

**PENAL ABOLITION:
ANTHEM FOR A MORE TOLERANT TOMORROW**

by

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ABSTRACT

Applying the visual arts and educational media to Criminology is an original approach to scholarship and social change. The thesis project combines a conventional print-based thesis with a documentary video. The print thesis and the video project address the provocative, often misunderstood concepts of transformative justice and penal abolition. This exploratory and descriptive undertaking challenges the commonsense imagery depicted in mass media, that imprisonment and punishment are truly in the public interest, and the thesis and video both explore immoralities of criminal justice. An academic and sociopolitical debate on penalty and our current criminal and social justice processes is presented for community education and discussion about the Canadian criminal justice system, offering an alternative critical source of information on social justice issues. This research explores options for social change, providing individuals an opportunity to exercise their critical thinking skills. To create a unique multimedia teaching tool about alternative ways of dealing with social problems is one step towards the establishment of transformative justice and penal abolitionism.

DEDICATION

To Jon Bolton

For my parents, Gabriela & Carmelo Condello

And to the memory of Ruth Morris

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Worrying does not empty tomorrow of its troubles, it empties today of its strength!

TABLE OF CONTENTS

Approval.....	ii
Abstract.....	iii
Dedication	iv
Acknowledgements.....	v
Table of Contents	vii
Lists of Tables and Figures	ix
Foreword.....	x
Chapter One - Education for Social Change: From Prison to Penal Abolition ..	1
Preface	1
Research Overview.....	8
Research Methodology	11
Video Production.....	17
Overview of Following Chapters.....	20
Chapter Two - Education or Exploitation?	23
A Documentary Style	23
Using a Video Camera as a Research Tool: “The Camera Always Lies”	28
Politics of Video Representation	31
Audience Interpretation.....	33
Chapter Three - The Making of Anthem	35
The Art of Editing.....	35
Creating Anthem’s Drafts.....	37
Ruth Morris, Pioneering Penal Abolitionist, Activist, and Academic	44
Marc Forget, Alternative to Violence Facilitator, Deep Humanity Institute ..	47
Stephen Duguid, Professor, Simon Fraser University.....	50
Karlene Faith, Professor, Simon Fraser University.....	52
Liz Elliott, Professor, Simon Fraser University	55
Eddie Rouse, Lifer, Educator, and Activist	58
Nikki O’Halloran, Ex-offender and Activist	60
Connecting the Dots.....	63

Chapter Four - Punishment and Justice: “Working On Yesterday’s Answers”	66
Walking the Walk	66
Why are we so rooted in the importance of punishment and imprisonment? .	67
How do we resist retributive strategies?.....	75
Can we have justice without punishment?	84
Appendices.....	92
Appendix A: Anthem for a More Tolerant Tomorrow	92
Appendix B: Introductory Letter	93
Appendix C: Consent Form.....	95
Appendix D: Subject Feedback Form	96
Appendix E: List of Video Participants	97
Appendix F: Ruth Morris.....	98
Appendix G: Marc Forget	99
Appendix H: Stephen Duguid.....	100
Appendix I: Karlene Faith	101
Appendix J: Liz Elliott.....	102
Appendix K: Eddie Rouse	103
Appendix L: Nikki O’Halloran	104
Appendix M: Video Narration	105
Appendix N: Ethics Approval Letter.....	107
Bibliography	108
References	108
Works Consulted	113
Filmography.....	116

LISTS OF TABLES AND FIGURES

Table 1. The Miles & Huberman Approach to Thematic Analysis	19
Table 2. Kern's (1970) Approach to Thematic Analysis	19
Figure 1. Proportion of Anthem's Parts in Draft One	39
Figure 2. Proportion of Anthem's Parts in Draft Two	41
Figure 3. Proportion of Anthem's Parts in Draft Three	42
Figure 4. Proportion of Anthem's Parts in Draft Four	43
Figure 5. Proportion of Anthem's Parts in the Fifth and Final Draft	44

FOREWORD

People must know what is happening. They must care about is happening. They must begin to do whatever they are capable of doing, individually and collectively. Somewhere in the human organism there is an ear that will listen, a mind that will open, a heart beat that will quicken and a voice that will clamour for the conversion of an order which exalts "Business as usual" over one which honours concern for others. And when enough people realize this and organize themselves to act upon their convictions, it will change.

Claire Culhane

(1918 –1996)

CHAPTER ONE - EDUCATION FOR SOCIAL CHANGE: FROM PRISON TO PENAL ABOLITION

...we all feel angry at what's wrong in our world. We all feel eager for healing, we all feel eager for a world which is more just to all the needs in the world. A world where hungry children aren't hungry anymore, a world where Native people get a fair shake, a world where all our kids have a chance at jobs. A world where corporations don't get by literally with murder...For all the things that are happening that are terrible to see...I often say is that is it an honour to be born at a time when the future of the planet is at stake and to be able to invest our lives in that future.

Ruth Morris (2001)

Preface

My journey in Criminology has blossomed over the last few years into political activism, especially a deepening interest in the penal abolitionist paradigm. I have also explored personal development and expression, in part through the craft of film making. I was first exposed to critical criminology and abolitionist thought in the third year of undergraduate studies at the University of Ottawa. In 1998, a course taught by a respected Canadian abolitionist, Professor Robert Gaucher - *Abolitionism and the Criminal Justice System*- explored alternatives to correctional ideologies and practices. As abolitionist goals and strategies were clarified, the abolitionist approach became a potential departure point to advance everyday thoughts into my academic work. I now understand education as an opportunity to broaden the mind and open the spirit. Simon Fraser, one of the most comprehensive and innovative universities in Canada, allowed me to explore the practicality of penal abolition through educational media (Dowsett-Johnston, 2003, p. 24-25).

The concept of abolition is centuries old, dating back to efforts to abolish such practices as slavery and child labour. The modern penal abolition movement originated in prison reform movements in the 1960s and 1970s with campaigns to abolish prisons. The foremost advocates of prison abolition were European criminologists and American Quakers. Some identify this as a “restructuring of thinking” about the social control of deviance and crime (Cohen, 1985). Anti-prison groups were founded in Sweden and Denmark (1967), Finland and Norway (1968), Great Britain (1970), France (1970) and the Netherlands (1971) (Culhane, 1985). Penal abolition eclipses prison abolition and exposes failures and social injustices of penality - the threat of “punishment imposed for breaking a law, rule or contract” - while retaining the objective of abolishing prisons (Pearsall, 1999, p. 1054, emphasis added). Penal abolition is based on the moral conviction that social life cannot be regulated effectively by criminal, retributive law (De Haan, 1996). Abolitionists hold distinctive theories and social justice strategies, acknowledge the need for education and communication, agreement on goals, and support for each others’ campaigns as crucial elements to bringing a serious abolition movement into public consciousness. In particular, the works of Scandinavian criminologists Nils Christie, and Thomas Mathiesen provide excellent examples of how humanitarian ideals, supported in part by government officials and the general public can become a functional alternative to large prison populations and the spirit of retribution.

Nils Christie (2000) argues that the size of a society’s prison population is a normative question in that it reflects cultural norms and values. Christie uses

Norway's unique situation to demonstrate how abolition might be replicated in North America. The willingness to punish depends on societal standards for acceptable behavior and on cultural levels of tolerance of prisons as sites of punishment. Christie warns against the dangers of industrialization and the American crime control industry. He argues that the American prison population is a direct result of a punishment-oriented society where few question why a large prison population is an incontestable component to their culture. Christie argues that industrialization has dismantled community cohesion, producing a society of strangers, where individuals are unable to value and identify with personal connections, and especially to reconcile human errors and failings. This distancing, heightened by the mass media's stereotypical depiction of violent crime and incorrigible criminals, increases the tendency for citizens to perceive even minor infractions of laws as crimes and their actors as monstrous outcasts. The unlimited reservoir of crime and the dehumanization of the criminal justify an increased reliance on state intervention and weakened civil liberties, a push towards stricter sanctions and parole regulations and ultimately, an ubiquitous and excessive use of punishment. North American cultural norms warrant recourse to the criminal justice system process to segregate and punish the "abnormal" minority for the protection of society.

Clearly, the North American penal abolitionist movement is not as accepted or influential as its Scandinavian counterpart. Canada, although not as restrictive as the American nation-state, places some boundaries on our capabilities to tolerate others: "to allow the existence or occurrence of (something that one dislikes or disagrees with) without interference" (Pearsall, 1999, p. 1506).

Political theorist Michael Walzer questions the relative concept of toleration across numerous regimes, a subject which he defines as “the peaceful coexistence of groups of people with different histories, cultures, and identities, which is what toleration makes possible” (1997, p. 2). Interestingly, he argues that Canada poses an exception as essentially an immigrant society with several national minorities in the country that are not immigrants but rather “conquered nations”, including First Nations and Québécois (1997, pp. 44-45). In theory, the Canadian government must uphold its principle of equality before the law (Walzer, 1997, p. 45), providing support equally to every social group; however, are all individuals in Canada tolerated specially as individuals? To this, Walzer qualifies his complimentary outlook on the Canadian polity:

In practice, however, some groups start with more resources than others, and then are much more capable of seizing whatever opportunities the state offers. So civil society is unevenly organized, with strong and weak groups working with very different rates of success to help and hold their members. Were the state to aim at equalizing the groups, it would have to undertake a considerable redistribution of resources and commit a considerable amount of public money. Toleration is, at least potentially, infinite in its extent; but the state can underwrite group life only within some set of political and financial limits (1997, pp. 34-35).

Indeed, citizens hold to a social contract that allows the state to interfere “in group practices for the sake of individual rights” (Walzer, 1997, p. 35).

Democratic inclusiveness or separation from the majority is a dilemma for people who have come to experience life “without clear boundaries and without secure or singular identities” (Walzer, 1997, p. 87). Clearly, the marking of “us” and “them” in a postmodern age is more diversified and complicated since we continue to negotiate group relationships, individual rights, and social justice.

Writer Julia Kristeva provides some hope for tolerance and diversity in that she embraces our heterogeneity and asks society to acknowledge our differences. She states: "Do not oppress the stranger, for we are all strangers in this very land" (as cited in Walzer, 1997, p. 89). Yet, as people struggle between the tensions of individuality, citizenship and group membership, we must ask about what happens to those few who face profound, long standing barriers to mobilization; where do our social obligations lie to help these people meet their human needs? Walzer poses another question: how can Canada promote autonomous communities while it places highly coercive authority over a selected few? (1997, p. 46). He concludes that:

Free and fragmented individuals in democratic societies won't provide that help themselves, or authorize their governments to provide it, unless they recognize the importance of groups...unless they acknowledge that the point of toleration is not, and never was, to abolish 'us' and 'them' (and certainly not to abolish 'me') but to ensure their continuing peaceful coexistence and interaction (1997, p. 92).

In 1981, The Quaker Committee on Jails and Justice, of the Canadian Friends Service Committee, enlightened by Knopp's landmark book *Instead of Prisons*, unanimously embraced prison abolition:

The prison system is both a cause and a result of violence and social injustice. Throughout history, the majority of prisoners have been the powerless and the oppressed. We are increasingly clear that the imprisonment of human beings, like their enslavement, is inherently immoral, and is as destructive to the cagers as to the caged (Rittenhouse, 2003).

Evidently, sparking social change to the prison system at the grassroots level hinges in part on what the public knows and does not know about the

criminal justice system. Canadians appear to have grown more punitive in attitudes towards sentencing and subscribe to a crime control model. For example, Canadians believe sentencing is too lenient but have inaccurate knowledge of actual levels of penalties, underestimating the severity of punishment. Ninety-percent of the public cite news media as their source of information regarding crime, crime control and the criminal justice system (Roberts, 2000). Unfortunately, the public lacks time, resources and access to courts, policing and prisons to refine its own definitions of crime and criminality, and therefore the media's ideology becomes authoritative, generally relied on for the most accurate, impartial source of news (Roberts, 1994). The mass media plays a leading role in creating the basic assumptions we make about crime and justice and influences how we live together (Zehr, 1995, p. 115). Michael Walzer further claims that the socialization of liberality is dependent on education outside of state schooling, in that the unitarian nature of much state schooling interferes with the growth of children in diverse cultural communities (1997, pp. 71-76).

Mass communications, work environments, and any political activity (Walzer, 1997, p. 76) are like any other bureaucracy, which holds to a certain ideology to compete in the capitalist economy. Two key questions arise in this context. First, does the mainstream media's depiction of the criminal justice system really promote society's interests of safety and security, or does it simply disguise the injustices of the system by equating corporate rule and industry into the picture? Second, what is the educational value of independent media as a tool of socialization promoting toleration and humanity?

Many abolitionists such as Ruth Morris identified the mass media as a barrier to social change and struggled to find more community-based educational forums to chronicle the pitfalls of criminal justice. Recently, documentaries like Michael Moore's *Bowling for Columbine* and Lincoln Clarke's *Heroines* offer critical insight into important, pressing issues such as gun control or the dispossessed in Vancouver's Downtown Eastside, respectively. These documentaries acknowledge and dramatize serious contradictions with our reactions to social harms, and they try to motivate the community to find just solutions for those involved. Indeed, these two films alert us to American and Canadian experiences of unraveling democracy. These developments suggest that we help advance alternative education to our citizens for we, the members of the community, must convert valid and credible theories of democracy, humanity and toleration into practice.

This thesis combines a conventional print-thesis format with an original, 40 - minute educational documentary, both focused on the abolitionist paradigm and possibilities for greater toleration and reconciliation. Raising awareness about the weaknesses and unaccountability of the criminal justice system that seek to undermine Western civilization, abolitionists work to repair and strengthen the fabric of humanity. The points that these individuals advocate cannot be dismissed out-of-hand, and thus the need to address the counter-productivity of carceral culture becomes so very immediate.

Ironically, the practice of abolition is deeply rooted in our nature; yet, some dismiss the end of penalty as naive and ideal. There are legitimate

arguments against misplaced toleration. For example, Michael Harris, in his newest book, *Con Game: The Truth about Canada's Prisons*, states that he:

...expected to find a generally well-run prison system managed by politicians and bureaucrats who still had a lot to learn about victims' rights. What I discovered, with a few notable exceptions, was a secretive and blinkered collection of administrators who ran a system where the criminal was king after he was sentenced to prison. Awash with drugs and alcohol, violent, and frighteningly unaccountable, Canada's prison system is a place where criminal behavior is rarely altered, true recidivism rates are hidden from the public...Never has a department of government been more in need of both [criticism and reform] (2002, p. 5-6).

We must also consider legitimate challenges to the implementation of the abolition of prisons and punishment. How does a society shift away from the established criminal justice system? Abolitionists argue that the steps of abolition must start from the community and build from the bottom up. We must warn against the government's ability to co-opt abolitionist efforts and question whether communities are prepared to be responsible for a practice which is clearly not bureaucratic. Communities are not ready and willing to make massive changes to an established system tomorrow as they lack knowledge on the failures of the criminal justice system nor are they educated in the advantages in an abolitionist paradigm. In this, community education, including this thesis project, is integral to the promotion of the penal abolitionist movement, a step towards humanitarian alternatives to retributive criminal justice practices.

Research Overview

This print thesis is a companion piece to the video production, *Anthem for a More Tolerant Tomorrow* (Appendix A). Both the print thesis and documentary

video challenge Canadians' knowledge of their criminal justice system and explore the viability of transformative justice and penal abolitionism as alternatives to current criminal justice practices. The thesis explores these provocative and often misunderstood topics, chronicling the experiences and knowledge of some people involved in a prison or penal abolition movement in the B.C. Lower Mainland. I argue for the practicality of penal abolition through educational media, bringing forth my personal critiques and perceptions on the video production and available studies. Chapter four, in particular, is designed to locate *Anthem* as a means of educating community and restoring faith in grassroots movements. This chapter also provides a more detailed analysis of theories of abolitionism and social control. Three core questions that emerged during the video creation will be explored in the latter part of this thesis highlighting relevant penal abolitionist literature and the participants' contributions, narratives and their in-groups meanings and experiences:

- (1) Why are we so rooted in the importance of imprisonment and punishment?
- (2) How do we resist retributive strategies?
- (3) Can we have justice without punishment?

Anthem developed over approximately two years. The video comprises seven videotaped interviews between June 2001 to March 2003. This exploratory and descriptive thesis focuses on a sample of people who all resist (or resisted) retributive criminal justice strategies. Prominent in criminological and abolitionist circles, their perspectives are often missing or marginalized in mass media and so their voices are highlighted here. Moreover, it has been noted that

the audiovisual record of human culture is often missing from contemporary social science research, which largely rests on print sources and online text formats.

The use of educational media as a teaching tool promotes penal abolition by remaining outside the system and challenging the traditional framework of criminal justice. Most teaching tools for penal abolitionism are text-based, and newer documentaries introduce the idea of restorative justice - a concept that has been largely contained within the boundaries of the current criminal justice system. The qualitative nature and grounded theory approach to documentary research helps us understand the mindsets and spirit of bringing theory of penal abolitionism into practice. This project provides our community with educational tools concerning the resolution of very critical social and political issues. My thesis project meets several objectives:

- (1) Present a group of individuals rarely featured in mainstream media. *Anthem* thus serves to demystify the people and their perspectives.
- (2) Foster social change by contributing to the steps of penal abolition through community education.
- (3) Challenge the commonsense imagery of mass media that imprisonment and punishment are truly in the public's interest, and explore myths and immoralities of criminal justice practices.
- (4) Continue a dialogue about barriers to social change including our "fear of the unknown", the "corporate media as a tool of propaganda", the "prison industrial complex", and the government's tendency to co-opt alternatives (Saleh-Hanna, 1999).
- (5) Correct the absence of transformative justice and penal abolitionism in most grassroots documentary work.
- (6) Consider a holistic critique of current criminal justice practices by sharing the voices of academics, activists, educators/facilitators, and ex-prisoners.

