. Additionally, whether or not individual Facebook pages are indexed by search engines such as Google is also contingent on users' self-established privacy levels, which can be set to limit search engines' access. A further concern that has yet to be resolved is the fact that Facebook is an American site outside of Canadian legal jurisdiction, raising jurisdictional questions pertaining to whether, and when, Canadian publication bans against naming young offenders and victims would even apply (Millar, 2008). These numerous difficulties in policing the domain of the Internet have led to a number of public discussions as to whether the YCJA's "secrecy provisions" still have relevance today (see Millar, 2008; Powell & Mitchell, 2008; Shanoff, 2011).

Naming, Shaming, and Internet Vigilantism

"Vigilante justice" describes the undertaking of any number of acts of law enforcement without legal authority. Though vigilantism is a well-documented and recognizable phenomenon, definitions and conceptualizations as to exactly what kinds of acts constitute vigilante justice are varied (Juliano, 2011; Wehmhoener, 2010). Johnston's (1996, p. 220) highly versatile definition is employed for this paper, which identifies acts of vigilantism according to six key characteristics:

1. It involves planning and premeditation by those engaging in it;
2. Its participants are private citizens whose engagement is voluntary;
3. It is a form of autonomous citizenship and as such, constitutes a social movement;
4. It uses or threatens the use of force;
5. It arises when established order is under threat from the transgression, the potential transgression, or the imputed transgression of institutionalized norms;
6. It aims to control crime or other social infractions by offering assurances (or 'guarantees') of security both to the participants and to others.

"Internet vigilantism" shares many, and often all, of these characteristics, and thus may be defined as vigilante justice that occurs in the domain, or with the aid, of the Internet. There are many different forms which Internet vigilantism may take, but it is "naming and shaming" that arguably raises the most concerns regarding the enforceability of publication bans and the protection of youths' privacy. This term refers to the identification of perceived wrongdoers and, in the absence of traditional means by which to inflict physical harm, the subsequent infliction of shame or harassment upon them (Wehmhoener, 2010).

Arguably all acts of vigilante justice create risks for both justice officials and the general public, and those created by the actions of Internet vigilantes are no different. Because vigilantism is typically engaged in by individuals not affiliated with the formal justice system, punishments may be vastly disproportionate to crimes, acts of vigilantism may interfere with or impede attempts on the part of the formal justice system to bring offenders to justice, and - perhaps of most concern - the wrong individual may be targeted (Huey et al., 2013; Johnston, 1996; Wehmhoener, 2010). Yet vigilantism that takes place on the Internet is arguably even more threatening than other more

traditional forms of vigilantism, because of how difficult the domain of the Internet is to police. Following Stefanie Rengel's murder, for example, police and Facebook staff made numerous attempts to comply with the YCJA by deleting posts which identified Rengel and/or her killers, but ultimately could not put a permanent stop to the republishing of the deleted information by individual users (Pallanik, 2008).

Much of the difficulty of policing acts of Internet vigilantism stems from the same reasons it holds appeal in the first place: The nature of the Internet allows users to remain anonymous with ease (see Torrevillas, 2011; Wehmhoener, 2010). Several classic studies on the effects of anonymity have found it to play a key role in enabling antinormative and criminal behaviours (Cannavale, Scarr & Pepitone, 1970; Kiesler, Siegel and McGuire, 1984; Mann, 1981; Mathes and Guest, 1976), as well as in increasing aggression (Donnerstein, Donnerstein, Simon, & Ditrichs, 1972; Mathes & Kahn, 1975; Page & Moss, 1976). These patterns have been observed in recent studies on computer-mediated communication as well: Santana (2014), for example, found that Internet comments posted anonymously were more frequently "uncivil" compared to comments posted nonanonymously, while other studies have identified positive relationships between anonymity and cyberbullying (Barlett; 2013; Moore, Nakano, Enomoto, & Suda, 2012) and anonymity and "cyber-aggression" (Wright, 2013, 2014; Zimmerman & Ybarra, 2014), respectively. Consistent with deindividuation theories, these findings suggest that those who engage in Internet vigilantism may often be law-abiding individuals who, with the aid of the Internet, are empowered to behave in ways contrary to that of how they would in the "real world" (see Suler, 2004).

On a much broader societal level, the "naming and shaming" of those who commit crimes is not an unfamiliar justice practice. It is typically justified by supporters on the basis that such tactics not only deter offenders from reoffending, but prevent crime at the general societal level as well through "setting an example" for others (see Golash, 2013). Though the logic of this approach is appealing in its simplicity, it does not appear to translate well into practice: In the United Kingdom, the breach rate for youth who receive Anti-social Behavior Orders (ASBOs) – and, subsequently, have both their orders and identities publicized - is significantly higher than that for adults who receive similar orders (UK Ministry of Justice, as cited in Crofts & Witzleb, 2013). Additional research suggests that "naming and shaming" tactics that result in stigmatizing labels for offenders can affect future access to conventional opportunities (Bernburg & Krohn, 2003; De Li, 1999; Lanctôt, Cernkovich, & Giordano, 2007), as well as increase the likelihood of rejection by conventional peers (Bernberg, Krohn, & Rivera, 2006). Furlong and Keefe (2011, p. 123), in their comprehensive review of the 2011 Vancouver riot, also acknowledge that practicing "naming and shaming" towards riot participants may punish them to the detriment of their rehabilitation:

> Many young people break the law. Not many years ago if a person was not caught by the police, prosecuted, and convicted, there would be no record of it. And, if there was, it would be sealed. Today a young person, perhaps with the help of the stranger cheering his antics, can create his own criminal record – one that cannot be expunged – to dog him for the rest of his life.

Indeed, as increasingly more people share their experiences with having been the targets of online "naming and shaming", the consequences of this practice are revealed as particularly devastating for the "offender" when they occur on the largely-unregulated domain of the Internet - ranging from termination from one's job (Koetsier, 2013), to the online publicizing of one's

personal contact information for harassment purposes (Tan, 2008), to the near-total destruction of one's personal and professional reputation (Ronson, 2015). Based on these accounts, Internet vigilantism, and "naming and shaming" in particular, can be understood as akin to convicting and sentencing an individual to life in a virtual jail – one with no rules, regulations, or protection from abuse.

"Vancouver Riot Pics: Post your Photos": Internet Vigilantism in Action

The 2011 Vancouver Stanley Cup riot is a unique example of Internet vigilantism in action. What distinguished this riot from other major criminal events in Canada's history – including a hockey riot that took place in downtown Vancouver in 1994, under very similar circumstances (Furlong & Keefe, 2011) – was how prominently the Internet, and social media in particular, featured in the community's response to the disturbance.

To gather evidence and apprehend those who participated in the riot, an enormous effort was made on the part of the Integrated Riot Investigation Team (IRIT) to secure the cooperation of the public, primarily through encouraging the submission of photographic and video evidence from the night of the riot. In addition to printing out flyers bearing the faces of alleged rioters for the purposes of distributing to the public, a website was set up immediately following the riot to allow those with evidence to upload it directly to police. This highly novel evidence-gathering strategy has been described by Schneider and Trottier (2012) as "crowdsourced policing". Coined by Jeff Howe (2008, as cited in Schneider & Trottier, 2012), "crowdsourcing" is a term now typically used to refer to the practice of obtaining needed services, ideas, or content by soliciting contributions from a large group of people (most typically, an online community); "crowdsourced policing" may thus describe the soliciting of "pseudo-police work" from individuals not affiliated with law enforcement. This tactic proved extremely advantageous to the IRIT's investigation: By October 31 2011, the IRIT had managed to process "over 30 terabytes of data" and "over 5,000 hours of video" (Schneider & Trottier, 2013), with so much evidence sent to police on June 16 2011 - the day following the riot - that the website temporarily crashed (Vancouver Police Department, 2011).

As these investigative efforts on the part of the IRIT took place, citizen-led efforts to "crowdsource" justice began to spring up simultaneously on a number of social media platforms. In the mere hours that followed the riot, public Facebook groups with names such as "[the] Vancouver Riot Wall of Shame", "Vancouver Riot Pics: Post Your Photos", and "Report Canuck RIOT Morons" were set up to enable and encourage those present at the riot to upload photographs, videos, and any other evidence incriminating to alleged rioters (Arvanitidis, 2013; Robinson, Kane, Duggan, & Law, 2011). Consistent with the IRIT's goals, the stated intent of these groups was to expose rioters in a public venue in order to coerce them to turn themselves in (and, later, to assist the IRIT in their investigative efforts). Yet almost immediately, many who joined the groups took to using their public nature to simply "name and shame" alleged rioters through insults, humiliating remarks, and even threats. In some instances, acts of "naming and shaming" escalated to the point that highly personal information pertaining to alleged rioters, such as phone numbers, home addresses, and the names of family members, were published online, leading to some suspects – including Nathan Kotylak - being personally harassed and threatened by strangers (Finch, McIntyre, & Sundberg, 2012; Robinson et al., 2011).

"Crowdsourced policing", as described above, is not an entirely novel approach to crime control. The distribution of "wanted" posters, for example, illustrates an early version of this tactic; the practice is also seen in myriad crime-based reality shows that encourage audiences to submit

information that could lead to the prosecution of criminal suspects (Cavender & Bond-Maupin 1993; Fishman & Cavender 1998). However, the widespread availability of portable devices capable of capturing photo and video, coupled with the sudden popularity of social media technologies and culture, have revolutionized the ease with which police evidence-gathering work may be "crowdsourced" today (Powell & Mitchell, 2008; Robinson et al., 2011). The fundamental structure of social media platforms such as Facebook, Tumblr, and Twitter enable users to document and disseminate information about global events with unprecedented ease and speed. User accounts on these sites are enormous repositories of potentially incriminating information, and the semi-public nature of these platforms allow for the relatively easy publication of said information - including by accident - from an individual profile to a public group. The dissemination of users' personal information is further enabled by the networked structure of these sites, which easily allows users to both access others' personal information, and distribute that information to a large number of individuals. Even further, users do not need to follow any particular criminal justice protocol in order to distribute information, thus allowing incriminating information to be shared almost immediately; in fact, many individuals who took part in the riot were being identified and shamed online even while the riot was still taking place (Schneider & Trottier, 2012, 2013).

Schneider and Trottier's (2012, 2013) qualitative examinations of user responses to the 2011 Vancouver riot on the social media website Facebook have shed valuable insight into how individuals made sense of the riot in the days that followed, and justified their own acts of Internet vigilantism. Their research focused on, arguably, the largest and most popular Facebook group for posting photos and video evidence incriminating to rioters following the riot: A group named "Vancouver Riot Pics: Post Your Photos". 12,587 user postings were made to the group's primary wall in just 14 days following the riot, and the page received more than 70,000 "likes" in less than 24 hours (Schneider & Trottier, 2012, 2013). Their findings, summarized briefly in the following sections, point to a number of motives underlying how and why individuals were motivated to engage in Internet vigilantism following the 2011 Vancouver riot, and provide guidance as to what steps may be taken to reduce instances of Internet vigilantism that threaten the safety and security of young offenders.

Perception of Riot Participants as Inherently Deserving of Stigmatization

Many of the hostile comments made by users to the group page stemmed from desires to denounce and ostracize those who participated in the riot, as well as to distance themselves from participants. The riot was largely blamed on the actions of "idiots" and "morons" who were not "true" hockey fans or Vancouverites, and suggestions were made that the rest of "us" (i.e., law-abiding responsible citizens of Vancouver and the world) should bring them to justice. Many of these comments echoed those made by Chief Constable Chief Chu of the VPD who, in the days following the riot, claimed that those instigators among the mob were "criminals, anarchists, and thugs' (Cole, 2011). Although it has since been demonstrated that the vast majority of participants in the riot were first-time offenders (Arvanitidis, 2013), the construct of the rioters as "morons" and "bad apples", fundamentally distinct from the good law-abiding citizens of Vancouver, appeared to have already become established in the mentality of those who created and drove the Facebook group.

Perception of Riot Participants as Responsible for Own Online Stigmatization

Many alleged rioters who were "named and shamed" within the group were blamed for their own ignorance of being filmed and photographed. These sentiments are indicative of not just attitudes towards those who participated in the riot, but of significant overall shifts in the degree to which social media users now perceive themselves to be at constant risk of being surveyed and reported to authorities by others. Consistent with this findings, a recent study on social media and visibility found that many respondents adopted several strategies to managing their social media profiles in order to avoid information leaks, ranging from limiting access to their information through tight privacy settings to self-censorship; they subsequently assumed that avoiding criminal charges was as simple as not "doing something stupid" (Trottier, 2012).

Perception of Vigilantism as Providing Assistance to Justice Officials

A number of user posts appeared to communicate the belief that "naming and shaming" alleged rioters was not only in line with the criminal justice system – that is, that doing so did not violate any existing laws prohibiting libel, threats, or harassment - but that such efforts actively assisted with the prosecution of rioters and the efforts of the IRIT. The VPD e-mail address was found to have been posted in the group over 140 times for users to forward pictures, videos, and names to, and several users outright claimed that police were actively asking people to join the group and "tag" individuals - that is, assign a name to a photograph of a person - if they recognized them (this claim that has never been verified). Still other user posts did not communicate a specific intent to assist in law enforcement efforts but nonetheless expressed a desire to see "punishment" and/or "justice" meted out to riot participants, suggesting that at least some of these individuals may have understood, on some level, that their acts of "naming and shaming" would have implications for the identification and apprehension of riot participants.