- (7) Present alternative ways of dealing with social problems in an accessible and progressive format to better challenge the criminal justice status quo.

These objectives are very ambitious for an exploratory project with modest resources. There are of course limitations to this print and video research thesis:

- (1) Interviews were conducted in English only since the interviewer and most participants spoke English as their native language. However, the video can be dubbed in French, the other official language in Canada, or in other languages.
- (2) Given the researcher's limited financial resources, the study was restricted for the most part to participants who lived in and around B.C.'s Lower Mainland. The most distant interview was in Salmon Arm. One interview was conducted in Mission and the remaining five in Vancouver. A comprehensive exploration of the penal abolition perspective from each province was impossible but the participants' experiences span British Columbia, Alberta, Saskatchewan, Ontario, Québec, California, South America and Europe.
- (3) All research participants have somehow resisted retributive criminal justice strategies; however, not all participants identify as penal abolitionists. Moreover, counterpoint arguments from law-and-order advocates and other critics of penal abolition are not presented, partly to keep a thematic focus on what penal abolition is, and also due to time restrictions of a 40- minute production.

Research Methodology

The creation of a documentary video and print thesis combines a number of research methods, including community collaboration and networking. Research techniques included a selected, critical literature review, a filmography, autobiographical and archival/historical research, key video recorded semi-structured interviews, insert footage, narration, and audio transcription. This is

an inductive, exploratory communications cultural study, taking a qualitative grounded theory approach to Criminology and social justice.

The video production was created through a partnership. My role was prominent throughout pre-production, production and post-production as *Anthem's* researcher, director, producer, and narrator. I prepared and facilitated all seven interviews while my partner Jonathan Bolton was responsible for the light, sound and camerawork during production. As the director, I selected and arranged the order of video clips. My partner was responsible for implementing my editing decisions in the computer software program, as the editor during post-production. Our division of labour became much more collaborative in the last stages of post-production as we exchanged our insights on the video. My insights primarily focused on coherency and social purpose of the video content, while my partner applied his technical skills and provided insights of the overall aesthetics and consistency of the documentary.

Creating an educational video required substantive research prior to videotaping. To ensure that the production was an original contribution to knowledge, preparatory research involved investigating publications and a filmography - a list of films (See Filmography) - on criminal and social justice issues, ranging in date from the 1970s to 2002. Reviewing older and newer documentaries highlighted the use of different video techniques. It was also interesting to note the evolution of crime ideologies reflected in older and newer videos. During the project's literature review, research by Derrral Cheatwood (1998) entitled *Prison Movies: Films about Adult, Male, Civilian Prisons: 1929-1995* was used as a reference. Cheatwood systematically analyzed the impact of films

on the public's perception of the criminal justice system and the role of films in promoting and supporting ongoing change in the justice system. He examined how the four elements of confinement, justice, authority, and release were portrayed in prison movies. Cheatwood concluded that prison films could be divided into four identifiable eras: the Depression Era (1929-1942), the Rehabilitation era (1943-1962), the Confinement Era (1963-1980), and the Administrative Era (1981-present). Cheatwood analyzed feature films but did not address the cultural undertones and the social constructionism of films in his study.

I completed a video search at local university and public libraries, and could not locate any documentaries that explicitly explored the terms prison abolition, penal abolition, or transformative justice. Thus, this documentary thesis is an original contribution to knowledge, clarifying the concepts of transformative justice and penal abolition in a largely Canadian context. The only video resource in this particular area of critical criminology dates back to Claire Culhane's televised episodes of the series, *Instead of Prisons*, aired on West Coast cable television during the late 1970s and early 1980s. Today's buzzword, restorative justice, fronted as the current alternative to criminal justice, was reviewed in many previously released documentaries. Thus, any detailed consideration of restorative justice was omitted from the thesis analysis. Although restorative justice values of community resolution do seep into penal abolition, the researcher concentrated solely on penal abolition works for originality and exploratory purposes. Restorative justice is currently implemented in some parts of the criminal justice system, and the researcher

wanted to explore penal abolition as a theory and a practice that would manifest outside of the criminal justice system.

Selection of participants for the video was a crucial step. This process was influenced by who could explore penal abolition coherently and effectively, as well as who could best support, challenge and/or enhance my point of view. Eight out of ten people who were contacted for an interview agreed to participate in the project. A female ex-offender did not wish to participate and a male judge opted out after his agreement to participate due to illness. Four women and three men participated in the video production (See Appendix E). A larger, more representative sample of individuals could have been sought out with respect to age and ethnicity, but the final sample nevertheless provides a diverse range of perspectives in and around the penal abolitionist movement in Canada. Unfortunately, no person of colour appears in the final sample nor are there younger abolitionists which indicates a limitation to knowledge and a notable absence of perspective.

Early in the exploratory research, three established Vancouver filmmakers were contacted via telephone for advice on the development of *Anthem* (Tom Shandel, Daniel Gautreau, Margit Nance). According to Margit Nance, a video researcher should have her questions prepared and structured before the interview since she is engaging each participant for a particular purpose. Although this advice is sound, the video production was founded on a very open and collaborative research design. I chose not to speak for the participants but allowed them to voice their own concerns through a semi-structured, open-ended interview style (See Appendix F-L). In this sense, one agrees that the

interviewer must be familiar with the participants' works to engage them during the interview and be prepared to facilitate the interview process. Fully disclosing research intentions, methods and goals to the participants helped to create a forum for creative and progressive dialogue.

The researcher contacted the participants via phone or e-mail. All participants were provided the following three documents: a *Letter of Introduction*, an *Informed Consent Sheet*, and a *Subject Feedback Form* (See Appendix B-D). In most cases, the participants were given the *Letter of Introduction* and the *Informed Consent Sheet* up to two weeks prior to the interview, either via e-mail or at an initial introductory meeting with the researcher arranged at a convenient place for the participant.

Private interviews were scheduled with all the participants at a time and place of their choosing. Most interviews were conducted in the participants' homes, workspaces or at Simon Fraser University campuses. At the outset, all participants were given the three appended documents for their reference and the *Informed Consent Sheet* was read, understood and signed by all participants prior to video recording. The researcher gave an unsigned copy to the participant and kept a signed copy of the *Informed Consent Sheet*. The completion of the *Subject Feedback Form* was voluntary for all participants and one participant signed the document. All interviews were video recorded, usually with two digital cameras at different angles. During post-production and writing, some audio clips were transcribed with the help of a Dictaphone for use in this print thesis.

I facilitated a semi-structured open-ended interview to guide the participants through the structure of the video. This structure was adapted from themes discussed during the 9th International Conference on Penal Abolition (ICOPA) in Toronto, 2000:

- (1) The evolution of imprisonment and punishment
- (2) "What is wrong with our current criminal justice system?"
- (3) "What is keeping our current criminal justice system in place?"
- (4) Where do we go from here? What strategies are best employed to foster penal abolition?

Sectioning the video helped participants understand where their knowledge and experiences may fit into the video, and helped them organize their thoughts to answer and discuss more concisely on video camera. The semi-structured interviews were organized around these four issues and were specific to the participant. As noted earlier, the interviews did not entail particular structured questions in regards to these sections per se, but provided the participants a foothold to explore and critique important themes and ideas collected from the participants' publications and public service work.

Participants had the opportunity to change, omit or add any extra comments on the guidelines. Using an open-ended interview format, a grounded theory approach surfaced in the thesis, allowing the participant's comments and ideas to guide the flow of the interview and perhaps spark an unanticipated idea or question from the participant or the researcher. The *Information Sheet* explained that they were not obligated to answer any questions and were free to discontinue the interview at any point, without explanation or apology.

Video Production

A grounded theory or thematic analysis approach to research was applied in the video production. Kellehear notes that this approach to research derives from the works of sociologists Barney Galser and Anselm Strauss:

They stress the view that validity is tied to how well a researcher's understanding of a culture parallels that culture's view of itself. The central meanings attached to objects or relations should reflect the beliefs that the insiders hold about these. The analysis may go beyond these meanings but if those meanings are the starting point then they had better be valid ones. Validity here begins with the convergence of researcher and the subject's ideas about the subject's view of the world (1993, p. 38).

This type of research design allowed me to be interested in a set of issues and approach the production of the video with this in mind. In a sense, I tried to uncover the mentality behind the sets of images and commentary from the participants' interviews. I sought for key constructs during production and post-production, and themes emerged from this exploration, which helped deconstruct each interview into clips. I identified categories within each set of interviews and connected themes across sets to create a certain chronological order producing a draft or rough-cut of the video. The semi-structured interviews advanced the deconstruction process and helped contextualize and answer any queries concerning the scope of the material.

I created five large posters to collect my data. Each poster represented a part of the video and an extra poster was made for insert footage and narration. In exploring the video footage in its own terms, I labeled each selected clip with its time code and the participant's initials, and marked it on the relevant poster.

I noticed that further collection of video footage could not be completely structured. The nature of this research illuminated themes, which in essence guided the flow of the next interview, as well as editing decisions in post-production. Each preceding interview was based on new emerging ideas and concepts derived from the prior interview. Video footage was explored in its own terms and none of the footage was set into a preconceived framework or script. In this regard, themes were counted and noted on the posters and study notes. Patterns of thought within each separate interview and across various ones began to emerge, and particular comments were connected to general comments in the video. Similarities and differences were identified across interviews, which was quite useful in terms of identifying cutting points in the video. Analogies and symbols were also created regarding each emerging theme. The creation of the posters, while time-consuming, added organization to the project. One may argue that this research design involved a “dimensional analysis” that explored the following properties of a social phenomenon: “types, conditions, dimensions, consequences, attributes, context, processes, and meaning” (Kellehear, 1993, pp. 32-47).

Two sets of principles to thematic analysis were used as guidelines in video production and post-production. Each set is presented in point form within a table graphic.

Table 1. *The Miles & Huberman Approach to Thematic Analysis*

- Count - look for repetition, recurring events/experiences/topics.
- Note themes, patterns - look for underlying similarities between experiences.
- Make metaphors, analogies or symbols for what is happening.
- Check to see if single variables/events/experiences are really several.
- Connect particular events to general ones.
- Note differences and similarities.
- Note triggering, connecting or mediating variables.
- Note if patterns in the data resemble theories/concepts

(As cited verbatim in Kellehear, 1993, p. 40)

Table 2. *Kern's (1970) Approach to Thematic Analysis*

- Select a period or problem to be investigated.
- Identify a leading thought or idea *and* its opposition.
- Trace all ideas to one or another category and develop a leftover category.
- Analyze all data to see how well or not they fit the leading category and its opposite.
- Attempt to discern the thought styles of the group or classes, which are associated with the manifest idea by going beyond the spirit of the leading idea.
- Begin process again with the leftover categories.

(As cited verbatim in Kellehear, 1993, p.41)

Kellehear applauds Miles and Huberman's approach that "...looking for themes in data, with minimal preconceived categories, is a creative, imaginative, and time-consuming task" (1993, p. 41). Kern's suggestions could be applied to a more structured thematic analysis, although his idea of creating a 'leftover' category of video footage was used in this project. These leftover clips were highlighted on the posters or taped on a Dictaphone for later use.

During post-production, an inductive quantitative content analysis shaped the length of the video and avoided repetition in dialogue. My editor and

I became aware of the following variables during post-production: “numbers, types, years, values, attitudes, time/space measures, frequency, appearance, intensity, comprehensiveness, specific and clear definitions” (Kellehear, 1993, p. 35). Although most content analyses are deductive in process, in reference to a general law or principle, this research design involved an inductive approach to content analysis since the participants’ reasoning and experiences guided the flow of the thesis. There are certainly some disadvantages to using a content analysis in that the process breaks data into small, decontextualized, initially meaningless fragments and then reassembles them using the researcher’s framework. A grounded theory approach was used to overcome these barriers to holistic research.

Overview of Following Chapters

Chapter Two, *Education or Exploitation?* was inspired by a Georgia Straight article on Lincoln Clarkes’ *Heroines*, a documentary of women in the Downtown East Side of Vancouver. This title was an apt departure point for the written thesis - an autobiographical account of the video production, which acknowledges documentary work as a social construction - since post-production finalizes the video production. Introducing documentary style, importance of politics of representation, and audience interpretation will be discussed in this chapter.

Chapter Three, *The Making of Anthem*, elaborates on thematic analysis, providing details about each interview. The layout of each interview is discussed, including a detailed examination of post-production and the difficult

editing decisions behind the documentary. I will disclose the grounded theory approach to research while acknowledging the subjective nature of video editing. The interviews are discussed in the following order: Ruth Morris, Marc Forget, Stephen Duguid, Karlene Faith, Liz Elliott, Eddie Rouse, and Nikki O'Halloran. The creation of insert footage – images inbetween key interviews clips – and my narration will also be explored (See Appendix M).

Chapter Four, *Punishment & Justice: Working on Yesterday's Answers*, will share my contributions to research in Criminology and clarify the voices of participants and their perspectives on penalty and its alternatives. In particular, I will explore my experiences creating a new technology. Three core questions emerged during video production and will be examined, along with a literature critique on available penal abolitionist resources:

- (1) Why are we so rooted in the importance of imprisonment and punishment?
- (2) How do people resist retributive strategies?
- (3) Can we have justice without punishment?

Exploring these three questions promotes a holistic exploration of the abolitionist legacy, its current applications, and most importantly the future of Canadian retributive criminal justice practices and viable alternatives. The research project modality presents an academic and political debate in an accessible format for community education. The ethnographic inductive design of this thesis involved some very important ethical concerns for the researcher, who was largely an outsider to the culture or group of individuals she videotaped. The following chapter explores the advantages and disadvantages of using a camera as a research tool in ethnographies and documentaries. Researcher and participant

relations are explored, highlighting the importance of collaborative research techniques that foster education and avoid participant exploitation.

CHAPTER TWO - EDUCATION OR EXPLOITATION?¹

A Documentary Style

Since the invention of film by Edison and the Lumière brothers in 1889, and the art of editing in 1903, the industrial revolution in Europe and North America helped film evolve into a mass medium primarily for the entertainment of audiences congregating in developing city centres (Ondaatje, 2002, pp. 89, 107, 92). As renowned film editor Walter Murch mentions in his interview with Michael Ondaatje, film provided a common language for many immigrants. Murch concentrates on the American experience, stating that "...the roots of American film making were in finding the common denominator that unified people from different cultural backgrounds" (2002, p. 92). Film has not developed only as an art form that awes, shocks and thrills the masses. The art of filmmaking has also reached into our communities and captured reality. As noted, film can also be "socially conscious, depicting real, unhistorical people" (Ondaatje, 2002, p. 92). There are numerous examples of iconic presentations: in late 19th century Paris, and Edgar Degas' representations of absinthe drinkers; Marion Post Wolcott and rural American families during the dirty thirties; and Mary Ellen Mark's depiction of street kids in Seattle in the early 1980s (Smith, 2001).

¹ Smith, J. (2001, March 1-8). Education or Exploitation? *The Georgia Straight*, 35(1732), 17-20.

A more contemporary, local example is Lincoln Clarke's *Heroines*, a representation of female prostitutes in Downtown East Vancouver. Janet Smith quotes John Turvey's (executive director of the Needle Exchange Program and the Downtown Eastside Youth Activities Society) critique of Clarke's documentary work: "Are people being exploited? Do media approach people with an ongoing sense of ethical commitment?" Clarke's rebuttal was: "I think the criticisms come when people are misinformed or uninformed about my motives ... I'm documenting their spirit, their strength, their agony". Some support Clarke's outlook and argue, "It's the density of experiences conveyed. Usually you just see some sensationalistic aspect of a stereotype". Young artist Naufus Ramirez adds that Clarke provides "...some light on the misery for outsiders whose only experience of the Downtown Eastside is looking through a bus or car window". Ramirez warns against the powers of a picture: "its power to convey a message, but also its power to damage" (Smith, 2001).

These are viable critiques when choosing from a wide variety of media sources to apply in this project (feature films, television, newspaper, and radio). The documentary video is a particular point of interest. Documentaries use a variety of texts, sounds, and images but usually differentiate between what is fact and what is fiction. As Jack C. Ellis states, documentaries are generally "about something specific and factual and usually concern public matters rather than private ones. The people, places, and events in them are actual and usually contemporary" (1995, p. 2). Some citizens denounce Lincoln Clarke and Michael Moore (*Bowling for Columbine*) as these directors create cultural criticisms against controversial social issues and are accused of biased and selective representation.

On the other hand, one must acknowledge the educational value of disseminating critical dialogue and alternative perspectives on serious social issues back into the community.