Perception of Group as Necessary to Circumvent Formal Justice System

In addition to those users who uploaded photos to the Facebook group in order to assist police in their prosecution efforts, some users who submitted evidence were motivated by a desire to circumvent the state-sanctioned justice system altogether. These individuals typically expressed dissatisfaction with the criminal justice system, particularly for delays in prosecuting those responsible for the riot, but also for its perceived leniency. Some expressed particular dissatisfaction with the differential treatment that young offenders receive in the Canadian criminal justice system – and, in particular, perceived the YCJA as overly lenient and ineffective at punishing young offenders. It was also found that a number of users directly referred to both their actions, and the actions of others, as "vigilantism" (Schneider & Trottier, 2013, p. 353) - suggesting that for at least some of these users, participation in this group constituted a deliberate attempt to circumvent the criminal justice system in order to deliver, instead, a civilian-led form of justice. This finding is also consistent with the knowledge that vigilantes often justify their actions on the grounds that adequate legal mechanisms for criminal punishment are, in the given situation, either nonexistent or insufficient (see Johnston, 1996; Juliano, 2011; Wehmhoener, 2010).

Discussion and Recommendations

The 2011 Vancouver riot saw social media and crowdsourced policing take "naming and shaming" to an unprecedented level that proved particularly threatening to the protection of young offenders' identities. There is no question that the YCJA's emphasis on the rehabilitation and reintegration of young offenders retains merit to this day; however, the myriad difficulties that social media creates in enforcing these provisions raise urgent questions regarding their applicability in this day and age, at least in their current form. Policing agencies typically lack the resources to effectively deal with cybercrime (Huey et al., 2013), and the long and complicated procedural process that awaits changes to the YCJA cannot keep up with the rapid pace at which social media technology evolves and changes. Innovative collaborative efforts, within and across various public and private sectors, may thus be the only feasible way to enforce the YCJA's secrecy provisions today. From what is presently understood about why social media users "named and shamed" rioters following the 2011 Vancouver riot, a number of alternative recommendations follow for how similar instances of "naming and shaming" may be minimized in the future.

Social media platforms can inform users of the legal ramifications of their actions. As indicated by the belief that their actions were assisting police, many social media users who engaged in acts of vigilantism following the Vancouver riot may have been unaware that their actions were breaking any existing Canadian laws; indeed, it is likely that many Facebook users do not know enough about Canadian Law to even be aware of when they are breaking it, on account that many are young people themselves (Millar, 2008). Little effort has been devoted towards educating the general public about important Criminal Code and YCJA provisions, and social media platforms such as Facebook have made no significant effort to inform users of the legal ramifications of their actions. It would be beneficial for social media platforms to require users to familiarize themselves with the potential risks and harms associated with the publication and sharing of different kinds of information.

Social media platforms can introduce mechanisms that discourage acts of "naming and shaming". For example, if anonymity is assumed to be a key factor in enabling "naming and shaming" behaviours, then putting in place mechanisms which limit the extent to which social media users are able to post anonymously may see a decrease in this form of Internet vigilantism. American multinational corporation Google, for example, recently revamped the comments function on video-sharing website YouTube so that users now cannot comment unless they link their Google+ accounts, which require user profiles to correspond with users' first and last names (Misener, 2013). It must be noted that these "real name" policies have not gone without criticism, with many noting that they are unaccommodating and discriminatory towards social media users who do not wish to reveal their legal identities online due to safety concerns (Holpuch, 2015); an alternate prevention strategy may thus be to simply increase the severity of penalties associated with online "naming and shaming" practices. Social media website reddit.com, for instance, recently had its policy updated to prohibit acts of harassment and "doxxing" (the publication of non-public personally-identifying information pertaining to an individual or individuals), under threat of being permanently banned from the website (Ore, 2015).

Police can limit their reliance upon evidence-gathering strategies that encourage Internet vigilantism. Although the IRIT was not directly responsible for the actions of the Internet vigilantes who assisted them, Schneider and Trottier's (2013) analysis suggest that the IRIT's repeated requests for assistance from the public may have contributed to the fervor with which citizens then jumped to the opportunity to "name and shame" suspected rioters. It may thus be argued that justice

officials have a social responsibility to consider how untested tactics like "crowdsourced policing" may incite citizen-led acts of vigilantism. The finding that many social users believed they were supported in their efforts to mete out justice suggests an additional responsibility on the part of justice officials to inform would-be vigilantes of exactly what actions encompass "vigilantism", particularly in the online realm; a brief statement on the Vancouver Police Department's Riot 2011 website[1] asked only that citizens "resist the temptation to take justice into their own hands", without specifying details as to what doing so would entail.

Journalists can be attentive of language that supports "naming and shaming". In the days that followed the 2011 Vancouver riot, news stories and editorials discussing the event were heavy with emotional language indicative of shame, anger, and embarrassment – all consistent with the shaming language observed within posts made to the "Vancouver Riot Pics: Post Your Photos" Facebook group (see Arvanitidis, 2013). This parallel is of note because the language used to describe criminal events, and criminal actors, has been found to have implications for how readers then come to understand these events: Specifically, the use of biased, negative language to describe criminal actors may be seen as informative of their inherent character traits, in line with the fundamental attribution error (see Dripps, 2003; Neapolitan, 1987). This begs the important question of whether these initial news reports lent legitimacy to the shaming practices that eventually gained traction within the "Vancouver Riot Pics" Facebook group.

The 2011 Vancouver riot serves as a valuable case study in both the merits, and dangers, of what happens when social media users come to the aid of law enforcement officials. According to the Vancouver Police Department's (2011) official Riot Review, the substantial number of arrests that police were able to make in the weeks following the riot was directly impacted by their efforts to "crowdsource" evidence, demonstrating that the general public can indeed be a significant partner to police agencies. The question that remains to be answered in this paper is whether these benefits outweigh the potentially devastating consequences of "naming and shaming" that young offenders may find themselves facing with much greater frequency, should such practices come to find mainstream acceptance. A criminal justice system that claims to value the rehabilitative potential of young people cannot, in good conscience, answer "yes" to this question. Without a clear answer as to whether the YCJA's secrecy provisions are relevant today, what must not be forgotten by researchers and policy-makers alike is that vigilantism arises, first and foremost, from a perceived *need* for justice – the perception that the criminal justice system is not working (Juliano, 2011). If current legal insufficiencies cannot stop social media users from taking the law into their own hands, our only alternative is to continue to increase our understanding of why individuals break laws prohibiting publication bans in the first place, and locate innovative substitutions along the way.

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[1] http://vancouver.ca/police/2011riot/

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Unbalanced Scales of Global Capitalism: Analyzing Temporary Foreign Worker Programs in Canada

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This article analyzes several characteristics of two of Canada's Temporary Foreign Worker Programs (TFWPs): The Seasonal Agricultural Worker Program (SAWP) and the Live-in Caregiver Program (LCP). First, I consider the social and economic contexts in which these programs have emerged. Second, I discuss how these programs maintain racial and gendered hierarchies. Third, I problematize the relationship TFWPs have with citizenship status, as well as critique TFWPs as a long-term solution to Canadian labour shortages. Last, I discuss the potential benefits of these TFWPs and suggest alternatives and potential improvements to the programs. Using a Marxist framework, this analysis situates Canada's TFWPs within the broader political economy and argues that global capitalism and the state interact to serve the people and economies of the Global North at the expense of migrant workers from the Global South.