The extensive visual attention paid to cultures in some disciplines, like visual anthropology, raises an interesting point of comparison with the interdisciplinary field of Criminology where film or video is not widely used to study social justice issues. Participant observation and ethnography are fundamental in the discipline of visual anthropology. This research methodology has been used for many years, dating back to the famous, local example of Franz Boas' 1930 *The Kwakiutl of British Columbia*; which was an attempt at using film as an ethnographic recording device. Timothy Asch offers an engaging definition of ethnography. Asch states, "ethnographic filmmakers record events as they happen - no scripts, no actors, no sets, no retakes" (1992, p. 196). Boas filmed the Kwakiutl engaging in daily activities, work, traditions and games with no narration, perhaps to suggest that the images can speak for themselves. It can be argued that Boas documented Kwakiutl culture objectively, simple as it was, without shaping it. Even so, it remains questionable if a researcher can remain free of bias: at a closer look, we notice that Boas' film was staged and organized. Boas broke down the Kwakiutl culture into certain aspects and then asked the Kwakiutl to perform dances. So, can we consider Boas the father of ethnography if he did not capture the Kwakiutl culture in their traditional contexts? In Boas' film, one remains oblivious to the Kwakiutl "real" life circumstances of disease, poor living conditions, and minimal resources and thus his film becomes just a series of images (similar to the museum context).

One can argue that ethnographic films focus on a group of people who share similar traits. Legare suggests that “a people” possess a culture (1995, p. 350). Thus, do the film subjects of an ethnographic film have to make up a certain group, gang, or culture of individuals? Boas, for example, suggested that the Kwakiutl constituted a culture because of their shared language (Legare, 1995). Or, is this one similar characteristic (language) enough to differentiate between cultures or should there be another checklist? Moreover, should there be a checklist at all? Who is making up this checklist that equates a respected and acceptable culture in Canada? Ironically, it seems that the problem with the Western thinking is our tendency to dichotomize. We must consider that it is difficult to fit many different experiences and life circumstances into one set term or category.

To shed light on the boundaries of culture in Canada, I will turn to Evelyn Legare’s article “Canadian Multiculturalism and Aboriginal People: Negotiating a Place in the Nation”. Legare states: “Cultures identify and define a community of people as a unique group, distinct from all other such analogous entities” (1995, p. 350). I suggest that Legare is not objectifying culture but instead alluding to a framework of dominance and resistance.

Paradoxically, while the doctrine of Canadian multiculturalism is supposed to recognize and hear claims of our cultural differences, equality in our democratic society remains equated with some levels of assimilation, of “sameness” (Legare, 1995, p. 352). Indeed, the dominant class has the power to construct and legitimize their interests, values and belief system as common sense to uphold cultural homogeneity and the status quo for their benefits. Thus,

those who wish to define their differences within this polity are limited in their ways, in that in the eyes of the powerful, these “different” groups pose a threat to their power. Adopting the label of “other” has its consequences and only allows for a small range of difference between Canadian citizens.

Nonetheless, we have seen, for example, North West Coast aboriginals gaining clout in the political and legal arena to mobilize social change (Francis, 1993). Significantly, these changes have been widely documented on film. From the period of salvage ethnography where the aboriginal culture was represented as dying out and in need of salvation, to the 1960s which marked aboriginals’ reclamation of their identities, we have seen First Nations peoples forge a space of respectability within multicultural Canada.

De Brigard argues that an ethnographic representation should also “...evoke deeply positive feelings about mankind by communicating the essence of a people” (1995, p. 38). Asch agrees with this and suggests that the film should capture “...their passions, their fears, their motivations” (1992, p. 196). First, one must question what De Brigard means by ‘evoking the senses’? This brings to mind the boundaries between documentary and feature film work; however, a basic example is the difference between *The Kwakiutl of British Columbia* (1930) and a film produced in 1951, *Blunden Harbour*. In the latter film, we begin to see the use of film techniques - images with voiceovers, use of sound and colour - that could be used to sway the audiences’ emotions. Yet, if *Blunden Harbour* is considered an art film, where do the boundaries between ethnographic and documentary film lie? Here, MacDougall would suggest that there are

boundaries to “proper” representation. A line is crossed when a filmmaker applies technologies to create her own world (as cited in Banks, 1994, p. 181).

By no means did I, as a researcher, intend for the thesis video to be a comprehensive ethnography of penal abolitionist culture here in Canada. I have paid much more attention to my position as a video researcher, to positions of video participants and positions of audiences. Although video can be used as a tool to facilitate participation between individuals and cultures in many contexts, one must always consider the process of the video construction and the relationships of power that surround visual representations.

Using a Video Camera as a Research Tool: “The Camera Always Lies”²

One could argue that the difference between an ethnographic film and a documentary film lies in its editing process and subject participation. *Anthem* is a documentary video; I shot and edited out selected footage, then incorporated documented footage with other insert images, drawing on a number of film techniques on a editing computer program. This is not to suggest that there is an entertainment value to the video. Entertainment was not my intention but engagement and focus were, and of course ethnographic filmmakers and feature filmmakers, as creators, edit their films as well.

Documentaries are compared to feature films as an art form in which we “...[enter] a different reality, an alternative set of rules, or pacing so you are continually in the process of learning, of even changing essential principles”

² Hood, Hugh. (1967). *The Camera Always Lies*. New York: Harcourt, Brace & World, Inc.

(Ondaatje, 2002, p. 215). Ondaatje and Murch further identify differences between the two kinds of film making in terms of process. One can relate documentary work with the "Francis Ford Coppola" concept that "thrives on process, where one choreographs and invents and gathers during the process of film making" (Ondaatje, 2002, p. 216). On the other extreme end of film production is the "Alfred Hitchcock" approach, which is quite fixed in its process. Ondaatje explains this process as less collaborative and focused more on the single vision of the filmmaker's idea of the film (2002, p. 216). Ondaatje states: "Both approaches involve a process. But the most important distinction is whether you allow the process to become an active collaborator in the making of the film, or use it as a machine and try to restrict its contributions" (2002, p. 217). Murch speaks of documentary work which randomizes the process, makes film making more interesting, keeps him on his toes and makes the entire film production more "humanly productive" (Ondaatje, 2002, p. 215).

Here, one must consider that there are advantages and disadvantages in using audiovisual records. On the positive side, videotapes are transportable and easily accessible. They are non-reactive and non-disruptive; they also provide a visual record increasing our sense of memory by permitting repeated detailed analysis (Kellehear, 1993, pp. 140, 147). In this sense, one can investigate the story presented in a video by pausing and looking back on the material to qualify it in his/her own terms (Ondaatje, 2002, p. 46). Visual presentations also highlight the importance of considering the interrelationship between physical and social environments when trying to understand social behavior. Videos can express a diversity of behavior and most uniquely, they also permit the study of nonverbal

behavior - the positions of social actors, body motions, and facial expressions (Kellehear, 1993, p. 140).

Videos are excellent teaching tools that reach outside of traditional textbooks and in essence may reach a wider variety of people, especially those who are illiterate. The mobility of a videocassette allows people to view it in a large group as a mass audience so they can benefit from the group experience. You can also take the video home where the video can “speak intimately to you” (Ondaatje, 2002, p. 47). This offers viewers more meditative participation in the art form where they are not bound by time and are able to go back to better qualify information. Most interestingly, events in documentary work, like in real life, are happening for the first time. We get a sense of reality when we see that video clips in documentaries are not perfect in terms of sound and image. This video project is told from numerous points of view, which ideally makes the presentation more endurable, rich and complex for the audience (Ondaatje, 2002, pp. 34, 226, 248).

Ethical challenges of confidentiality and privacy that must be addressed when creating a documentary (Kellehear, 1993, p. 148). What is odd in a documentary production is that participants share private experiences that may be later screened in a public environment (Ondaatje, 2002, pp. 46-47). Participant exploitation was avoided by establishing a professional, open and collaborative relationship with the participant prior to videotaping. Another possible challenge to documentary research is that people, knowing they are being videotaped, may alter their behaviors. Also, if participants elicit a wide range of behavior, this can sometimes defy explanation (Kellehear, 1993, pp. 84-85).

Kellehear adds, "A video camera may be complex to operate, increasing error and time wastage. It can be expensive and it is ultimately operator controlled and dependent" (1993, p. 140). The cost of the camera's supporting hardware - a lens, videotapes, tripods, and editing software - created a financial burden on the researcher. Due to the lack of digital audio, video, and editing equipment at Simon Fraser University, all production equipment was borrowed, donated, or rented.

Politics of Video Representation

Documentaries are an interesting focal point but we must remember that these films are socially constructed works. Chaney and Pickering reinforce this idea: "the most useful way of attempting to understand the sort of picture of the world a documentary provides is by asking how it is constructed as an account, rather than whether or not it is accurate" (1986, p. 29). Chaney and Pickering introduce other concepts that are essential to understand in video research. For example, they speak of the rhetoric of documentary work, which indicates that any documentary involves a process of fact production since the producer and director select and order past events for a particular purpose. Ondaatje and Murch agree that film editing can be related to film construction. They state that you must acknowledge the fact that *someone* makes a film. Many decisions I made during post-production would have been different if someone else directed and edited the video (Ondaatje, 2002, pp. 10, 24).

There is a large necessity for the director and producer to understand their own point of view, which influences the shape and content of the video's final

edit. "Putting a film together is all about having opinions..." states Walter Murch (Ondaatje, 2002, p. 36). The eye of the camera has a perspective with inherent biases and limitations. Producers and directors portray certain themes and images, and omit or de-empathize others based on their backgrounds and life experiences. Records tend to survive during the editing process if deemed important (Kellehear, 1993, p. 37).

Directors may also portray different images and themes for different bureaucratic reasons. Indeed, popular views hide or silence unacceptable ones. Consider the words of Paul Farmer: "A wall between the rich and poor is being built, so that poverty does not annoy the powerful and the poor are obliged to die in the silence of history (1997, p. 280). Some individuals have the opportunity to gain power over their own representations, while others may remain in a situation of collaboration or invisibility. Chaney and Pickering warn against a political documentary that may represent the world as it is for those who rule it, rather than as it is for those who are ruled. They analyze how visual representations can be used by the powerful as a mode of social control, creating an "organized consciousness" - the taken-for-granted nature of everyday accounts depicted in the mass media (1986, pp. 30-31).

As a grassroots video, *Anthem* critiques the very "organized consciousness" that necessitates a use of conventional formulations. There was no compelling reason for the researcher to distance herself from their research; however, I have decided not to be seen in the video but to appear occasionally as the narrator (Gelsthorpe, 1990). Again, these decisions are based on the idea of a grounded theory approach that enabled the participants to speak for themselves

and not be spoken for. The production of *Anthem* involved five stages: research; preproduction (locating participants); shooting of interviews and insert footage; video editing; and sound, music and narration. Walter Murch adds a sixth and final stage to this process when the audience views the final project. He states, "You want the audience to be co-conspirators in the creation of this work..." (Ondaatje, 2002: 104-105). When George Lucas spoke about one of his famous films on television, he stated that it is not the director who makes a film historical, it is the audience.

Audience Interpretation

Of utmost importance is that meaning cannot be separated from its audience (Kellehear, 1993, pp. 48-49). One must consider that people have their subjective interpretations of what they see, and some people from the same or different cultural background may interpret the same image differently. They may find different meaning for the same set of images. Kellehear captures this: "'Seeing' images is a social/cultural practice which is learnt differently by different people" (1993, p. 80).

Filmmakers should produce a video that is as multifaceted as possible so that different people can interpret images and dialogue in different ways (Ondaatje, 2002, p. 242). We must also be wary of a video's capability to manage a play between words, images and sounds, its ability to "skip from one place to another with great levity" (Ondaatje, 2002, p. 310). It is essential to highlight the importance of context in video research and be conscious of certain techniques that can affect the audience's interpretations of the video. For example, the

introduction and conclusion in a video are very crucial. The beginning of the video places the audience in a certain setting and frame of mind and the end of the video leaves the audience with a final thought to take away with them.

The following chapter explores specific editing techniques and how *Anthem* was created during post-production. Ondaatje defines this work as a “long intimacy” of “studying, aligning, recognizing subliminal signs” and discovering good segments of film while developing the ability of placing weaker, less effective clips in the “right” place or making the decision to discard them altogether. (2002, p. xviii). He explores similarities between the art of writing and the art of film making and connections across the artistic disciplines.

CHAPTER THREE - THE MAKING OF ANTHEM

The Art of Editing

For such a crucial craft, the editor's art has been mostly unimagined and certainly overlooked. Those within the profession know its central value, but outside that world it remains an unknown, mysterious skill.

Michael Ondaatje (2002, p. xi)

Michael Ondaatje begins his book, *The Conversations: Walter Murch and the Art of Editing Film*, by sharing one of his passions: "I have always been interested, perhaps obsessed, in that seemingly uncross-able gulf between an early draft of a book or film and a finished project. How *does* one make that journey from there to here?" (2002, p. xii, italics in original). For Ondaatje, the art of film editing is similar to the art of writing (2002, p. xvii). Creating a documentary video is one way we can apply educational media to Criminology. Finding more interactive tools to use in an educational environment adds to the advantages of collaborative learning and can introduce otherwise unavailable outlooks and resources.

During post-production, I considered all recorded material to creatively rearrange segments of video, cutting or replacing clips and placing segments in different orders to realize patterns across images, ideas and themes. In this process, my editor could blend and assemble raw images together to enhance each segment and the overall shape of the project through resonance and/or contradiction (Ondaatje, 2002, pp. 6, 231, 240). Ondaatje draws a parallel between rhyme and alliteration in poetry and editing. In both cases, one image can

juxtapose another either by “emphasizing the theme or by countering it, modulating it...” (2002, p. 268).

Akin to writing a print thesis, the editing of *Anthem* combined the stages of researching, composing, assembling, and reassembling simultaneously. Editing decisions became increasingly complex and difficult as more interviews were blended and combined in the structure. Deconstruction and reconstruction occurred frequently with the latter drafts of the video, as there was no preexisting script. As Ondaatje comments on film editing: “It’s so similar to editing a book, in those final stages of trying to find the right balance for the emerging organic form. It’s like pruning trees in a landscape” (2002, pp. 136, 219).

Walter Murch extends Ondaatje’s analogy and depicts his own work in editing as similar to the art of oil painting. Unlike the permanency of fresco paint, oil painters have the ability to edit: “to paint over, to change an apple into a melon” (Ondaatje, 2002, p. 219). He argues that this analogy is true of all creative processes. Moreover, because *Anthem* was recorded in a nonlinear, out-of-sequence way, the ability for the director and editor to transform the recorded material was quite vivid.

Murch agrees with Ondaatje that directors should make the audience “co-conspirators in the creation of [film] work...to take, as far as it is possible the view of the audience, who is seeing the film without any knowledge of all the things that went into its construction” (Ondaatje, 2002, pp. 94, 104). It was my goal as a director to seek out and respond to my editing decisions in the most “interesting, complex, musical way” to make the video content as engaging and

digestible for the audience (Ondaatje, 2002, pp. 267, 31). I made macroscopic decisions in post production regarding restructuring, repositioning or eliminating clips or segments of the video, while many microscopic decisions regarding the exact length of a clip or segment were made by my editor. Ondaatje states: "Every shot is a thought or a series of thoughts, expressed visually. When a thought begins to run out of steam, that's the point at which you cut.... If you hold the shot too long, the impulse is deadened... (2002, p. 267).

The dynamics of a director and an editor working interactively during post-production added to the collaborative nature of the research project. The thesis committee also previewed the video drafts so I could incorporate their suggestions into the project as much as possible. Walter Murch cautions that:

You can't be *completely* open to outside influence, because then everything falls apart, it doesn't have any spine, and it can't endure. But if you're not open to *any* outside influence, then your work is in danger of being too hermetically sealed, trapped within a preexisting vision that renders it ultimately not lifelike, in the deepest sense (Ondaatje, 2002, p. 231, italics in original).

Creating Anthem's Drafts

Anthem was created in five drafts. The first four interviews conducted for this video were edited into the first draft. This initial draft included footage from interviews of Ruth Morris, Marc Forget, Stephen Duguid, and Karlene Faith. This involved approximately five hours of recorded material. Invariably, more material was recorded than selected and edited into the video project. A tracking/recording system was prepared by the director for post-production to organize the project into a 40- minute documentary; thus, it was necessary to

exclude 70% of the material and only use 30% of it. Paralleling Walter Murch's use of index cards, five poster boards helped break down, rearrange, and harmonize the interviews. Originally, the video was broken down into five parts, thus, five posters were created, each dedicated to one part of the video:

- (1) The evolution of punishment and imprisonment
- (2) What is wrong with the criminal justice system?
- (3) What is keeping the criminal justice system in place?
- (4) Where do we go from here?
- (5) Values

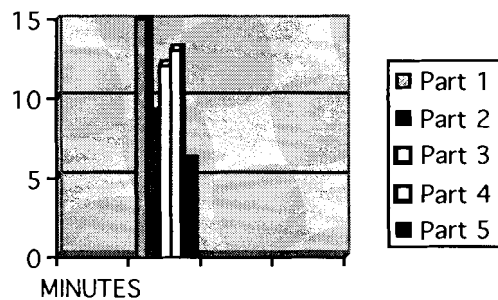
The director twice previewed the first four interviews in their entirety, and simple, spontaneous notes were recorded in a logbook. During the second previewing of these four interviews, the director considered which segments of video were relevant to the topics on the poster boards. Once key video clips were identified in each interview, the director recorded the participant's initials, footage numbers and a brief comment regarding the contents of the clip on the relevant poster board. For example, a clip taken from Karlene Faith's interview was recorded on poster board two, *what is wrong with the criminal justice system*. The clip read: 'KF- 18:00- language barriers, violence against women in prison'. Since the director was dealing with a large bulk of footage, boundaries were set as to what was accepted as stock footage in draft one. For example, footage not relating to the Canadian context and any ambiguous or repetitious discussions was set aside and not used.