Keywords: Marxism; Temporary foreign worker programs; Canadian policy; Migrant workers

Cet article examine deux programmes des travailleurs étrangers temporaires (PTET) du Canada: le Programme des travailleurs agricoles saisonniers (PTAS) et le Programme concernant les aides familiaux résidants (PAFR). Cet essai examine plusieurs aspects des PTET. Premièrement, je tiens compte du contexte social et économique dans lequel ces programmes sont apparus. Deuxièmement, j'explique comment ces programmes maintiennent une hiérarchie basée sur la race et le sexe. Troisièmement, je pose le problème des relations entre les PTET et le statut de citoyen, et je formule également une critique du PTET comme solution à long terme à la pénurie de main-d'œuvre canadienne. Enfin, je discute des avantages potentiels de ces PTET et propose des solutions de rechange et des façons d'améliorer les programmes. À l'aide d'un cadre d'analyse marxiste, les PTET du Canada sont évalués globalement dans le contexte de l'économie politique et il est proposé que le capitalisme mondial et l'État interagissent au service des citoyens et des économies de l'hémisphère nord, au détriment des travailleurs migrants en provenance de l'hémisphère sud.

Mots-clés: Marxisme; programmes temporaires de travailleurs étrangers; la politique canadienne; Travailleurs migrants

Introduction

This article examines two of Canada's Temporary Foreign Worker Programs (TFWPs): The Seasonal Agricultural Worker Program (SAWP) and the Live-in Caregiver Program (LCP). The purpose of this analysis is to situate Canada's TFWPs within the broader political economy. The research questions this analysis will address are as follows: What is the social and economic context in which these TFWPs have emerged? In what ways are these TFWPs exploitative? What is the relationship between these TFWPs and citizenship status? Lastly, what are the potential benefits of

both the SAWP and the LCP? As well, I will make recommendations for ways to improve these two TFWPs in Canada. More specifically, this article investigates how global capitalism and the state interact to serve the people and economies of the Global North at the expense of migrant workers from the Global South. The reason for exploring the SAWP and the LCP is to compare and contrast the various dimensions of two fundamentally similar programs that both exist for the purpose of filling a certain type of labour shortage but that function in different realms of the Canadian labour market. In order to address the above research questions, data was collected from secondary sources, including peer-reviewed articles, as well as from primary sources, such as government documents. A Marxist framework, which understands exploitation to be a necessary part of the functioning capitalist system, is used to guide this analysis and interpret the data that has been collected.

Sharma (2012) argues the Canadian state uses immigration policy to reaffirm a global hierarchy based on race, class, and gender. The state uses different types of immigration status such as "temporary worker," "permanent resident," or "citizen" to categorize migrants and label them as various types of marginal. These levels of differentiation are intimately tied to a perceived level of worth, as a temporary worker has fewer rights than a citizen. For instance, unlike citizens, even though temporary foreign workers contribute to the Canadian tax system, they cannot claim unemployment insurance or access welfare assistance. Moreover, temporary foreign workers are tied to their employers, which means their immigration status is tied to their employer (Sharma, 2012, p. 36). This gives workers little freedom to move geographically, bargain, or express dissent, and gives employers the power to reproduce state policy and control in the workplace and home. What this means in Marxist theory is the capitalist is powerful and the workers' labour is exploited. Thus, according to Sharma (2012) "'temporary foreign workers' are a creation of the Canadian state…[they] exist within a state bureaucratic classification scheme designed to hold people in a particular relationship of exploitation and social/political subordination" (p. 35).

Migration for temporary employment purposes has risen in recent years and is now a global trend (Depatie-Pelletier & Khan, 2011, p. 27; Hennebry & Preibisch, 2010, p. 20). There are now more temporary foreign workers than traditional entry foreign workers in Canada (Depatie-Pelletier & Khan, 2011, p. 4). Since the 1970's the majority of people migrating legally to Canada have come through TFWPs (Sharma, 2012, p. 32). In 2004 for example, nearly 80% of migrants came to Canada as temporary migrant workers with the remaining approximate 20% being afforded permanent residency (Sharma, 2012, p. 32). This is a significant gap between those who are deemed temporary workers and those who are deemed residents on arrival. According to Statistics Canada, the number of temporary foreign workers coming to Canada "now exceeds 100,000 per year, with some 193,061 individuals entering… in 2008" (Hennebry & Preibisch 22). The SAWP alone employs 27,000 people from Mexico and the Caribbean yearly (Hennebry & Preibisch, 2010, p. 20). What this tells us is that people migrating to Canada under a temporary work agreement is the new norm. Thus, its implications on both migrants and Canada's labour market and economy must be explored.

What follows is a brief description of the SAWP and the LCP. The SAWP has existed for over forty years and hires more and more migrants from Mexico and the Caribbean (Anguilla, Antigua and Barbuda, Barbados, Dominica, Grenada, Jamaica, Montserrat, St. Kitts-Nevis, St. Lucia, St. Vincent and the Grenadines, and Trinidad and Tobago) each year (Hennebry & Preibisch, 2010, p. 35; Government of Canada, 2014a). Migrants are hired for a maximum of eight months and work with the following commodities: apiary products, fruits, vegetables, flowers, Christmas trees, sod, tobacco, bovine, dairy, duck, horse, mink, poultry, sheep, and swine. The program is

open to both men and women eighteen years of age and older (Government of Canada, 2014b).

The LCP as it is now was created in 1992 as a "special federal immigration program whose objective is to bring qualified temporary workers to Canada to provide care for children, the elderly, or persons with disabilities in private family households" (Bakan & Stasiulis 2012, p. 204). What preceded the LCP was the Foreign Domestic Movement Program (FDM), which existed from 1981 to 1992 and was focused only on filling a need for childcare (Bourgeault et al., 2010, p. 85). The number of people entering Canada through the LCP is steadily increasing from about 2,000 in 1996 to 6,717 in 2007, with the total number of participants being over 30,000 in 2007 and over 80% coming from the Philippines (Bourgeault et al., 2010, p. 86).