After the director allocated the Ruth Morris, Marc Forget, Stephen Duguid, and Karlene Faith's clips to the selected poster boards, the editor roughly transferred the clips from the video camera to the clipboard in the

computer software program. During this procedure, themes were identified on and across each poster board. Some segments on one poster board were transferred to another board; others were omitted from the project. The video clips were placed in a selected order on the timeline in the computer software program, using poster board patterns as a guideline. The director tended to follow Walter Murch's technique of not second guessing one's decisions during the project's first assembly (Ondaatje, 2002, p. 37).

After assembling *Anthem's* first draft, twenty random clips remained on the clipboard, which I banked as options to use in later stages of post-production. The first draft totaled approximately 55 minutes, divided in five parts as follows:

Figure 1. Proportion of Anthem's Parts in Draft One



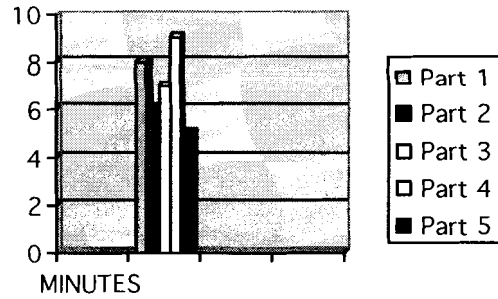
Total Approximate Time: 55 minutes

The poster boards were referred to less frequently as *Anthem's* second draft was created. The computer allocated footage numbers to selected clips on the clipboard but these numbers no longer matched footage numbers on the poster boards. It became more difficult to track the material on the poster boards,

although the written comments regarding the content of the video clip helped the director track ideas and themes.

Constructing *Anthem's* second draft was far more time-consuming. First, my editor and I fine cut the clips selected for the layout of the first four interviews: Ruth Morris, Marc Forget, Stephen Duguid and Karlene Faith. Several specific decisions were reevaluated regarding the placement and length of a video clip. In particular, my editor paid great attention to facial and body gestures as well as the participants' use of words and sentence structure. Second, I selected images to record as stock footage and inserted certain ones in between the interviews. Third, I selected clips from Camera A, especially from Stephen Duguid and Karlene Faith's interview, to be replaced by Camera B footage. In four out of the seven interviews, a second camera (Camera B) was set up at a different angle than the primary camera (Camera A). My editor located the selected clips on Camera B tapes, synchronized video of Camera B with audio of Camera A, and loaded and fine-cut the clips in the computer software program. The use of both Camera A and Camera B footage diversified the angle of the camera and medium of the video. Approximately sixteen minutes of video were discarded after reediting and fine-tuning the four interviews. *Anthem's* second draft totaled approximately 35 minutes, and it broke down as follows:

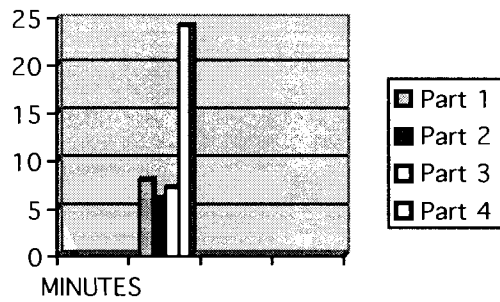
Figure 2. Proportion of Anthem's Parts in Draft Two



Total Approximate Time: 35 minutes

Anthem's third draft incorporated Liz Elliott, the fifth interviewee, in the project. Shaped around approximately 35 minutes of video, Elliott's interview was transferred directly into the computer program during the second previewing of her interview, bypassing the use of the poster boards to save time. After previewing Elliott's interview twice, it became apparent that parts four and five of the video could be meshed into one section since Elliott's discussion highlighted a reevaluation of our values on punishment as a potential alternative to criminal justice. After integrating her selected clips and combining parts four and five, the video totaled approximately 45 minutes and the improved four parts broke down as follows:

Figure 3. Proportion of Anthem's Parts in Draft Three



Total Approximate Time: 45 minutes

The third draft of the video thus incorporated the first five interviews (Morris, Forget, Duguid, Faith, and Elliott) and some preliminary insert images. This draft was downloaded onto a VHS tape and previewed and critiqued by the thesis committee.

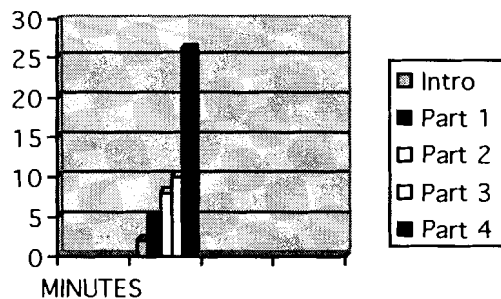
Eddie Rouse and Nikki O'Halloran's interviews were integrated into the video's fourth draft. Similar to Liz Elliott's interview, the director bypassed the use of poster boards for these two interviews, previewed the footage twice, and transferred selected clips into the computer program. Since it was increasingly difficult to incorporate other interviews into an existing structure, the editing of Rouse and O'Halloran's interviews seemed more focused on content. The director explored many different ways to alter the organic flow of the video to incorporate these last two interviews into the documentary. The fourth draft of the video was the most difficult to construct for a number of reasons. The experience was similar to editing a last draft of an essay where you need to make

sure that each sentence is meaningful and connected. The titles for each part of the video were re-titled and reedited with a new style. The new titles were:

- (1) Imprisonment as Punishment
- (2) Criminal Justice
- (3) Social Barriers
- (4) Healing Justice

I continued to reconstruct insert images and reorganize critical themes and dialogues in *Anthem's* fourth part (*Healing Justice*). I also omitted some video clips based on the committee's suggestions. New insert footage, notably images from the International Conference on Prison Abolition I and the International Conference on Penal Abolition IX, was incorporated in *Anthem's* fourth draft. An introduction to the video was also created, with a short preface and biography on each participant. The fourth draft totaled approximately 51 minutes, and *Anthem's* parts broke down as follows:

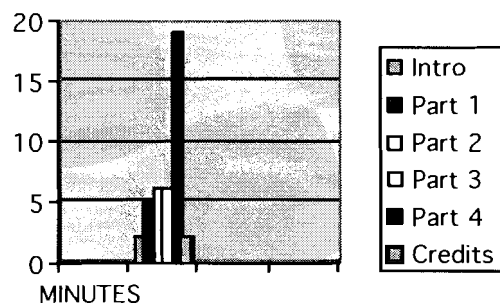
Figure 4. Proportion of Anthem's Parts in Draft Four



Total Approximate Time: 51 minutes

Anthem's fifth and final draft included my narration and credits. I also looked for what to take out to reduce the length of the video. To this end, Liz Elliott's segments in the video were greatly reduced. The introductory part was improved with new images and my narration tied the work together, making *Anthem* approximately a 40- minute video presentation. The four parts in the finalized project broke down as follows:

Figure 5. Proportion of *Anthem's* Parts in the Fifth and Final Draft



Total Approximate Time: 40 minutes

Since my narration for the video was compiled, composed and added in during the *Anthem's* final draft to complement the participants' dialogue, it is imperative to examine each interview in *Anthem's* production.

Ruth Morris, Pioneering Penal Abolitionist, Activist, and Academic

Ruth Morris was the second participant interviewed in the project. The construction of her interview is shared first because her interview was the catalyst and foundation of the project. Ruth Morris was contacted as a staunch

penal abolitionist, activist, and educator in Canada. Liz Elliot insisted that it was important to go ahead with the interview in that Morris' journey and knowledge was invaluable, and Ruth, then a senior citizen, was in failing health.

During the interview it was also very important for Ruth Morris to participate in the process and reminisce about her lifelong journey in the comforts of her home. Due to the sensitive nature of Morris' interview, there was much to be learned about the interviewing process. Semi-structured questions and the thesis information documents were sent to Morris via e-mail. The locale for the interview was in Morris' home in Salmon Arm, a sunlit locale for the cameraman who acquainted himself with the atmosphere and lighting. During the set up, Ruth Morris signed all relevant sheets and talked to the director about the value of alternative media. As the interview progressed, it was evident that Morris was prepared for the interview as she engaged the director as well as the camera operator who had limited knowledge of the subject matter. Her educational accomplishments helped her speak about the semi-structured questions in a very coherent and graceful fashion. Interruptions from the director in the form of a question or a probe were quite rare in this case. Thus, during post-production it was very easy to edit Morris' interview, as she was very articulate and flowing in her comments. The director initially wanted to share Morris' journey as a penal abolitionist since that was how Morris progressed through her interview; however, some segments were omitted to integrate other perspectives into the project.

Thirty video clips of Morris' interview were recorded on poster boards two through five. Some clips that were initially allocated to part one of the video

(*Imprisonment as Punishment*) were instead rearranged and edited in *Anthem's* fourth and final part (*Healing Justice*). This alludes to the dynamics of post-production where one can relocate video clips to places, which were not originally considered. Although in isolation Morris' discussion on a "penaholic society" illustrated the evolution crime and punishment, this clip were not placed in *Anthem's* first part because it meshed more effectively with others' concluding remarks in part four. I learned that although some clips appeared very useful in isolation, a clearer context was needed when arranging these clips into the video.

Most segments recorded on the poster boards for Ruth Morris were edited into the video. Five video segments out of the thirty were omitted from the first draft of the video due to the content of the segments. Two segments were omitted because Morris spoke about the US and New Zealand experience. The director initially thought that these segments could be used to juxtapose the Canadian experience; however, the documentary was most engaging and understandable if it focused solely on the Canadian context. Moreover, editing one video clip regarding the US and one video clip regarding New Zealand into the video would have been too fragmented and distracting. The director needed more contexts to include those clips into the video. Another clip omitted in the video was a story about an aboriginal girl, a subject that was very interesting but again too fragmented and off topic from clips collected from the other interviews. Two other video clips were omitted simply due to Morris' choice of wording; however, these segments were relocated to the narration poster board for future reference. Ruth Morris' video segments remained somewhat stable

throughout the drafts of the video. Although the thesis committee commented that part one of the video was very male-orientated (focused on Duguid and Forget's interview), the director did not feel this warranted moving Ruth Morris' segments to the beginning of the video.

The director decided to cut two clips of Morris' interview in part two of the video. I could only keep video clips that meshed with the contents of the other interviews. For example, Morris' comments on distributive injustice were omitted due to fragmentation of the segments. Although the director appreciated the importance of explaining distributive injustice to the audience during earlier drafts, it became clear during *Anthem's* third draft that I could not simply splice two clips of Morris' interview, as there was no context regarding this topic established for the audience members. The director could not pull from any other interview to better introduce Morris' comments since no other participant mentioned distributive injustice as such. Thus, the following audio and visual segments were omitted from Morris' contributions to the project during the construction of draft three: "Distributive justice is really about the fact that native babies and black babies have ten times the infant mortality rate in North American than white babies - that's distributive injustice... These are the issues of distributive justice and our justice system doesn't begin to address those issues" (2003).

Marc Forget, Alternative to Violence Facilitator, Deep Humanity Institute

Marc Forget was the second contact for the video project. The director, familiar with his accomplishments in academia and penal abolition, contacted

Forget through his work at the Deep Humanity Institute in Calgary. Reviewing Forget's curriculum vitae, the director was intrigued by Forget's extensive travels as an educator and facilitator and thought he could provide an international experience to the video. His interview was conducted at Simon Fraser's Harbour Centre campus. The director reserved an expansive locale for the interview, a public meeting area with large windows overlooking Vancouver's waterfront. During the first 10 minutes it was apparent that we needed to move the interview to a more isolated area. The glare from the windows was problematic for the camera operator and the noise from the public area was very distracting. We restarted the interview in a free classroom.

Approximately 36 clips from Forget's interview were selected during postproduction of *Anthem's* first draft. Similar to Morris' interview, much of what was recorded on the poster boards was integrated into the first draft of the video. Unlike Morris' interview, clips from Forget's interview were placed in all parts of the video originally. Six of the 36 selected clips were omitted. Most of these segments were discarded due to overlap in Forget's comments. For example, a clip on public physical punishment was omitted because Forget reiterated this point more articulately in another clip. The rest of the omitted clips were banked as potential ideas to use in the narration of the video. These decisions were also based on time constraints. What a participant could say in 30 seconds, the narrator could summarize and articulate in 10-15 seconds.

Significant changes were made to Forget's interview during the construction of *Anthem's* third draft. Nearly three minutes of video were removed from his contributions in part one in consideration of the thesis

committee's interpretations. The director realized that Forget's comments on the evolution of punishment and imprisonment were highly generalized and even questionable. In fairness, sweeping comments can succeed in capturing a key point, but in this case, it was likely that Forget's outlook could be misinterpreted, as nuances were not possible. The decision to omit a large portion of Forget's interview alluded to the importance of incorporating your audience's interpretations and critiques into preceding drafts of your project. It was very important for the director to consider the thesis committee's critiques since they were highly informed regarding the subject matter. This made for some very hard decisions, all to keep the coherence and impact of the finished product. The director was concerned that people with less subject knowledge were getting a more holistic, more accurate perspective of penal abolition. It was important to omit any segments concerning the history of our criminal justice system with questionable validity. For example, as one can pinpoint in the following excerpt, Forget does not consider the abuses of slavery while making the legitimate comment that punishment was not prominent in the Roman state. Forget stated:

In the Roman state, two thousand years ago, what is considered crime today was considered a private matter between people, between the victims and offenders. The Roman state had an interest in this only so far as to ensure that people were brought together, and that some kind of solution was worked out. Punishment was not prominent. The processes that have been developed to deal with crime were mostly focused on making things right again, making it possible for people to love together even after something fairly dramatic had happened.

About a thousand years ago, the church became extremely powerful in Western Europe. The church started establishing its own legal power, its own rules and its own consequences for people who broke the rules. Interestingly, the state was right behind. And, this was a time in Western Europe where we had a lot

of small city-states and small kingdoms but they were being consolidated into much larger and more powerful kingdoms. Up until that time, the law was very much embedded in the fabric of society.

When the state took that over, the perspective of the law started changing and people started perceiving the law as the King's law. Punishment got more and more severe as the state became what we know as the modern state where the state took on more and more responsibilities and the state became more and more prominent in people's everyday lives. And, in a way you could say, as the state became more and more oppressive. With the age of enlightenment, people started questioning all this punishment and a lot of people started seeing it as barbaric. And, a lot of people started pressuring the state to consider other forms of punishment. About one hundred years ago, we started using incarceration as a way to punish people (2003).

Forget had little time to deal with a host of issues and data, and it is not completely fair to dissect his discussion on these terms since there was duplication in Forget and Stephen Duguid's reflections on the evolution of imprisonment and punishment. Omitting such a large segment of information at such a late stage of postproduction was debated between my partner and I, but the changes winnowed part one of the video down to approximately 5 minutes, which was a better fit. It also freed up more time for part four which was arguably the most important part of the educational video, articulating the concepts of penal abolition and transformative justice. The director acknowledged the usefulness of discarding large segments and shifting the entire structure of *Anthem's* first part to benefit the larger piece.

Stephen Duguid, Professor, Simon Fraser University

The director read of Duguid's experiences in B.C.'s federal penitentiary system in his book *Can Prisons Work? The Prisoner as Object and Subject in Modern*

Corrections (2000). Duguid was contacted for the video due to his experiences as a prison educator during the 1970s and early 1980s and his continued work in justice and humanities. The director prepared Duguid's semi-structured interview questions focusing on part one of the video. Duguid traced the evolution of imprisonment and punishment and shared his firsthand experience with prisoners. Duguid was also chosen since he had resisted retributive criminal justice strategies like other participants; however, Duguid did not identify himself as a penal abolitionist. The director included Duguid in the project because it was important to juxtapose the abolitionist perspective and allow the audience to see that people who work to change criminal justice system strategies are not necessarily penal abolitionists.

The majority of video clips selected from Duguid's hour-long interview at Simon Fraser University were allocated to parts one and two of the video, as anticipated by the director. Approximately 32 clips were recorded on the poster boards. Since Duguid spoke very fluidly, it was quite easy to edit his clips for *Anthem's* first part. The director focused on Duguid's interview in part one as he made a coherent chronology on the use of prisons. Seven of 32 clips were omitted primarily due to overlapping or overly detailed comments. I also considered that I did not want to overwhelm audience members with information that might distract them from the focus of the video - penal abolition. The director wanted to make part one as short as possible and thus only took what she thought were exceptionally valuable segments to prepare for the bulk of *Anthem's* fourth part.