Both of the SAWP and LCP are only increasing in size and popularity and require low skill labour. However, the LCP requires experience, education, and language proficiency, whereas these are not requirements of the SAWP. Another difference in these programs is that, unlike the SAWP, the LCP is advertised as a pathway to citizenship, as participants can apply for permanent residency after two years in the program (Bakan & Stasiulis 2012, p. 204; Government of Canada, 2014b). Prior to 2014 the only requirement for participants in the LCP to qualify for permanent residency was that they complete two years in the program. However, in 2014 the Government of Canada added requirements beyond participating in the LCP for two years. Specifically, in addition to participating in the LCP for two years, live-in caregivers now must have at least one year of post-secondary study in Canada, or in a country given equivalency in Canada (Black 2014). As well, participants in the LCP who wish to apply for permanent residency now must pass a Level 5 language test in either French or English (Black 2014). An additional change to the LCP is that if participants fail to obtain permanent resident status they will be sent home after four years, adding more uncertainty and precariousness for participants (Black 2014). One improvement to the LCP in recent years is the removal of the live-in requirement. Traditionally, both the SAWP and LCP required participants to live with their employers or on their employer's property, but after live-in caregivers contested violations to their contracts and campaigned for policy changes, the live-in requirement was removed from the LCP, although it remains in the SAWP (Black 2014; Tungohan, Banerjee, Chu, Cleto, de Leon, Garcia, Kelly, Luciano, Palmaria & Sorio, 2015, p. 88). Additionally, the SAWP is advertised to both men and women whereas the LCP is not explicit about gender requirements, but implies a preference for women.

The Emergence of TFWPs

Our social, political, and economic world has changed over the last half century. During this period we have seen global and economic restructuring in the form of global capitalism and neoliberalism. These transformations in the political economy have affected people around the world and are especially relevant to this examination of TFWPs in Canada.

Kofman (2004) cites "economic and social transformations brought about by globalizing processes" as a reason for recent immigration trends being highly stratified immigration categories based on class, gender, and race or nationality such as with the TFWPs (p. 644). The author suggests globalization produces hierarchical systems of inclusion and exclusion through mobility –or who is accepted into Canada and on what terms. This hierarchy can be seen in Canada's TFWPs, as "the lesser skilled…are either allowed to enter with lesser rights, or prevented from entering legally" (Kofman, 2004, p. 665). Bakan and Stasiulis (1994) verify Kofman's argument and hold global capitalism accountable for the recent influx of global migration and the stratification by which it is characterized. These authors also mention "distorted development among third-world labour

exporting regions" as a factor contributing to migration (p. 8). These may be failed development projects, corrupt governance, poor economies, or extreme wealth inequality. Bakan and Stasiulis (1994) further note the increase in precarious work around the world, involving jobs that are low-wage and "unprotected" as a reason for intensified immigration and labour stratification (p. 9). Our capitalist system is based on class divisions –those who sell their labour and those who control labour. However, the authors suggest that with global capitalism and more precarious low skill work our "capitalist labour force has become further segmented," not only by class, but "by gender, race, and ethnicity" and also citizenship status, which governs workers' rights, freedoms, and labour legislation protection (Bakan & Stasiulis, 1994, p. 9).

Global capitalism involves the creation of a transnational capitalist class. What this means is that the bases of capitalism, which are modes of production and our financial system, are increasingly integrated and global. As well, global capitalism is characterized by an increase of multinational and transnational companies, and states becoming more global and secondary to markets. Lastly, global capitalism is characterized not only by inequality within nations but across borders as well, with certain nations selling their goods and labour for capitalist consumption. Global capitalism started in the late 1970's and early 1980's with "the weakening and transformation of welfare states in the capitalist West, the collapse…of…the communist East, and the undermining of developmental states in what had been called the Third World" (Postone, 2007, p. 7). More broadly, these transformations in the political economy were due to long-term economic downturn and a global integration of our social, political, and cultural lives (Postone, 2007, p. 7). It has been suggested that the cause of the economic downturn of the 20th century is due to economic competition by Germany and Japan after World War II, as these countries began to produce more goods. Consequently, rather than bow down to competitive advantage the US continued manufacturing, which led to overproduction, falling profits, and increased competition (Postone, 2007, p. 10). In summation, global capitalism is marked by global competition, and it is because of these new competitive pressures that states have had "to engage in a number of strategies to protect their own position within the globalized political economy" such as borrowing cheap foreign labour (Hennebry & Preibisch, 2010, p. 21).

It is difficult to talk about global capitalism without discussing neoliberalism. Neoliberalism emerged in the mid 1980's and early 1990's through "neoliberal regime shifts and neoliberal policy adjustments" (Jessop, 2007, p. 71). Neoliberalism is essentially a set of "economic policies based on liberalization, deregulation, privatization, market proxies in the residual public sector, internationalization, and reduced direct taxation – a set of policies that are intended to alter the balance of forces in favour of capital" (Jessop, 2007, p. 70). Thus, clearly with neoliberalism there is an intended set of winners and they are the already powerful capitalist class. This makes the losers of neoliberalism those who sell their services and labour to the capitalists –workers from the Global South.

What has been described above is the context in which TFWPs such as the SAWP and LCP emerged. Within the neoliberal global capitalist context exists a real or perceived labour shortage in Canada. This 'shortage' of low skill low wage work is what TFWPs attempt to fill. Depatie-Pelletier and Khan (2011) write: "Globalization, and the push to fulfill the neoliberal economic and political agenda, have moved Canada away from its previous commitment of nation-building into the fixated search for more flexible and disposable low skilled migrants to serve as economic units to fill industrial production labor shortages dictated, in part, by global trends towards lower labour costs and degradation of work conditions" (p. 4). Whether or not this shortage is real or perceived has been debated. It is argued that the shortage exists because of "a booming economy, an aging

workforce, and an increasingly educated population unwilling to take low skilled jobs" (Depatie-Pelletier & Khan, 2011, p. 29). Thus, calling it a shortage may be misleading, as the jobs temporary foreign workers take are the ones rejected by Canadians. In other words, there exists a shortage of a certain kind of worker –ones who are cheap and willing to work for low wages, who are politically repressed, and who are willing to do dirty, dangerous, and difficult work—what Bakan and Stasiulis (2012) call "free" wage labourers (p. 204; Depatie-Pelletier & Khan, 2011, p. 48). Highlighting the role of neoliberalism in the rise of TFWPs, it has been argued a "care deficit" exists as a result of reduced spending on social care programs and healthcare restructuring (Torres, 2012, p. 228). This restructuring, combined with an increase in dual-earner families, creates a need for caregivers that could otherwise be supplemented with social programs, and has shaped the LCP.

It is clear a labour shortage exists; whether it is because there are too few Canadians to fill this type of low skill work or because Canadians do not want to do this type of work is less important. What is important is that temporary foreign workers are considered to be the long-term solution to this labour shortage, rather than rehabilitating the Canadian welfare state. Immigration in the form of temporary foreign workers is part of the Canadian government's "comprehensive labour market strategy" (Depatie-Pelletier & Khan, 2011, p. 29). Depatie-Pelletier and Khan (2011) suggest that because more and more temporary foreign workers are coming to Canada every year the "labour market needs they are filling are not temporary, but instead long-term, permanent, if not increasing" (p. 14). Moreover, it is not only the Canadian government and Canadian employer demands that pull migrants into temporary work; it is also the governments of the labour exporting countries that encourage labour migration. For instance, the Philippine government encourages Filipinos to enter the LCP due to remittances Canadian work supplies the country and the fact that it absolves the Philippine government from the responsibility of addressing the country's lackluster economy (Torres, 2012, p. 232).