During *Anthem's* third draft, I began to notice some clips of Duguid's interview appeared too fragmented, too forced, for the final draft. Fragmentation

meant that Duguid's segments were isolated and out of place, in the middle of another participant's segments. I considered the organic flow of the video, its impact, more important than an isolated, brief comment. However, instead of discarding these fragmented video clip's the director used synergism, connecting two fragmented clips together to "produce a combined effect greater than the size of their separate effects" (Pearsall, 1999, p. 1452). Synergy helped provide more contexts for the audience and made Duguid's comments longer and visually and mentally stimulating.

Some technical difficulties surfaced throughout the project. For example, the radio microphone cable was visible in Duguid's wide, coloured shot in the classroom. This distraction was an oversight that could not be fixed due to a very low budget. To resolve this issue of an undesirable frame, the editor went into stock footage and edited Camera B footage (the tight sepia shot) into the editing system, replacing some Camera A footage with this new angle and style. Although one thesis member liked the more basic coloured shot and was distracted from the jumps from Camera A to Camera B, the director preferred to keep the two different shots to highlight the diversity of angles and her style of documentary work.

Karlene Faith, Professor, Simon Fraser University

Karlene Faith was contacted as a longtime penal abolitionist, scholar, and activist in Canada and the United States. Karlene was an educator in Canadian prisons and also taught at the California Institute for Women while at UCLA. The director was aware of Faith's pioneering book *Unruly Women* (1993) and

previewed a video that Faith facilitated in 1974 in the California Institute for Women. The black-and-white film was very effective and provocative and confirmed that women prisoners today still cope with issues of poverty, violence, discrimination, and family problems. The director thought that Faith could highlight female prisoners' perspectives on criminal justice issues in the video.

Stephen Duguid and Karlene Faith's interviews were held back to back, Faith falling second in the afternoon at her home in the West End of Vancouver. Approximately 27 video clips were selected from Faith's interview. The majority of these segments were allocated to parts two, three, and four. One video clip was allocated to poster board one. Eleven of her 27 video clips were omitted from *Anthem's* first draft. Cutting out such a vast amount of Faith's material was weighed very carefully, and the decision to do so benefited the overall project.

The director thought that interviewing Faith on female prisoners' struggles in a semi-structured format was a useful approach for the video. However, once the director considered Faith's interview in conjunction with the others, it was evident that her interview focused on female prisoners and there was insufficient room for Faith's topic-specific comments. The video was not intended to educate on female prisoners in particular, but to open up the dialogue around the issues of penal abolition. Although Faith's comments were very valuable and related to the works of penal abolition, they were too disjointed from the rest of the interviews. Faith's semi-structured interview might have been designed differently, focusing less on female specifics and focusing more on the challenges of penal abolition and challenges facing men and women. Yet, with the proverbial shoestring budget the director could not

redo Faith's interview and thus had to work with the more general statements Faith made about the advantages, disadvantages and future of Canadian criminal justice. The discarded footage could have been usefully incorporated with a longer video and greater resources.

The clips omitted in Faith's interview illustrated the struggles and coping mechanisms of female prisoners. For example, language barriers, violence against women, female disillusionment, poverty, female mental health, vocational training, solitary confinement, abuse of power, drug abuse, motherhood, and babies in prisons. On the other hand, the 16 selected clips were geared to such topics as the paradox of rehabilitation, the idea of healing, and transformative justice.

Approximately three clips from Faith's interview were omitted in *Anthem's* second draft to focus on transformative justice and penal abolitionism. This reflected the dynamic nature of video making and confirmed that video can touch on many different topics in a short period, but it is vital to remain focused and not overwhelm your audience with too much information or too many complex ideas. The decision to cut the following clip was based on suggestions of the thesis committee stating one must acknowledge that prison could deter someone: "Prisons don't deter anyone from committing crime we certainly know that; capital punishment, for goodness sakes doesn't deter anyone from committing crime" (2003). The director omitted such generalized statements or comments that needed to be backed up with much more detailed information that the narrator could not cover in a matter of seconds. There was no room in

the video to include information regarding the available deterrence research and literature and begin a discussion on this topic.

The same technique was used for the Karlene Faith interview as in the Duguid interview with the swopping of Camera A and Camera B. This was used due to the less than desirable Camera A shot of Faith. The director asked the camera operator to take on a wider shot to diversify the interviews even though the cameraman disagreed with that angle. In retrospect, the director made a mistake and realized that a wide shot was quite ineffective for a documentary style project and that such technical decisions should be left to the camera operator's discretion. Thus, the director decided to use Camera B, the wide sepia shot of Faith, to compensate for the bad angle and visible microphone cord in Camera footage. However, because the cameraman did not operate Camera B during the interview, the shot should have centred more on Faith's face. Even though these close-up images would have been discarded and re-shot in a resource - rich feature film, the director and editor drew on the positive aspects of Faith's interview to remain on track with the entire project.

Liz Elliott, Professor, Simon Fraser University

Professor Elliott was contacted as another well - known penal abolitionist, activist, and educator. Elliott also highlighted the female perspective in the video (i.e., female abolitionists such as Morris, Faith and Culhane). The director also thought that Elliott could enhance Morris and Culhane's memories since Elliott was close to them both.

Although a semi-structured interview style was also used in Elliott's interview, a slightly different approach to editing her interview was used in comparison to the first four interviews. Continuing with a grounded theory approach to research, the director based Elliott's semi-structured questions around collected footage in preceding interviews. In this sense, Elliott's interview was very focused. The director concentrated on what she needed from Elliott to mesh her interview into the developing project. This focus materialized in a half-hour interview in Elliott's office, which was quite different from the previous hour to an hour and a half interviews. Since the director was editing Elliott's interview into the video in isolation (versus editing four interviews at one time), poster boards were omitted. The poster boards initially were used to help organize and develop themes across interviews but simply cutting up an organized half-hour interview made the use of the poster boards too time consuming. This step was omitted, but Elliott's interview was still previewed twice during postproduction. The selected footage numbers were recorded in a logbook rather than poster boards.

Twenty-four video clips were selected from Elliott's interview. All 24 segments were cut into the video during the construction of *Anthem's* second draft. This accuracy was possible due to the little amount of footage and also the footage included very specific information that was lacking in *Anthem's* first draft. The director decided to merge poster boards four and five into one part while sorting through Elliott's interview. At this time, the director created the three core questions to help develop part four and the print thesis: (1) why are we so tied to the importance of imprisonment and punishment? (2) how do we

resist retributive strategies? and (3) can we have justice without punishment? Instead of taking Elliott through semi-structured questions that covered each section of the video, the director asked Elliott the three open-ended questions, along with some probing themes and ideas. Her responses were very valuable for *Anthem's* fourth part.

Still, the director wondered if it was awkward to introduce Elliott's interview late in the video. This problem was simplified by introducing the participants at the beginning of the video so the audience members could be somewhat familiar with Elliott's face once she began her discussions in part three. Moreover, parts one through three were envisioned as quite complete at the time of Elliott's interview and the director was very adamant that Elliott's comments appeared mostly in *Anthem's* fourth part, the most substantial section of the video. The director also contemplated using the arrangement of the following clips in part four, which introduced the idea of restorative justice. She decided to omit the following clips into the video, but shares them here to demonstrate that restorative justice does seep into the works of penal abolition. As Elliott explained:

Once we started talking about penal abolition, then we started opening up the doors to the notion of restorative justice, which I think decentres this notion of punishment. That the whole task of a community, or people who are responsible for handling conflicts is not to find the right person who did it and punish them, but to try and find out everything you could about that conflict that would give you the information you would need in order to shift whatever was happening in your community and the specific lives of those people, to prevent that from happening again (2003).

In her next segment, she added:

No word is going to be perfect for this: it's how people appropriate or misappropriate those things. So, restorative justice has been widely misappropriated as an idea, and in cases where I think it has not stayed true to the values, and the kind of philosophical paradigm shifts necessary is when that process cannot let go of punishment. If punishment is still a part of that mandate then it probably isn't going to be restorative justice" (2003).

The director noted the improvement of the camera's angle and framework in Elliott's interview. Allowing the camera operator space to apply his creative ideas (choosing a tight shot) worked best for this documentary. Camera B footage was also spliced into Elliott's segments. The director acknowledged the improvement in the congruency between Elliott's Camera A and B angles since they both were head on in a tight frame.

Eddie Rouse, Lifer, Educator, and Activist

Eddie Rouse, the sixth participant, was contacted at a later stage of the video production, approximately three months after the Liz Elliot interview. The director agreed with the committee that the perspective of the video was highly academic since all participants were educators, facilitators, or activists. The committee believed it would be beneficial to the project to include a perspective from at least one person who has been incarcerated.

Similar to Liz Elliott's interview, the director fit Eddie Rouse's interview into an existing draft. The director sought potential breaks in the video to include Rouse's perspective and made up semi-structured questions to probe at the particular contents surrounding the break in the video. I pinpointed what I could add in from Rouse's interviews and what I could potentially take out from

others' contributions. I constantly looked back in the video to identify links of themes, words and ideas between the already edited material and Rouse's selected video clips. The poster boards were left behind and a smaller log was taken while previewing Rouse's interview. The director found it increasingly challenging to include Rouse's interview into the video project; fitting another piece into the puzzle, which was gaining more, and more structure was a difficult task. This provided the opportunity to the director to clean up fragmented clips or segments in *Anthem* by either omitting edited footage or juxtaposing those segments with new clips from Rouse's interview.

I selected approximately 27 segments from Rouse's interview, more segments than were necessary as I anticipated that editing tasks would become more difficult as the video came to fruition. The clips omitted from the batch of 27 were edited out due to repetitious comments. After pairing up Rouse's clips and connecting themes and ideas together, the director decided which particular clips to use. At times, two clips overlapped in content and the director chose the most cogent one. The following clips were initially selected from Rouse's interview, but were excluded in *Anthem* for different reasons. In one clip, Rouse commented on victim-offender reconciliation. He stated:

...not just from the offender's point of view but also the victim's point of view...the healing, from the emotional pain and the psychological pain that the victim feels, can start, because that's where we will ultimately end, because if there is no understanding on either part...that type of restorative justice cannot work (2003).

This clip offered a discussion on healing and restorative justice, but was removed to limit discussion around restorative justice. The clip also originally contained

too many “ah” interpolations. The next video clip was removed because the statement contradicted the message in the video that the public should be involved in the healing of social harms. In my opinion, Rouse went off topic on the fear factor and spoke about particular people in a very generalized manner. He argued that:

...help them keep out of the loop, get out of that whole cycle of drugs addiction, the welfare, crimes, and getting released and going back and forth. So, this is what, the correction system has to look at. And, it's truly hard for a bureaucracy to change but they have to make that concerted effort. But, they can't swing from one extreme to the other nor can they allow the public to influence this decision. One of the reasons that the prison system is verging [to the] right now is because of the fear factor. The fear factor is people like Cadman [Canadian Alliance Justice Critic, Victims' Rights Advocate] and the Randy Whites [Canadian Alliance House Leader, Solicitor General Critic, Victims' Rights Advocate] saying that there is a criminal on every corner, and there's not, there's not a criminal on every corner. (2003).

This clip alludes to the importance in recognizing the value of words in post-production. I felt it was imperative to select, as much as possible, neutral language to help the audience digest complex ideas.

Nikki O'Halloran, Ex-offender and Activist

Nikki O'Halloran, the project's last participant, was contacted approximately one month after Eddie Rouse's interview. O'Halloran complemented the need for a female prisoner's perspectives of the Canadian criminal justice system. Liz Elliott and Meredith Egan (Coordinator of the Centre of Restorative Justice, Simon Fraser University) indicated that O'Halloran might

be an eager, engaging participant to round out and complete the exploratory project.

O'Halloran played an active role in her interview process, precipitating a collaborative relationship with the researcher. She asked the researcher to preview the video with her prior to public screening. The researcher complied and both the participant and researcher before the interview added a clause stating this arrangement to the *Consent Form* that was signed. O'Halloran's interview was approximately one hour long. Twenty-one video clips were initially selected from her interview, bypassing the use of the poster boards. All twenty-one clips were inputted into the computer and the clip numbers and their contents were recorded in a logbook. Similar to Rouse's interview, the researcher found it difficult to integrate O'Halloran's interview and thus reviewed her clips several times. The researcher found it useful to group O'Halloran's clips together with Rouse's clips and then linked the cluster to the video. Detailed notes were taken on the editing process late in production, again illustrating the difficulty of editing new material in the last stages of production. Eight clips from O'Halloran's interview were eventually incorporated in the project. The researcher hoped to present more of what O'Halloran shared during the interview in a few examples of clips omitted from the project. O'Halloran remembered some details about her time in segregation in Lethbridge:

...you're locked in a cell and the lights are on all the time. And, you're wearing an asbestos baby-doll... It's got little weights along the bottom, so you're hung over. That's all you get. No socks, shoes, nothing. You're in a cell with a plastic bed frame where a mattress would go, but there's no mattress, and no pillow and a piece of burlap for a blanket. That was all. But you couldn't have any outside contact, you couldn't shower... (2003).

O'Halloran highlighted some positive aspects of the B.C. prison she was transferred to:

When I got to BCCW [British Columbia Correctional Facility for Women] I found something totally different...for the most part, the staff there took on the attitude that we're not here to punish you. A lot of the women were regulars, in and out, and they knew where we'd come from - third generation welfare families, women who know nothing expect working the streets, selling dope...for the most part took on kind of a nurturing feeling and it was way better than it was in Alberta (2003).

Asked about some possible advantages to prison and punishment, O'Halloran responded:

Being in prison doesn't really accomplish anything. I don't see anything gained from it.... It's about the bureaucracies. Where can we plug these people? Where do we send them? There's no accountability to the victim. By sending me to prison, I didn't ever have to make amends to the people I had harmed. I never had to even admit that I committed an offense. I really didn't have to do anything except sit in prison. And, you know, nothing can change for me then (2003).

In regard to penal abolition, O'Halloran stated her argument:

I'm not saying, "let's wipe out all prisons". I don't have the answers to anything...Not that it's not a great idea, but how does it become implemented? ...a lot of people don't want to see something really productive done, because it will change what's been happening all these years and you know, a lot of people, myself included, don't like change.

...it has to lie outside of the system...We're not ready for something like that. We're not prepared socially... We're not willing. We're not educated to do something like that. But, punishment clearly isn't working.

There's all these obstacles. Some of them are well founded because we don't have...these systems and courts and judges all set up. It's

harder to define and develop a bureaucracy around something that is clearly not bureaucratic. So, I guess the only key is open mindedness, right? (2003)

Connecting the Dots

A different, point-and-shoot video camera technique was used for the recording of *Anthem's* insert footage- that is, the images that appear in the video apart from the key interview segments. This helped the flow of interviews and made the video more informative and engaging for the audience. This entailed videotaping images with a tripod, gathered from the Internet or at the Vancouver Public Library's Photo file, and illustrative textbooks.

A large segment of insert images was edited in *Anthem's* fourth part to introduce the audience to Claire Culhane and her achievements. Archival material and secondhand information from the participants created her part. Mixing up the video interviews with older video footage dating back to the 1980's highlighted both past and recent developments in the Canadian penal abolition movement. Also, incorporating archival video into the project helped share the passions of Claire Culhane who is no longer with us.

The following archival materials were borrowed from Brian Burtch or Robert Gaucher's archival video collections. Clips from the following audiovisual resources were edited in *Anthem* to enhance Culhane's section: (1) *Instead of Prisons* hosted by Claire Culhane, (2) The First International Conference of Prison Abolition (1983), (3) The Ninth International Conference on Penal Abolition (2000). The *Instead of Prisons* footage was transferred from a BETA tape and the remaining insert footage was transferred from VHS tapes. The researcher

selected short clips from these resources, focusing on Claire Culhane and Ruth Morris. There was no extra time in the video to introduce random characters effectively and efficiently.

Lastly, the researcher in post-production created a narration. The narration placed the participant's ideas into context for the audience. It can be viewed as a story line created after editing the video, a device that joins the dots together to fill in any voids in between the key interviews. Using my own voice as the narration highlights the importance of the female voice in the Canadian penal abolition movement (i.e.: Morris, Faith, Elliott, Culhane). The narration was created to provide context and complement the participants' dialogue (See Appendix M). Again, themes were identified in the interview and the narration was placed in lapses in the video where I could clarify the participant's dialogue.

Visual statistics were also inserted into the video in post-production. Statistics on particular criminal justice issues were researched, collected, and presented in a creative audiovisual format. The selection of statistics was dependent on the information provided in the interviews. Identifying key words or ideas in the participant's dialogue helped the researcher find stimulating images to help engage the audience. The following themes were highlighted and used as a guideline to find either proper complimenting images, statistics or dialogue for the narration: recidivism, prison population numbers and characteristics, monetary costs of prison, discrimination, paradox of prison, morality rates, corporate crime, property and violent crime, sentencing, public knowledge and attitude towards the criminal justice system.

The final chapter to this print thesis explores three core questions that emerged from themes identified in the participants' dialogue. Penal abolition, as a theory, social movement, and political stance will be critically examined, bringing forth key concepts from the video production and other key works in the area of penal abolition. As noted earlier, the three core questions are as follows:

- (1) Why are we so rooted in the importance of punishment and imprisonment?
- (2) How can we resist retributive strategies?
- (3) Can we have justice without punishment?

CHAPTER FOUR - PUNISHMENT AND JUSTICE: "WORKING ON YESTERDAY'S ANSWERS"³

A cynical young person is almost the saddest sight to see, because it means he or she has gone from knowing nothing to believing in nothing.