TFWPs and Exploitation

Both the SAWP and LCP have exploitative elements, and at the very least disadvantage the foreign workers they employ. The most obvious ways these two programs are exploitative are that the employees are racialized, the work is gendered, working conditions are poor and constraining, and lastly these programs tie citizenship status to employers.

Race

There is a narrative that exists in Canada and that is that foreign workers are satisfied with the work rejected by Canadians and that they are lucky to work in Canada regardless of their pay or working conditions (Sharma, 2012, p. 38). This discourse subordinates and differentiates foreign workers from Canadians in the labour market and facilitates their racialization. For instance, a racial hierarchy persists in the LCP. According to Bakan and Stasiulis (2012) darker skinned women "suffer from the most demeaning of racial stereotypes" and "are assigned the least desirable and dirtiest forms of domestic labour," unlike lighter skilled women who are assigned preferential work (p. 216). Not to mention, most women employed through the LCP are from the Philippines, which shows a clear racial preference toward Filipinos (Torres, 2012, p. 227). This form of racial stratification is rooted in colonialism and the institution of slavery. For instance, during 18th and 19th Century slavery in the US, darker-skinned people were relegated to work in the fields, while lighter-skinned people who might have been the offspring of slave-owners often worked in the

house, which involved preferential domestic labour. Similar trends can be seen in the LCP, as Filipinas are often light-skinned and are less 'othered' than dark-skinned migrants from other countries. It can be argued that because Filipinas are light-skinned they are more 'like' white Canadians. Therefore, the Canadian state and Canadian families inadvertently prefer Filipinas and welcome them more than darker-skinned migrants. Thus, Filipino women are the majority participants in the LCP and are preferred to undertake care work because they are perceived as 'safe' to interact with Canadian children and be out in Canadian neighourhoods.

The SAWP also very clearly racializes the workers that come into the program. As was mentioned above, the program only employs people from Mexico and the Caribbean. Moreover, Canadian employers are allowed to select workers based on their nationality or race. This encourages employers to essentialize people based on their skin colour or nationality. This process of essentializing seasonal migrant agriculture workers based on their race also has roots in the US slave trade and the social construction of race. For instance, during the slave trade certain physical attributes and characteristics, such as size or place of origin, were considered desirable for certain types of labour and slaves were bought and sold on the basis of assumed characteristics associated with certain traits. Consequently, Canadian employers have been led to deem certain groups hard working and others as potentially lazy, which perpetuates certain racial stereotypes. This racial stratification is problematic because it creates unhealthy competition between workers, encourages workers to racialize each other, and prevents the possibility of worker solidarity. For instance, if a Mexican worker is perceived to be lazy, a Jamaican worker may define himself by what the Mexican is not, and try to present himself in such a way that associates being Jamaican with being hardworking, which ultimately divides workers.

Racializing workers also creates competition between labour exporting countries founded on the degradation of another country's migrant workers. Mexico and Jamaica for example become competitive and try to provide 'good' workers and meet Canadian employer expectations. Thus, allowing employers to "divide the workforce on the basis of citizenship, language, gender, and nationality" is racist and disadvantageous to workers. This is because it reduces workers to their assumed racialized traits rather than recognizing their potential skills and experiences. As well, the process creates a lack of solidarity between workers and between workers and their exporting country governments, as the workers are basically commodities (Hennebry & Preibisch, 2010, p. 25).

Gender

Both the SAWP and LCP are highly gendered. Moreover, the way these programs are gendered reaffirms traditional ideas about men and women. Specifically, even though the SAWP is open to both men and women, an overwhelming percentage (97%) of the participants are men (Depatie-Pelletier & Khan, 2011, p. 67). Furthermore, women are overrepresented in the LCP and service and domestic work in general (Sharma, 2012, p. 34). What this tells us about gender is that men are expected to sustain their families through hard physical labour outside the home that directly contributes to the economy, as they do in the SAWP, and women are required to reproduce family life, as they do in the LCP (Parreñas, 2001, p. 63). Within capitalism, the family is understood to be the basic social unit and a clear gendered division of labour exists as a way to sustain the capitalist system. Specifically, within capitalism men are traditionally visible as wage earners and occupy public space. In contrast, women are visible as mothers and occupy private spaces, such as in the home (Crompton, 1999, p. 17). This gendered division of labour is the result of gendered

essentialisms that perceive women as innately maternal and caregiving. Thus, because the LCP primarily hires women the program perpetuates a gendered division of labour where women are valued for certain assumed characteristics or traits. As an implication, Filipino women are essentialized and relegated to the home to provide domestic labour and care to Canadian families, reproducing Canadian family life. As well, participants in the LCP are expected to sustain their own families abroad by sending remittances and providing an avenue for their dependents to eventually migrate to Canada.

According to Parreñas (2001) there exists an international division of labour, which is facilitated by the LCP. The author refers to this phenomenon as a "three tier hierarchy of international transfer of caretaking" (Parreñas, 2001, p. 73). What this concept means is that we live in a patriarchal world system where women's work is still perceived to be reproductive work and these beliefs exist across borders. Hence, the LCP frees women from the Global North from domestic work and allows them to enter the workforce with ease and contribute to the Canadian economy. However, the domestic work is simply shifted to another type of woman –women from the Global South. Additionally, this shift leaves children in the Global South in need of care and so even poorer women in the Global South are hired to care for the children of migrants. Thus, domestic work becomes gendered and racialized, as women move "from one distinct patriarchal system to another, bound by class, in transnational capitalism" (Parreñas, 2001, p. 78). The result is that patriarchal systems are not challenged and women are still bound to reproductive labour— the system is just further complicated.

Working Conditions and Control

Workers participating in both the SAWP and LCP are either required to or tend to live where they work. This can be constraining for workers because they are always 'at work', potentially always on call, forced to work overtime hours, isolated, and have little time off from work. Living at work and with employers also increases the likelihood workers will be abused and that workers will avoid complaining about substandard living conditions. With the SAWP workers must live on the farm on which they work. There are "subjective perceptions of acceptable" housing, as standards are not enforced nor monitored regularly (Hennebry & Preibisch, 2010, p. 30; Depatie-Pelletier & Khan, 2011, p. 67). With the LCP, workers often live in the house of the employer, as affordable housing in Canada can be inaccessible (Bakan & Stasiulis, 2012, p. 209). This is problematic because it leads to workers being over-worked and feeling isolated, as they are alone in the employer's home with the employer. For workers in the LCP, their place of work is also often their home, and thus the home becomes divided by employee and employer, by class, race, and by gender, which reproduces and symbolizes global inequalities (Bakan & Stasiulis, 2012, p. 209).