Maya Angelou⁴

Walking the Walk

One important lesson I learned, especially from Ruth Morris, is that we must be dedicated to "walking the walk" when fighting for social justice. Not only can we "learn from a reexamination of [our] history, philosophy and practice", we need to think positively about our future and our potential to change (Zehr as cited in Consedine, 1999: 154). All seven participants in this project are dedicated to social equality and illustrated the importance of community education as a step towards abolishing prisons as a tool of punishment, and reassessing the concept of punishing those who commit social harms. *Anthem's* dialogue illustrates the creativity of a community of abolitionists and supporters, gathering strength and taking ownership over their fates as citizens of a Western democracy.

In particular, Ruth Morris, Karlene Faith and Liz Elliott spoke of communities' role in creating dialogue around societal transformation. In this, we can brainstorm new tools and strategies of harm and healing, placing the notion of punishment into a new context. Although punishment is a part of

³ Reid, S. (1998). On the Road Again. In Murphy, P.J. & Murphy, J. (Eds.), *Sentences & Paroles: A Prison Reader*. (24-25). Vancouver: New Star Books.

⁴ *Womeyn's Herstory* (n.d.). Retrieved October 5, 2003, from <http://www.geocities.com/uticacollegewre/herstory.html>

human history, once we moderate and decentre punishment as the primary goal of criminal justice, we can begin to transform our broken communities and work towards replacing crime and punishment with harm and healing. Perhaps, punishment cannot be eliminated tomorrow but as Claire Culhane argued in 1983, there are no limits to our imaginations. She stated: “the momentum is going fast, and I think every step is a step towards abolition”.

Why are we so rooted in the importance of punishment and imprisonment?

In many countries, the 'English retributive heritage' established the use of state justice over the use of community-based sanctions, especially in criminal law. Informal reactions to social harms including forms of fines, compensation, restitution and reconciliation were replaced by a centralized code of law in the 13th century in Western societies (Griffiths & Cunningham, 2000, p. 34). In fact, it was not until the 1500s in England and the early 1600s in Continental Europe that imprisonment was widely used. As Stephen Duguid stated in his interview, prisons started out as dungeons and are now clearly “centres of punishment” (2003).

Nearing the end of the 18th century and at the beginning of the 19th century, the Age of Enlightenment and our quest for rationality and due process established a new political economy legitimizing the government's right to punish. The establishment of the “social contract” during the penal reforms of the 18th century, manifested into a social consensus model of society where the offender becomes the “common enemy”. In this, citizens are presumed to be

equals and are in agreement of all laws in society. The right to punish thus “shifted from the vengeance of the sovereign to the defence of society” (Foucault, 1979, pp. 80-81 89-90). Legal, administrative practices of punishment displaced ceremonial punishments, moving punishment away from public spectacle into the private domain, making punishment the “most hidden part of the penal process” (Foucault, 1979, pp. 8-9). The power to punish was thus reorganized, establishing the prison as a tool for “corrective detention”, with the souls of offenders replacing their bodies as “major target[s] of penal repression” (Foucault, 1979, pp. 8, 15, 25, 102). A “vertical, hierarchical, imposed, punitive” system replaced a “community, negotiated, restitutive” system with rational guidelines to administer pain in private (Zehr, 1995, pp. 115, 118-119).

That idea of a social contract that binds citizens together did not question the fundamental assumptions of a barbaric and vengeful system, but simply provided the government and its budding criminal justice system with another form of legitimacy (Zehr, 1995:117). Foucault argued that the penal system could be conceived “as a mechanism intended to administer illegalities differently, not to eliminate them all” (1979, p. 89). Even though prison seems like an improvement over the things we did in the past, such as torture, it was criticized from its inception and many regard the history of prison reform as a repeated failure. Some of the same problems we noticed 200 years ago are still apparent in the way we choose to incarcerate individuals today (Griffiths & Cunningham, 2000, pp. 27-28). As Ruth Morris noted:

It is important to realize that we are willing to spend a lot of time on all the wrong solutions. We spend an incredible amount of money and time locking people up in situations, which will make

them worse and make the community more endangered, and do nothing at all for victims. But we're not willing to spend the extra time on healing that is needed to truly transform (2003).

Today's "sense of dysfunction is high" as we have built a system resistant to improvement, one that "absorbs and subverts" reform efforts (Zehr, 1995, pp. 125, 179). The spectre of a police state becomes a closer reality everyday since the "public" in public criminal justice policy remains largely a façade in our formally democratic society. Considine state, "In no other area of state expenditures do public funds get less scrutiny in terms of positive effectiveness than in the area of penal policy" (1999, p. 10). Our modern consumer culture perpetuates revenge that "encourages anger, denial, powerlessness, dehumanization", casting an image of the criminal offender as "intractable and insusceptible to change" and denying the community an opportunity for healthy change (Zimring & Hawkins, 1995, p. 15).

Liz Elliott discussed modern retributive justice, stating that "it is about equalizing that pain or loss that the victim feels, and the way you do that is through punishment, deliberately inflicting pain and loss on one side so it's equal to the other side" (2003). She argued that criminal justice creates punishments that have no natural connection to the harm inflicted as we simply identify that "a rule or violation of a law has occurred, determine who the culpable actors are, prove that.... and then your problem is allegedly solved" (2003). Morris argued that the criminal justice system only meets our unhealthy desires for revenge: "the whole thing is about revenge, we are a penaholic society addicted to many wrong things...and one of the things we're addicted to is the

idea that somehow one quick fix of revenge will solve everything. Revenge does not heal, revenge does not solve things” (2003). Ruth Morris began her journey as a penal abolitionist criticizing prisons as an “expensive, unjust, immoral failure”.

She argued that the criminal justice system functions to:

...reinforce racism and classism and it’s got very little to do with crime...It does not provide safety, it does not provide any kind of healing, it doesn’t provide anything for victims, it doesn’t provide any forward movement for the community in dealing with the causes of crime” (2003).

Stephen Duguid also spoke of the “great contradiction of prisons”. Prisons cannot rehabilitate individuals as we’re “seeking to change someone in an authoritarian environment...[we] take people who aren’t good at making decisions, throw them into a place where they can’t make any decisions and [we] throw them out again and expect them to make good decisions, and the impossibility of that is the great contradiction of prisons I suppose” (2003).

Karlene Faith concurred: “...the place where you get set to went you break the law, is the most lawless places in the land...prison is not a place to go to learn to be a law-abiding citizen...” (2003).

Asked why are we so tied to punishment, Marc Forget replied: “...what’s keeping the current system in place is you and I. Most of us subscribe to the theory that punishment works, that punishment is appropriate that punishment is necessary, and it is the only response” (2003). It is a “measure of helplessness” Elliott argued. We punish people when “we know we have to do something, but we just don’t have anything else in mind, or we just don’t know anything else” (2003). Howard Zehr asserts that: “...we operate under a presumption of prison.

Prison is not a sentence of last resort which must be justified and rationalized by the judge which imposes it" (1995, p. 34).

Anthem highlighted how communities equate punishment with prisons due to very limited access to the dynamics of prison life and lack of knowledge regarding other tools they may wish to implement in finding solutions to social harms. We must understand how conservative forms of "politicization of crime" in the past 25 years have been a driving force behind public fear of crime and a catalyst for the "get tough on crime" phenomenon. Prior to the 1960s, Mauer argues that crime was primarily addressed as a local issue. Today, crime is used as a bureaucratic tool to usher law and order appeals in national political campaigns, which in turn resonate with concern for crime and social unrest (Mauer, 2001, p. 9). Thomas Mathiesen's commentary on Mauer's critical dialogue on the political-economic context of mass imprisonment in the United States indicates that the advent of television coincided with the rise of the crime fear and with mass incarceration (2001, p. 29). Mathiesen argues that "the development of television...*facilitates prison growth*" as it dismantles key protections such as civil liberties, the rule of law and humane guidelines (2001, p. 31, italics in original).

One can argue that television has replaced the influence of the medieval church, empathizing "...collective values that bind people closer together" (Curran, as cited in Mathiesen, 2001, p. 29). Ninety percent of the Canadian public cites mass media as their primary source of information about crime and punishment and lack other competing information (Roberts, 2000; Mathiesen, 2001, p. 31). A major challenge for penal abolitionists is what Griffiths and

Cunningham call the “plague of disinformation”. Roberts points to public misperceptions of crime rates and patterns, offenders and the nature of crime, domestic violence, the criminal justice system and youth crime: “The news media seldom provide sufficient context and information for the public to make a reasoned evaluation of events; accordingly, opinions tend to form in the absence of substantive knowledge of the issues” (as cited in Griffiths & Cunningham, 2000, p. 17).

To a very large extent, the media’s organizational structure, guided by a set of formal rules, systematically defines and limits the variety of material that will be produced. The media's bias toward sensationalism and simplification, and the tendency for the public to generalize from worst-case, notorious scenarios creates what was a confrontation between two individuals (the victim and the offender) into a stereotypical “crime”. “Crime fits perfectly with the demand for entertainment” and currently penal policy is a commodity governed “...by the kind of news that is news-worthy and ...saleable for television and by what is marketable political opinion in the media” (Mathiesen, 2001, pp. 30-32). Cultural values of “truthfulness, relevance and sincerity” in public debates over penalty has been replaced by “warning by...sensational crime stories...and opportunistic political initiatives...characterized by the rationality of the market place” (Mathiesen, 2001, p. 32). In fairness, despite the lack of media attention to prison milieux, some scholars list examples of whistle blowing by correctional officers, progressive books and feature articles on the failure of prison, and the value of alternative print and electronic media (Doyle & Ericson, 1996).

Since public attitudes towards the criminal justice system are founded on inaccurate and incomplete knowledge, improving awareness of the system's limitations may spark social change. When people receive more accurate information about crime, their fears and stereotypes about this social phenomenon are often drastically reduced (Zehr, 1995). *Anthem* provides an alternative source of information about criminality to the mainstream media, which in turn may challenge an obstacle to social change, our "fear of the unknown" (Saleh-Hannah, 2000). Mathiesen also urges for the creation of an "alternative public space" to liberate us from our dependence on mass media, restore value and faith in grassroots movements and revitalize academic research concerning the interests and ideas of the common public and prison population who are rarely accessed or considered (2001, p. 33).

Isolating people from our society does not necessarily make our communities safer. Instead, we should look towards the future and make our communities safer by educating and helping nonviolent offenders to function in the community most will return to someday. As a humanist, Claire Culhane fought to preserve the prisoners' contact with their families, friends and lawyers. She opposed reducing the inmate to a "thing" that can justifiably be caged away from civilization and transformed into a demonized commodity by the state. Culhane insisted that we must begin to demystify the perception of prison populations as one homogenous body and change our propensity to judge people and events on a scale of extremes - black or white, good or evil. Looking at our society with narrowed eyes and weighing experiences with a generalizing

and stereotypical mind, does nothing to recognize all the circumstances, the complexities, and the problems of society (1985, p. 152).

The mass media's perception of reality, in turn, has created a fearful and punitive public mood. Selective coverage that presents misleading data leads to (a) an increase in citizen fear of victimization, (b) a false assumption that crime rates are increasing, and (c) a deepening of punitive crime control and state intervention. The misperception that increased severity of penalties will impact crime rates is a very serious myth. Such a small proportion of people are sentenced in Canada that our ability to sentence people and lower crime rates is quite limited (Roberts, 2000). Zimring and Hawkins note that: "So little is known about how decisions are made about the appropriate size of a prison system..." that a debate about purposes or implications of prison size is warranted (1995, p. 167).

The mass media may lack capacity to explore complex issues in 30-second sound bites, however we must acknowledge the one-sided debate that the media provides when they remain uncritical of the information they get "through the eyes of the legal process and its professionals" (Zehr, 1995, p. 58). Thus, lack of sound critical evaluation in corrections, coupled with the public misinformation, undermines workable strategies and social justice (Griffiths & Cunningham, 2000).

It was important to highlight the significance of community education as a pathway to social change and to appreciate the impact of mass media (Morris, 1995, p. 110). To break down the media we must challenge our own way of thinking and transform ways we seek information. In this, education places no

limits on our imaginations and our commitments to take direct action. We can transform ourselves from capitalist consumers into spiritual beings and thus satisfy our human needs. We do have a choice to be critical of information and a key to living in a civil society is to understand our fears. With our masks off, we can begin to gradually reintegrate prisoners back into our communities and strive to live harmoniously. We must look deeper into ourselves for 'true' solutions that respect the social causes and origins of crime and deviancy (Morris, 1995, p. 93). A system driven by fear and ignorance misses our social objectives of peace and democracy (Consedine, 1999). In fact, a key to the success of living in a democracy is a questioning, critically- thinking citizenry. Claire Culhane and Ruth Morris agreed that the answers lay in public education.

How do we resist retributive strategies?

You measure democracy by the freedom it gives its dissidents, not the freedom it gives its assimilated conformists.

Abbie Hoffman⁵

Along her journey, Ruth Morris addressed the more fundamental issue of the public understanding of imprisonment and punishment. She was adamant that "until we have a public that demands something better to meet its goals, we won't have a better justice system" (2003). While the public often perceives the criminal justice system to be too lenient, most victims of crime are often open to "non incarcerative, reparative" ways of doing justice (Zehr, 1995, p. 193). Ruth Morris and other Canadian abolitionists inside the prison reform movement have

⁵ *NorthernSun* (n.d.). Retrieved October 5, 2003, from <http://northernsun.com>

always opposed the retributive or revenge approach to justice. Since the third ICOPA in Montreal in 1987, abolitionists have officially moved from PRISON to PENAL abolition. The objective of ICOPA III was to broaden the scope of abolition to all criminal justice institutions, including but not limited only to prisons. Liz Elliott clarifies that abolishing prisons requires abolishing the whole spectrum of related institutions:

...prison is just one form of punishment and we realized that if we were to abolish the prisons, maybe there would just be a replacement that would be just as nasty as the punishment that predated the prison. So, it was time to think about punishment itself as a problematic concept.

When we say we don't believe in punishment, we're not saying we don't do anything when an obvious harm has occurred to a victim, it's just that we need to use other tools, perhaps, and if we don't know of any other tools than often we're going to resort to punishment (2003).

Instead of looking at who's wrong and how can we punish them, we need to question who has been harmed and how can we heal them. Moreover, to begin understanding crime, we must recognize that "the most real crime is corporate crime" (Morris, 2003). After conferences in North America and Europe, in such countries as the Netherlands, Poland, the United States, Costa Rica, Argentina, Spain, and New Zealand, ICOPA IX returned to Canada, raising awareness of corporate crime. Morris said that:

...you're most in danger from corporations and you are less in danger from that ugly stranger, the serial killer. Not that any of us in favour of having serial killers in the community, running around, but the most serious serial killer is the corporate killer.

The myth that the little street criminals that fill our prisons are what crime is all about is a very serious myth. Why is stealing aspirin more serious than incinerating consumers?

It's no accident that the media sensationalizes street crime and definitely does not focus on corporate crime, because what a coincidence, the same people own the media own the big corporations and practically own our governments (2003).

Norwegian criminologist Nils Christie's *Crime Control as Industry* (2000), is a warning against the dangers of industrialization that breed the unequal distribution of wealth and the existence of surplus labour. These two conditions, coupled with the vast range of actions that can be defined as crimes, provide for a cancerous growth of prison populations, an unlimited possibility for warfare, and ultimately a totalitarian society. Surplus labour produced by unequal access to paid work is of central importance in Christie's analysis of industrialization of class management. He contends that under a façade of public protection, governments have created a punitive parole and penal system to track and remove the poor dangerous class for longer periods of time. Taylor's historical overview, *The Resurrection of the "Dangerous Classes"* (1995) advocates Christie's argument that the "empty hands" or the surplus population that lies outside of production has posed a threat as a potential source of unrest and unemployment to the elitist class since the beginning of industrialization.

Unequal distribution of wealth allows the elite – those in superior positions in a nexus of government, corporate, and mass media power for example - to establish their definitions of normality as acceptable social behavior. Hence, the elite has the power to define the acts of the underclass population as deviant, on the basis that they have rejected the norms and bonds of society and are an unproductive, costly population undermining the "morality of industriousness" (Christie, 2000, pp. 66-67; Taylor, 1995). They also have power

to resist alternative perceptions or initiatives. Moreover, failing to integrate the supposedly dangerous class back into a society, the elite criminalizes their behavior. The prison becomes part of the solution to the elite's efforts to control the dangerous class, diverts attention away from the rich and stigmatizes the poor (Taylor, 1995). The elite continue to criminalize underclass "lifestyle", so that the poor and the "non-productive" population can be placed in prisons, or be threatened of incarceration, and have no chance in transforming the social hierarchy.

Many inmates are from the poorest sectors of society, or what Spitzer coins "social junk": those who are the least useful and potentially the most dangerous part of the population (as cited in Christie, 2000, p. 73). Many writers indicate that "poor, vulnerable, single parent families, sick, mentally ill, young, indigenous, immigrants" are criminalized and incarcerated at high rates (Griffiths & Cunningham, 2000). Garland cites Rusche and Kirchheimer (1968) in his Epilogue, *The new iron cage*: "the prison system is part of an institutional network for governing the poor" (2001, p. 180).