Temporary foreign workers are bound to their employer by the terms of their work programs, immigration status, and housing accommodations (Sharma, 2012, p. 36). This is highly restrictive and constraining. Because workers are tied to their employers in the SAWP and LCP, they are unable to move freely in the Canadian labour market and are therefore unable to bargain. Workers in the LCP often have restricted mobility, as in they may not be able to leave the house or do so only at certain times, and have no accessible formal paths to complain (Torres, 2012, p. 236). There are also instances of forced savings in the SAWP and workers are forbidden to unionize (Hennebry & Preibisch, 2010, p. 32; Depatie-Pelletier & Khan, 2011, p. 19). The LCP appears especially isolating as workers have little contact with other participants in the program given that they all live and work in separate houses. Moreover, it is not feasible to bring family as Canadian

rent prices are high and employers usually only have one room in their home for the caregiver (Bakan & Stasiulis, 2012, p. 205). Additionally, if workers are restricted from leaving the house they are unlikely to access support systems from other caregivers, friends, family, churches, or other important networks. On a psychological level, participants in the LCP may feel isolated as it may become clear they are an important part of maintaining the household, but are not part of the family.

Citizenship Status

The institutionalized inequalities that have been discussed above, including race, gender, and living conditions, all function to disadvantage workers and heighten their vulnerability (Bakan & Stasiulis, 2012, p. 203). This is because the state essentially sides with the employers rather than with the workers. In other words, through the SAWP and LCP the Canadian state sanctions racialized, gendered, and unfree employment of temporary foreign workers. These workers become a distinct class of workers in the Canadian labour market –ones who are differentiated and excluded from rights and freedoms afforded to Canadian citizens. This discussion will now turn to how citizenship status is linked with employment to create different and unequal classes of workers in Canada.

According to Depatie-Pelletier and Khan (2011) "temporary workers have a place in the economy but not in the nation" (p. 48). The Canadian state benefits from temporary foreign workers through the workers' contribution to the economy by their filling of undesirable jobs. Furthermore, the state benefits by not having to provide workers with many of the rights and freedoms afforded to Canadian citizens. This is especially true with the SAWP as there is no real path to citizenship for its participants, unlike the LCP.

In both the SAWP and LCP workers are allowed to enter Canada with the agreement that they participate in these programs. Thus, their legal status in Canada is directly related to their employment and employer. This is problematic because if a participant in the SAWP or LCP loses their employment they will automatically lose their right to work in Canada (Depatie-Pelletier & Khan, 2011, p. 13). These terms do not take into consideration the possibility that a temporary foreign worker in the SAWP or LCP may be dismissed on unfair grounds. There are, however, legal measures a worker can take to complain about an unjust dismissal but the odds of workers going down that path are slim. This is due to a fear of being blacklisted from the TFWP and because legal processes are time consuming and without a permit to work in Canada workers are unable to support themselves while the legal process unfolds. Thus, as a temporary foreign worker "you have rights, but you will certainly lose your status before being able to exercise them" (Depatie-Pelletier & Khan, 2011, p. 14). Moreover, if a worker is found to be in violation of the terms of their TFWP they may also be considered to be violating Canadian immigration regulations, which can prevent them from accessing Canadian work permits in the future (Depatie-Pelletier & Khan, 2011, p. 18). The Canadian Labour Congress has called this policy into question, as it "places an unfair and impractical burden on migrant workers" (Depatie-Pelletier & Khan, 2011, p. 18).

Although both the SAWP and LCP tie workers' citizenship status to their employment, the LCP is advertised as a path to citizenship, unlike the SAWP. With the SAWP low skilled workers are hired for a short period and then expected to return to their home countries. These workers are not encouraged to and have no option to settle in Canada or apply for a permanent resident status (Hennebry & Preibisch, 2010, p. 32). Typically, "low skilled or unskilled occupations are generally designed to prevent settlement and restrict mobility" (Hennebry & Preibisch, 2010, p. 20).

However, the LCP is different. The LCP is framed as an immigration work program. Thus, it is advertised that a participant can apply for permanent residency, albeit with stipulations, after two years of full time work in the program (Bakan & Stasiulis, 2012, p. 204; Government of Canada, 2014b).

It is curious that workers in the LCP are clearly encouraged to settle in Canada whereas workers in the SAWP are discouraged from settling in the country or applying for residency. The SAWP and LCP are the same in that they employ foreign labour to fill a low skill low wage labour shortage in Canada. However, the programs are different in that participants from the LCP are mostly Filipino women, have language skills in English or French, and have experience and education –usually BA degrees (Torres, 2012, p. 234). Participants in the SAWP are Mexican and Caribbean men with no necessary language skills or educational experience. What this suggests is that even though both types of work in the agriculture and domestic service sector require low skill foreign labour, it is educated Filipino women to which the Canadian state would prefer to afford a space in the nation. It may also be that because participants in the LCP are required to live in the homes of everyday 'middle class' Canadians and are the ones who will interact with Canadians on a more personal and everyday basis, as they are the ones running neighbourhood errands for families, taking kids to the park, and reproducing Canadian family life, it is safer and comfortable to have the least 'foreign' of the foreign people –that being light skinned Filipino women who speak English or French and who have formal education.

To sum up this discussion of citizenship, ideally rights and freedoms should be inherent to all people, not afforded to people based on a person's level of membership to a certain state, nor on the basis of class, gender, race, or country of origin. However, although this is the ideal it may be impractical in the conservative capitalist Canada we live in today. However, improvements can be made. Rights and freedoms need not be divided subjectively based on a person's perceived worth, which in turn creates a new class of migrant whose immigration status is tied to an employer. Because temporary foreign workers are placed in a limbo where they are not residents and have little mobility, temporary workers are forced to be dependent on employers and the state. Thus, these workers are not free, nor able to settle into Canadian society, especially when racial, classed, and gendered inequalities are institutionalized through immigration and work programs.

Discussion

The Canadian state employing foreign labour is not inherently bad and does not have to be exploitative. In theory, employing foreign labour can be harmonious if a shortage of workers exists in Canada and a shortage of labour opportunities exists in a developing country like the Philippines. As they are today, TFWPs benefit developing countries through the remittances that migrant labourers supply to their families. Torres (2012) says remittances are a "central economic pillar" for many developing countries such as the Philippines (p. 229). However, remittances being central to many economies in the developing world may not be a benefit in the long term. This is because it can absolve governments in developing countries of responsibility to improve their economies and provide quality employment opportunities for people in the country. Thus, remittances may not necessarily contribute to sustainable development (Hennebry & Preibisch, 2010, p. 33). Additionally, developing countries benefit by having more highly skilled workers potentially return to the country. Furthermore, migrant workers "may benefit from the opportunity to increase productivity and wages" (Hennebry & Preibisch, 2010, p. 33). As well, TFWPs provide formal channels for migrants to enter Canada, which can curb illegal immigration and human trafficking

(Hennebry & Preibisch, 2010, p. 21). Not to mention, TFWPs provide a channel for migrants who do not meet the qualifications of the points system to enter Canada (Bourgeault et al. 2010 p. 84).