With these qualifications in mind, we see how Morris' presentation of "distributive injustice" is directly related to the discourse of surplus labour, deteriorating social conditions, and Garland's "governance of crime" (2001, p. 180). A discriminatory system exists in Canada and most dramatically in the disproportionate rate that we incarcerate our First Nations peoples. In 1990-91, Aboriginals made up 68% of admissions to provincial institutions in Saskatchewan, 63% in the Yukon, and 49% in Manitoba. These numbers indicate a dire situation since Aboriginals constitute only 6% of the Canadian population,

and even where their proportions are higher there is still overrepresentation (Roberts, 1994, p. 18). "Our system is the incarnation of our own racism and classism", Morris argues in her later work (1995, p. 30). Distributive injustice is inherent in our criminal justice system - a human enterprise that "often encourages rationalizations and strengthens stereotypes" (Griffiths & Cunningham, 2000; Zehr, 1995, p. 41).

In the United States, in particular, we see the social impact of mass imprisonment over the last two decades, where imprisonment has become normalized and systematic - marginalizing, alienating and excluding whole populations via criminalization. "Imprisonment ceases to be the fate of a few criminal individuals and becomes a shaping institution for whole sectors of the population" (Garland, 2001, p. 2). One profound effect of mass imprisonment is "...the way in which penal exclusion has been layered on top of economic and racial exclusion, ensuring that social divisions are deepened, and that a criminalized underclass is brought into existence and systematically perpetuated" (Garland, 2001, p. 2).

Although we see the dangerous class serving as scapegoats for deteriorating social conditions, we must consider public opinion and the potential strength of a community to organize itself and challenge the status quo in formal democratic structures. Inequality, oppression and greed must be deinstitutionalized in our society for our communities to move forward. The late abolitionist Claire Culhane, in her critical books on prisons and her long-term activism on behalf of prisoners and their families, drew on these themes of overcoming oppression and establishing more democratic structures. Culhane

rejected the legitimacy of the National Parole Board, among other carceral bodies. She indicated that the NPB's role widens the government's control over the individual. For example, Culhane noted that the NPB's reins remained so tight that large portions of individuals on mandatory sentences re-offend simply by breaching parole conditions, not by committing new crimes (1985, p.105). That people re-offend due to substance abuse, or due to poverty when they cannot pay fines, demystifies the public's fear of the archetypal career criminal and provides a critical look into the public's belief that most crimes are violent. Ruth Morris claimed that "Even if you're focusing on individual crimes, violent crime is just the tiniest portion of it, property crime is the main individual crime, and they're the main people who fill our prisons" (2003).

Christie extends Morris' analysis of "distributive injustice" to the "industrial commodity". He argues that in addition to providing examples of unwanted conditions, the dangerous class, when criminalized, becomes the raw material for the crime control industry. This industry produces profit and work, and controls the dangerous classes, those who may "disrupt social processes" (2000, p. 13). Garland comments that even though crime has been declining since 1992, "...there is every sign that the shift towards mass imprisonment continues" (2001, p. 180). When over two million people are incarcerated in the United States - at a time when the crime rate is falling - one must question the drive behind such justifications for accelerated prison growth and high prison populations. Here, Christie (2000) argues that the interlock of the economy and the penal system is clear, where prison literally means big business. Once the elite ties its economy into the penal system, it is in its best interest to see the market expand.

In this, we can resist retributive strategies by challenging the prison-industrial complex. In short, the prison industrial complex encourages increased spending on imprisonment regardless of the actual need. This market-making endeavor cannot prosper without the one main commodity, the inmate. The elite uses the prison as a bureaucratic tactic to keep its commodity in prison, at the bottom of the social hierarchy, where it is accessible and easily exploitable (Reed & Denisovich, 1995).

One can see how our Canadian society may ape the draconian ways of our American neighbors, but Garland notes that there are signs that “social, fiscal and political costs of mass imprisonment are themselves becoming a topic of public concern” (2001, p.180). The impetus toward private prisons in Canada has so far been minimal, with only one private prison in Southern Ontario (Gautcher, 2003). Judith Greene also agrees that the boom of the \$2 billion private prison industry in the United States, which began in the mid-1980s, has become “overleveraged and undercapitalized” in the new millennium (2002, p. 104). Although there were claims that the private sector could provide prison services at a cheaper price, and offer prisoners improved living conditions and program services, there is evidence that:

“...the declining crime rate, slower growth in state prisons populations, and the budget squeeze brought on by a cooling national economy have combined with negative media coverage of private prison escapes, riots, and bad management to stall the market for new private prison beds – at least at the state level” (Greene, 2002, p. 113).

Greene’s assumptions clarify that the “spirit of entrepreneurial corrections” persists, but there is a sparkle of aspiration to immobilize Kinsella’s

famous phrase “If we build it, they will come”, halting the bartering of prisoners as commodities (2002, pp. 110-112). Evidently, as illustrated by the Norwegians, citizens have the “power of choice” and social change is possible (Morris, 1995, p. 38).

Asked how to resist retributive strategies, Liz Elliott responded: “through restorative justice” which she thinks decentres the whole notion of punishment (2003). We may use prisons less for those social defence reasons, once we convene and have an actual dialogue with the person who inflicted harm. A community which addresses its own problems is a far more healthier than a community that hands its problems to an “impersonal, all powerful” government (Forget, 2003). Ruth Morris and Karlene Faith, in particular, moved past restorative justice to the idea of community transformation to resist retributive strategies. Morris argued that restorative justice falls short of healing the entire community and does not address corporate crime. She preferred:

...transformative justice because we need something more fundamental than restoring an unjust world, full of social inequalities, full of cruelty, full of inequity. Transformative justice takes crime as an opportunity to bring healing into the lives of victims, offenders, and the whole community (2003).

“Healing and prison are antithetical”, Faith adds. We can resist retribution by:

...transforming our philosophy of what affects behavior. We know that healing and prison are antithetical. You don’t heal by punishing; you don’t harm someone if you want them to do well. You lead them into a circumstance where good can come to them.

We need to think about transforming the society that produces the inequities, that produces selective criminalization. We need to think a lot about transforming our social institutions, so we are effect looking to build on the positives of human beings and not be constantly trying to stuff down the negative. We need to be looking

at the legal system and figuring out just to what extent we want the law intervening in our lives (2003).

When community members practice common ownership over the social inequities that are produced within that community, they can address their own problems and find solutions that suit everyone's needs in terms of "human cost and human consequence" (Forget, 2003). Elliott spoke to the dynamic participation of individuals facilitated through a process "where they really felt heard and had been included as community members". She argued:

When it comes to specific harms that are inflicted there's lots of people who are affected indirectly who can be brought into the process who wouldn't even be considered in the formal justice system to be contacted (2003).

Although penal abolitionists fight for the abolition of prisons and increased use of other informal methods of social resolution, they agree that there is a place for incarceration in our society. As for abolition, Faith stated:

Do I think we should have no prisons? Yes, I think we should have no prisons. Do I think we need someplace where people can be confined? Yes, I do. But they don't have to be locked up in anything that would physically, in any way resemble a prison, and certainly the psychology of prison culture would need to be radically transformed for anything constructive to come out of it (2003).

The fact remains that individuals other than the dangerous few face the effects of imprisonment. One cannot refute the idea that a dangerous few need to be contained, but to use this group as an excuse to hold on to the other large portion of nonviolent offenders is costly, unjust and immoral. In these terms, Morris views the dangerous few mythology as the "pièce de resistance" among justifications of a punitive, criminal justice system (1995, p. 32). Here, one

acknowledges an interesting twist around prison and penal abolition. Elliott explains that:

It is possible in a restorative process that the outcome may be a period of incarceration, for the person who's responsible for inflicting the harm. But that purpose of that incarceration would be restraint with a purpose of healing. The person would be held out of the community with a healing mandate until the person was fine to rejoin the rest of the community. And, that would be for the community to decide (2003).

Individuals are empowered to understand their roles in a diversified, competitive society. As social actors they can redefine the concept of crime and reconceptualize a new social reality to implement a new system of healing justice. *Anthem* provides a forum for activists and ex-offenders to voice their opinions and educate family, friends, inmates, victims, the public and the government about different, more informal methods of resisting retributive strategies and seeking out ways to explore concepts of harm and healing versus implementing punishment. The educational nature of *Anthem* makes the documentary an essential tool in addressing and forwarding abolitionist goals of expose, reintegration and resolution.

Can we have justice without punishment?

Beyond criminal punishment, we see that denunciation and punishment are used in many social institutions. *Anthem* offers insight into our cultural values that perpetuate retributive strategies, and a revenge-based system that uses crime as an opportunity to deliberately inflict punishment onto another person. Conceptualizing justice as a process not as an event opens up an

opportunity to learn from social wrongs and heal as a community. We need to challenge our concepts of punishment, since as long as we focus on crime and a few violent notorious cases we cannot eliminate the crime problem. In fact, crime is created by our society and is thus inevitable. In this, we can start to explore how we treat and hurt one another and how we respond to conflict in more meaningful ways, opening up the dialogue on transformational justice.

We must acknowledge the pitfalls of criminal justice seeking simple solutions to complex issues. It is a great challenge for the system to deal with unrelated varieties of behaviors and events with one centralized way of justice. The tendency for citizens to hand over our problems to professionals has created an adversarial system which falls short of healing the social relationships of those involved with the crime- the victim, the offender, their family and friends and their communities. Our retributive system seeks “simplistic dichotomies” of guilt or innocence, focusing on the past and inflicting pain as punishment, even for unpredictable future acts of crime (Zehr, 1995, pp. 67, 76). In this, a fragmented society is perpetuated when victim and offender are isolated from each other. The victim's needs of reparation and the offender's needs to learn responsibility and survival skills are neglected in our system. Most importantly, the criminal justice system does not help these individuals seek closure to the crime since they are not empowered to do so during the justice process.

An exploration of penal abolitionism allows for a cultural criticism to our responses to social problems. If change is going to occur in the Canadian penal system, Canadians need to take a macro perspective and step outside of traditional correctional views and reflect on our limits of punishment, our values,

ideologies and concepts of crime, punishment and justice (Christie, 2000). Crime is a socially constructed phenomenon. The following quotation illustrates that it is rather the lack of imagination and creativity of the criminal justice system that sustains the problem of crime in our society:

Our images, language, categories, knowledge, beliefs and fears of troublemakers are subject to constant changes. Nevertheless, crime continues to occupy a central place in our thinking about troublesome people (De Hann, 1996, p. 154).

Professor Curt Griffiths, an expert on corrections, supports the idea that to understand criminality and justifications for informal and formal reactions to it, we must understand changes in our "social relations, politics, economy and religious beliefs" (Griffiths & Cunningham, 2000, p. 27). Indeed, cultural, economic and social factors can influence (a) the types of crimes committed in our communities, (b) the levels of social order and control, (c) the type of criminal justice system our society creates, and (d) the role of imprisonment (Consedine, 1999, p. 17). Although there are current trends towards community corrections, the tendency to government co-optation deters real alternatives from materializing. These alternatives widen the net of the system and do not address root sources of social harms. Our community must begin to reexamine the concept of justice by changing our focus on how we interpret events and behaviors, what factors are relevant and what responses are appropriate (Zehr, 1995, p. 178).

Transformative justice offers the community a role and responsibility in seeking a new form of justice that repairs relationships. Even though the term *community* is elusive, one must consider that "society [is] responsible to attend to

the needs to which individuals alone cannot attend. Here, we can propose a “non-geographic” definition of community. McCold and Wachtel state that “the consequences of crime extend beyond neighborhoods, towns and cities because our networks of relationships are not confined by geographical boundaries” (1998, p. 1-2). One can argue that we have numerous distinct microcommunities including our family, friends, work, school, leisure and religion where we may feel a sense of connectedness with other humans. This sense of wider community gravitates away from traditional justice where offenders ostensibly pay debts to society, and toward a response to social harms that values collective responsibility and common interest over individual rights (McCold & Wachtel, 1998, p. 3-5, 7). “Certain obligations on the part of the community are thus also created by crime” (Zehr, 1995, pp. 221). Conversely, perhaps we should start thinking that the community – “those affected in any way by the specific problem they are attempting to address” (McCold & Wachtel, 1998, p. 6) - is the way forward and the courts and prisons are the failed alternatives (Morris, 2000, p. 119). Communities are empowered to engage a wider variety of individuals and behaviors, and find resolutions to their own problems with formal governments playing a minor role in the decision-making processes (McCold & Wachtel, 1998, p. 7). Morris looked to the positive aspects of the more cooperative informal community solutions:

...healing justice, family group conferencing, native healing circles, and victim- offender reconciliation, mediation in generally...draw on feminism, they draw on the indigenous approach towards justice which includes the whole community. They bring us to a deeper level of healing, the emotional and the spiritual level of healing. Real healing from crime brings the offender, victim, and the people who have been affected in the community together.

They work together to find a solution that really meets the needs of all and addresses the root causes of it all in the community (2003).

Acknowledging the dynamics of social relations, abolitionists demystify the criminal justice system and its adverse social effects, and most importantly, envision a different kind of society. When crime is conceptualized as a social construction rather than a natural, unproblematic phenomenon, the rationale behind the current system is threatened. The current dichotomized character of the criminal justice - the centralized, systematic strategies of dealing with social problems as a battle between good and evil - cannot effectively deal with the complex nature of our society (De Haan, 1996, pp. 358-359). "It's a mistake to think that the quest for justice can, or should, be confined to the domain of centralized legal systems", states Charles Barton (1999, p. xiii). Moreover, dealing with crime in a biased, inhumane fashion renders it a complete failure. Abolitionists deny the utility of a retributive system that deals with violence with violence.

Abolitionists hold to a conflict-based model of society and believe that individuals are empowered to understand their roles in diverse and competitive environments. Alternatives to punishment would permit both growth and learning within the community and help reestablish our social bonds. In particular, Thomas Mathiesen addresses the counterproductivity of the penal deconstruction movement, advocating his abolitionist strategies - the policy of the 'unfinished' which provides for "true" alternatives to prison and punishment, and ultimately helps implement societal change. Mathiesen asserts that in order to avoid absorption or being deemed irrelevant by the government

or corporations, community members must strategies alternatives through the 'unfinished' (1974).

In reviewing *Anthem* as one tool in addressing and forwarding abolitionist goals of expose, reintegration and resolution, one can argue that the documentary fulfills the demands of Mathiesen's 'unfinished'. The messages forwarded in *Anthem* remain mostly foreign to the criminal justice system, lie outside of the system's boundaries and contradict all attempts to strengthen and extend to system. *Anthem's* messages also remain suggestive. The unclarified nature of the purpose and future consequences of different forms of reconciliation or mediation efficiently competes with the system's premises. These alternative strategies remain outside of the system's reality and maintain a competing, contradictory stance against expanding the criminal justice system. Moreover, one must remain open-minded when facilitating resolution between victims and offenders, and not advocate only one solution. If the solutions remain suggested, one can avoid them being appropriated or absorbed by the government and corporations (Mathiesen, 1974, pp. 14-15).

This more informal healing approach to crime and deviance would work from the bottom up - from the community, through the community, and up to the government. Increasing the participation of those involved could empower the offender, the victim, and the community to understand and deal with a harmful act in a responsible manner with minimal state intervention. *Anthem* helps search for collective responsibility for social harms instead of focusing on the guilt or innocence of one person (Consedine, 1999, pp. 87-88). A joint effort

created by academic intellectuals and ex-prisoners joins the two worlds and empowers community to implement a new agenda based on a new language.

One could argue that *Anthem* forms what Mathiesen calls a short-term negative goal that exposes the inadequacies of the prevailing system and threatens it. These short-term negative goals serve as building blocks in restructuring society. I, along with Mathiesen, envision a society that can eventually become less authoritarian, non-punitive and more harmonious through constant implementation of a new agenda based on a new language that incorporates the communities' mandate, beliefs and values. Short of perfectionism, there could be profound changes in social control and reconciliation

Lastly, with the prospect of changing a massive, complex, and powerful prison system, prison abolitionists advocate a continuing plan of action: they visualize a long-range goal of prison abolition and societal change as a chain of shorter strategies campaigns (Mathiesen, 1974, p. 24). Meanwhile, society should begin to provide for a moratorium on prisons, decarcerate as many offenders as possible, exclude as many people from the criminal justice system, and secure the dangerous few in a small, humane environment (Morris, 1995, p. 93). Educating the public about transformative justice and the abolitionist alternative will increase the potential for further development of these ideals.

At first glance; most people immediately judge the concept of penal abolition as naïve or quixotic; my research project nevertheless illustrates that it is an alternative that should be considered at a grassroots level. The credibility of abolitionism lies in its informed, progressive stance. In acknowledging the great

powers of the government and corporations, penal abolitionism stresses the social damage caused by the carceral culture. This non-authoritarian, non-punitive model conceptualizes communication and respect in the community regardless of social status. This environment is required for nurturing of dignity and exercising of responsibility.

When society breaks with the established order and deconstructs the system's boundaries, we face open ground (Mathiesen, 1974). In this lies the potential for more boundary-creating systems that can in fact result in the system's expansion. Government and corporations will take every opportunity to reclaim the open ground and appropriate it in terms of their vested interests. We must also warn against dangers of tyranny in this open ground, and consider power differentials and potential abuses of power in informal settings and protocols. Community members must continuously maintain a transformative approach, even when social harmony is achieved. Abolition is not an end in itself; it is a means to an end. It is a series of revolutions along the road of societal change.