In spite of the benefits mentioned above, the problem with TFWPs in Canada are the exploitative factors discussed earlier, which leads to an imbalance in the beneficiaries of TFWPs. Hence, the Canadian state and employers benefit from these programs more than developing countries and significantly more than the migrant workers from those developing countries (Hennebry & Preibisch, 2010 p. 26). Depatie-Pelletier and Khan (2011) write "although migrant workers benefit from the program, the North has the upper hand in the bilateral agreement" (p. 62). This is because the state gains economic entities, while those economic entities are exploited for their labour. In speaking about the LCP specifically, Bakan and Stasiulis (2012) write that the program "is an instance of state and global accommodation of the needs of families in the Global North through the enforcement of extraordinary conditions for migrant household workers, the vast majority of whom are women from the Global South" (p. 206). Furthermore, the LCP is meant to be "a means to an end," with the end being improved citizenship status and better access to economic opportunities (Bakan & Stasiulis, 2012, p. 214). However, the end is not guaranteed and live-in caregivers may face difficulty leaving domestic work and significantly improving their economic situations, especially living in a country where people are gendered and racialized on an institutional level and in the labour market. This imbalance of the benefits of TFWPs reflects the fundamental characteristic of neoliberalism, which is to tip the scales of power in favour of capital.

There are many specific elements of TFWPs, such as the SAWP and LCP, that can be improved to balance the benefits of the programs in a more equal way, so that migrant workers are less significantly on the losing end. The following are some of the most essential changes that should be made to the programs. One improvement that can be made in Canada is in immigration policy. There is a need for more channels to permanent migration rather than only through the points system, which favours certain immigrants, and through TFWPs, which are highly stratifying and exploitative (Depatie-Pelletier & Khan, 2011, p. 39). Another important improvement would be strengthening the supervision and monitoring of living and working conditions (Depatie-Pelletier & Khan, 2011, p. 52). As well, the live-in requirement of the SAWP should be an accessible option rather than mandatory, with affordable housing made available. Lastly, temporary foreign workers should be allowed and encouraged to unionize. Regarding the LCP specifically, workers should be allowed and encouraged to meet with other participants in the program on a regular basis. This would likely curb feelings of isolation, lead to less restrictions and controls, and could facilitate unionization, or at least solidarity.

While formal changes to aspects of TFWPs would be crucial to improving migrants' experiences in the programs, the major change that is most difficult but is the most meaningful would be the dismantling of global capitalism and neoliberalism. Our political economy "has prioritized market imperatives over social policy and equity considerations" (Depatie-Pelletier & Khan, 2011, p. 4). This prioritization has lead to the marginalization of workers from the Global South and inequality within Canada and on a global scale. In addition to a shift in the political economy, a culture of individualism and entitlement, which goes hand-in-hand with capitalism and leads to race and gender inequalities, must also shift. The shift must move away from favouring market competition to promoting social equality and inclusion in Canadian society.

Conclusively, Canada's TFWPs, and the SAWP specifically, are held up as exemplary managed temporary migrant worker programs in the international community (Hennebry & Preibisch, 2010, p. 23). However, after this analysis, it is clear these programs are not in fact ideal models of immigration work programs as they are largely exploitative, essentializing, restrictive,

and exclusionary. Moreover, TFWPs are congruent with Marx's understanding of capitalism, which is that exploitation is necessary to the functioning of the capitalist system. More broadly, international exploitation is essential for the functioning of global capitalism. Thus, it is important to ask: Is global capitalism working, and if it is working, for whom is it working?

About the author

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BOOK REVIEW / CRITIQUE DE LIVRE

Wesley G. Jennings. Rolf Loeber. Dustin A. Pardini. Alex R. Piquero. David P. Farrington. (2015). *Offending from Childhood to Young Adulthood: Recent Results from the Pittsburgh Youth Study*. New York: Springer. Pp. 82. ISBN: 9783319259666

Jennings et al.'s *Offending from Childhood to Young Adulthood* provides a valuable account of the association between kids' offending and the duration. This study is consistent with the trend of crime propensity and age difference which emerged in criminology more than a hundred years ago. The aim of this quantitative study is to "offer the most extensive and comprehensive investigation to date on the official offending, self-reported offending, and trajectories of offending of the Pittsburgh Youth Study (PYS) participants" (p.2). Began at 1987, the PYS focused on inner-city boys' offending. For the integrity of data, this book selects the Youngest cohort (grade 1) and the Oldest cohort (grade 7). The final sample size (N) for grade 1 is 503, and for grade 7 is 506. To measure offenses, the book integrates two main concepts. First, age of onset is defined as the age when first offense is committed. Next, criminal career length refers to the length between the onset age and age at last offense.

In chapter 2, Jennings et al. examine official records of offending. In the youngest band, 205 participants had at least once offense, and accumulated 1080 offenses during age 10 to age 30. On the other hand, 244 participants in the oldest cohort had at least once offense, and had 1437 offenses in sum. Using odds ratios, participants in both cohorts showed continuity in offending. For example, among offenders in the youngest cohort, the average onset age was 17.37, and the last offense was at age 22.99. The average criminal career was 5.62 years.

The focus of chapter 3 is self-reported records of offending and its comparison with official records. Data of self-reported offenses was collected by the 40-item Self-Reported Delinquency (SDR) scale. It should be noted that both cohorts have missing data, so the comparison contained conservative estimates. Taken as whole, the prevalence estimates for the youngest cohort was 56.3% during age 10 to 30. Comparatively, the prevalence estimates for the oldest band was 76.5%. For continuity of offending behaviors, odds ratios show significant degree in the two bands. Computing self-report-to-official-offending ratios, Jennings et al. discovered the interrelation between official and self-reported records. With every one official record of offending, self-reported records increased 105.10 in the youngest cohort. In contrast, the oldest cohort 130.24 self-reported offenses with every one offending in official records.

To find out at what age offenses tend to stabilize, chapter 4 provides multiple information for group-based trajectories of offending. Jennings et al. divided each cohort (the youngest cohort and the oldest cohort) into three age bands (ages 10-16; ages 10-24; ages 10-30). Shapes of trajectories varied based on different groups and subgroups. For example, in ages 10-26 of the youngest cohort, adolescent-onset offenders (15.5%, n=78) averagely began at 11 years old, and then, steadily increases until peak at age 16 with average one offenses.

In the last chapter, Jennings et al. offer suggestions about how to explain and prevent juvenile delinquency. First, current theories which based on official records of offending might have biased theoretical perspectives. Second, more research is required to analyze risks and protective factors. Third, early-life interventions and services which targeting chronic offenders were also needed.
Using the PYS data, Jennings et al. extensively emphasize the continuity of criminal career and the relation between official records of offending and self-reported offenses. Missing in this book is

socio-economic information of participants, and it could provide more comparisons between different age cohorts. This book is significant, as authors combine multiple comparisons to give deep insights to age difference and offenses. It also an excellent work for researchers, policy makers, criminology and sociology.

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