APPENDICES

Appendix A: Anthem for a More Tolerant Tomorrow

To view documentary video *Anthem for a more Tolerant Tomorrow* created by Lara-Lisa Condello see VHS videotape, DVD or CDROM accompanying this textual portion of the thesis.

Appendix B: Introductory Letter

My Criminology Master's project combines a conventional print-based thesis (approx. 40 pages) with a 50-minute documentary video about the provocative and often misunderstood concepts of transformative justice and penal abolition. Applying the visual arts and educational media to Criminology is an original approach to scholarship and social change, and will provide students, community members and those involved with the criminal justice system an alternative critical source of information on social justice issues. This exploratory and descriptive thesis project challenges the commonsense imagery depicted in mass media that imprisonment and punishment are truly in the public's interest, and explores the immoralities of criminal justice. An academic and sociopolitical debate on penalty and our current criminal and social justice processes is presented in an accessible format for public education. This thesis project is a unique multimedia-teaching tool about new ways of dealing with social problems- a step promoting the venue of transformative justice and penal abolitionism.

The video thesis will explore transformative justice and penal abolitionism as alternatives to current Canadian criminal justice practices. The video can be broken down into the following five sections:

- (1) The evolution of punishment and imprisonment
- (2) What is wrong with the current Canadian criminal justice system?
- (3) What keeps the current Canadian criminal justice system in place?
- (4) Where do we go from here?

The written thesis is a corresponding piece to the video, which will include a selected scholarly literature critique on penal abolition, reviewing the works of Nils Christie and Thomas Mathiesen. Three questions have developed in this project and will be explored in the last two sections of the video and examined more extensively in the written piece:

- (1) Why is criminal justice so tied to the idea of imprisonment & punishment?
- (2) How do people resist retributive strategies?
- (3) Can we have justice without punishment?

The written work will also include an autobiographical account of the production of the video. *Exploring the importance in the ethics of research and documentary work will critique An Anthem for a Tolerant Tomorrow*. A term coined the politics of representation that acknowledges the documentary, as a social construction will also be used in this critical review.

This document is to provide you information regarding the procedures, possible risks and benefits of the research project. The interview will be set up in a place

most convenient for you. Lara-Lisa Condello will facilitate the interview (individually and face-to-face) once for about an hour to an hour and a half. Jon Bolton will also be present during the interview, taping you on video camera. I will provide you with three documents. You will need to review, agree to and sign the *Consent Form* prior to videotaping (I will also give you another copy of the *Consent Form* to keep). This document (*Participant Information Sheet*) is for your reference and please feel free to fill out the *Subject Feedback Form* for the university. We can then discuss some ideas I have for your interview. This may help you answer and discuss more concisely and provide you an opportunity to think up dialogue that will add to the video's themes and discussions. You are not obligated to answer any questions and you are free to discontinue the interview at any point, without explanation or apology. Also please feel free to provide material (posters, pictures, poems...) for potential insert footage for the video, which we can record during our visit.

Only Lara-Lisa Condello and Jon Bolton will access the recorded tapes of your interview. Parts of your interview may also be transcribed to use in the written thesis. All versions of your interview (tape and paper form) will be kept in a secure and locked place. The research team will treat all information given by you in total confidentiality.

After all interviews have been completed, the video will be edited on a computer. Your words and likeness will not change, however your interview in its entirety may not be kept in the final edit and pieces of your interview may be arranged to better articulate your comments. Furthermore, a narrator will place your comments into context. All my final decisions regarding editing will consider your well-being.

In agreeing to participate you understand that your privacy will not be violated but your anonymity will not be kept confidential. If you find any personal risks in having your words and likeness exposed to the public eye, please do not participate in this project. However, I would insist that having your voice heard in our communities is a great advantage for educational purposes. With your help, this original research project can be an excellent starting point for further humanitarian dialogue and action.

Appendix C: Consent Form

Simon Fraser University and those conducting this project subscribe to the ethical conduct of research and to the protection at all times of the interests, comfort, and safety of subjects. This form and the information it contains are given to you for your own protection and full understanding of the procedures. Your signature on this form will signify that you have received a document, which describes the procedures, possible risks, and benefits of this research project, that you have received as adequate opportunity to consider the information in the document, and that you voluntarily agree to participate in the project.

Having been asked by Lara-Lisa Condello of the School of Criminology at Simon Fraser University to participate in a documentary film, I have read and understand the procedures specified in the document.

I understand that I may withdraw my participation in this research project at any time.

I also understand that I may register any complaint I might have about the project with the researcher named above or with Dr. Patricia Brantingham, Graduate Director, School of Criminology at Simon Fraser University.

I may obtain one copy of the documentary, upon its completion, by contacting Lara-Lisa Condello at (604) 421-1622.

I have been informed that Lara-Lisa Condello will not hold the filmed material confidential. In consideration of my appearance in the documentary and without any further consideration, I hereby grant Lara-Lisa Condello the unlimited right and license to videotape or to have videotaped by others, my words and likeness. I further grant Lara-Lisa Condello the right to use this videotaped material, in whole or in part, with other material, in the English and French languages (and other versioned releases) and in all media throughout the world in perpetuity. I understand that Lara-Lisa Condello will hold all rights to the videotape, including all property rights and copyrights.

NAME (please print): _____

ADDRESS: _____

SIGNATURE: _____

DATE: _____ PLACE/TIME: _____

WITNESS (please print): _____ SIGNATURE: _____

Appendix D: Subject Feedback Form

**SIMON FRASER UNIVERSITY
UNIVERSITY RESEARCH ETHICS REVIEW COMMITTEE**

Completion of this form is **OPTIONAL**, and is not a requirement of participation in the project. However, if you have served as a subject in a project and would like to comment on the procedures involved, you may complete the following form and send it to the Chair, University Research Ethics Review Committee. All information received will be treated in a strictly confidential manner.

Name of Principal Investigator: _____

Title of Project: _____

Dept./School/Faculty: _____

Did you sign an Informed Consent Form before participating in the project?

Were there significant deviations from the originally stated procedures? _____

I wish to comment on my involvement in the above project that took place on:

Date: _____ **Place/Time:** _____

Comments: _____

Completion of this section is optional:

Your name: _____

Address: _____

Telephone: (w) _____ **(h)** _____

This form should be sent to the Chair, University Research Ethics Review Ethics Review Committee, c/o the Office of Vice-President, Research, Simon Fraser University, Burnaby, BC, V5A 1S6

Appendix E: List of Video Participants

1. Marc Forget
2. Ruth Morris
3. Stephen Duguid
4. Karlene Faith
5. Liz Elliott
6. Eddie Rouse
7. Nikki O'Halloran

Appendix F: Ruth Morris

The structure of my video can be broken down into the following 5 parts (some similar questions were asked during ICOPA IX in Toronto). Under each heading are some key terms and ideas from your recent book *Stories of Transformative Justice*. I would like to place most of your interview in Part 4, however, I feel that you can help explain, explore, and analyze throughout the film by sharing your ideas and experiences on the relevant topics. Please feel free to write over the page and make any necessary changes. I look forward to our visit.

1 Evolution of Punishment and Imprisonment

- ¥ Retributive justice
- ¥ Crime control
- ¥ You wrote: we are an “additive culture”, a “penaholic society”

2 What is wrong with the criminal justice system?

- ¥ It is expensive, unjust, immoral, and a failure
- ¥ The link between distributive justice and street crime

3 What is keeping this system in place?

- ¥ The role of the corporate media as an obstacle to change
- ¥ The myths of crime
- ¥ The creation of the monster criminal and public fear

4 Where do we go from here?

- ¥ Restorative justice (victim offender reconciliation, circle sentencing vs. healing circle, family group conferencing)
- ¥ Transformative justice (healing, accountability, forgiveness, victims needs, community)
- ¥ Cooperative solutions and our choice to transform the way we seek information
- ¥ Penal abolition

5 Values

- ¥ The threat of transnational corporate rule
- ¥ The World Trade Organization Summit in Québec City

Other Topics

- ¥ Claire Culhane, ICOPA, Rittenhouse

Appendix G: Marc Forget

Most of the interview in Part 4 and Part 5, but Forget can explain, explore, and analyze throughout the video by sharing his ideas and experiences on the relevant topics.

1 Evolution of Punishment and Imprisonment

- ¥ Philosophy of retributive and restorative justice: Quaker origin, challenges of mainstream system and vice-versa (circle processes)
- ¥ Prevention of crime and treatment of offender
- ¥ Values of our system: community safety and the social contract

2/3 What is wrong with the criminal justice system? What is keeping this system in place?

- ¥ Need to challenge concept of punishment and definition and crime
- ¥ Nonviolence vs. violence: punishment as the deliberate infliction of harm has no room in restorative justice...the need to decentralize punishment
- ¥ Consequence versus punishment: use of force to change behavior and allocate responsibility. The purpose is important (restorative justice as a value-based system)
- ¥ Definition of justice is elusive like crime and community

4 Where do we go from here?

- ¥ Mediating interpersonal conflicts/reconciliation between victim and offender: origins, definition, critique- should victims take part in the decision on how to deal with offenders? Do victims and offenders have similar needs? Idea that decision-makers should be impartial independent tribunals and sentences proportionate. Victims may provide emotional inconsistency. The issue of pain and suffering throws proportionality out and the issue of individual rights are counterproductive to restorative justice.
- ¥ Do we incorporate the community? The crisis of state legitimacy has head to increased role of the community. Definition is also elusive. Which community? Geographic location? They may have the same problems of state (power differentials, exclusionary) and there is also the problem of consistency
- ¥ Grassroots level organizations
- ¥ Youth: restorative justice in school setting. The importance of education
- ¥ Penal abolition

5 Values

- ¥ Volunteer work
- ¥ International examples versus indigenous models

Appendix H: Stephen Duguid

Key terms and ideas from *Can Prison's Work?* Most of the interview in Part 1, but Duguid can explore and analyze throughout the video by sharing his ideas and experience on relevant topics.

1 Evolution of Imprisonment and Punishment

- ¥ Context and the role of the state and community
- ¥ 1945-75 Therapeutic Medical Model: choice is from illness and can be cured. Understand people and protect society. 50s/60s: efficiency, security, cost efficiency, inmate management, and treatment staff
- ¥ 1972-1992 Education Model: choice is wrong but there are options. The environment does restrict but shouldn't determine. The humane containment and "opened up" period, which broke down subject/object relationship. A deprofessionalized system with array of programs: life skills, vocational training, and education. Contracted out to avoid long-term commitments and so blame could be pointed to those unfamiliar with system
- ¥ The U Vic- SFU Prison Education Program: decrease recidivism and increase social integration and citizenship. Inmate as rationale and to see responsibility in cultural, cognitive and ethical context
- ¥ 1980 The Process of Breakdown: decreased monies and resource (debt after Cold War), Quebec separatism, overcrowding, breaking family, community, addiction. The fear of crime and career criminal. The indeterminate sentence can detain past mandatory supervision date and serve full sentence in prison
- ¥ 1985-1990 Cognitive Living Skills Program: Cannot alter psychological or social past but cognitive structures can be changed through education. Renaissance of the medical/rehabilitation model. Linked to selective incapacitation dependent on accurate observation, prediction and insider control
- ¥ 1996 mass building of prisons, 50% increase in admissions and longer sentences and fewer paroles. Cognitive skills institutionalized in Canada. Education transformed into services that decreased decision-making opportunities and made inmate once again dependent

2/3 What is wrong with the criminal justice system? What is keeping it in place?

- ¥ What works: Can a carceral institution be an educational one?
- ¥ Goals of corrections, Dichotomies/dualism
- ¥ Rehabilitation, Subject/Object confusion, Prison context

4 Where do we go from here?

- ¥ Does the system have room for restorative justice? Some challenges on both sides

Appendix I: Karlene Faith

1 Evolution of Imprisonment & Punishment

- ¥ The closing of Prison for Women
- ¥ 4 regional facilities and 1 healing lodge
- ¥ Future for women's corrections

2/3 What is wrong with the criminal justice system? What is keeping the system in place?

- ¥ Patriarchal system and different cultural needs
- ¥ 1974 "We're Alive": administration, professionals, health issues, homosexuality, training, illiteracy, and discrimination
- ¥ Myth of rehabilitation
- ¥ Prison: not an alternative but increases problems of living in society for (ex) offenders. Punishes and threatens the poor and falsely reassures the good of the social contract
- ¥ Goals to move up the 'critical hierarchy of understanding', scapegoat, need to establish personal relationships
- ¥ Mothers with children: children in facilities up to age 4
- ¥ Recidivism rates

4 Where do we go from here?

- ¥ Restorative justice: definition and philosophy vs. retribution; challenges for the system and pros and cons for women's corrections
- ¥ Penal Abolition: definition and philosophy; realistic steps, is this possible in Canada and have other places met this goal
- ¥ Prison Justice Day (August)

Appendix J: Liz Elliott

What are you educating and researching on currently?

1 Where do we go from here?

- ¥ Idea of coming full circle
- ¥ ICOPA/ Culhane
- ¥ Prison and penal abolition: definitions
- ¥ This shift indicates that it's a normative question; looking at our values, the bigger picture

2 Values: Why are we so rooted in the importance of punishment?

- ¥ Why is criminal justice so rooted in the importance of imprisonment and punishment?
- ¥ The need to redefine crime and our social responses to crime
- ¥ -Its a normative question; values of punishment across institutions
- ¥ Criminal to social justice

3 How do we resist retributive strategies?

- ¥ Steps of abolition?
- ¥ Role of education in promoting alternatives
- ¥ Practical ideas for the community? Role of the community?
- ¥ Asking different questions; harm and healing

4 Can we have justice without punishment?

- ¥ Concepts of justice as a process?
- ¥ Definition of justice?
- ¥ How do we put community back into justice?
- ¥ Paradigm shift: consequences vs. punishment

Appendix K: Eddie Rouse

- ¥ Those peripheral involved with the CJS and those directly involved with the CJS
- ¥ To begin: tell us about yourself and your experiences and relationship with the CJS?

1 What is wrong with the CJS?

- ¥ As an offender: positive and negative aspects
 - Education vs. risk assessment
- ¥ As a victim: positive and negative aspects
- ¥ The paradox of prison: it can't rehabilitate, objects vs. subjects (active citizens)
 - The psych. of prison culture/ the atmosphere
 - Does prison affect behavior when one is coerced to change?
 - Do we heal by punishing?
 - Who is inside? Street crime vs. danger offender, racism/classism (does it reinforce this?)
- ¥ Successful reintegration- inside and outside of prison
 - How were able to do this? What tools?
 - Any help or resources from system? From who then?

2 What is keeping the current system in place? Why are we so tied to the idea of imprisonment and punishment?

- ¥ Revenge vs. healing
- ¥ Are we dealing with the causes of crime?

3 Where do we go from here?

- ¥ What future do you think the CJS is heading towards?
- ¥ What are your thoughts on penal abolition?
- ¥ Can we have justice without punishment? (What is justice?)
- ¥ Any practical ideas for the community? Harming vs. healing
- ¥ One idea is bringing people together for dialogue-reconciliation
- ¥ What can be done for healing of victim, offender & community?
- ¥ Some argue that those who own the conflict and those indirectly involved should deal with issues?
- ¥ How does this relate back to offender accountability & responsibility, consequences that have a natural connection to harm committed?

4 Any closing remarks on Ruth Morris & Claire Culhane

Appendix L: Nikki O'Halloran

- ¥ Those peripherally involved with the CJS and those directly involved with the CJS
- ¥ To begin: tell us about yourself and your experiences and relationship with the CJS?

1 What is wrong and good with the CJS?

- ¥ As an offender/ person who has caused harm: positive & negative aspects
 - Education vs. risk assessment
 - Any changes during incarceration: positive & negative aspects
- ¥ As a victim/ person who has been harmed: positive & negative aspects
- ¥ The paradox of prison: it can't rehabilitate, objects vs. subjects (active citizens)
 - The psych. of prison culture/ the atmosphere
 - Does prison affect behavior when one is coerced to change?
 - Do we heal by punishing?
 - Who is inside? Street crime vs. danger offender, racism/classism (does it reinforce this?): difference between corporate and street crime
 - Does everyone need to be incarcerated?
- ¥ Successful reintegration- support inside and outside of prison LINC
 - How were able to do this? What tools?
 - Any help or resources from system? From who then?
 - Public involvement

2 What is keeping the current system in place? Why are we so tied to the idea of imprisonment and punishment?

- ¥ Revenge vs. healing; are we dealing with the causes of crime?
- ¥ Fear of the unknown...
- ¥ How do we resist retributive strategies? Collect and individual

3 Where do we go from here? Can we have justice without punishment? How do we get the public back into public policy?

- ¥ What future do you think the CJS is heading towards?
- ¥ Can we have justice without punishment? (What is justice?)
- ¥ Any practical ideas for the community? Harming vs. healing
- ¥ One idea is bringing people together for dialogue-reconciliation
- ¥ What can be done for healing of victim, offender & community?
- ¥ Some argue that those who own the conflict and those indirectly involved should deal with issues? Critical thinking skills
- ¥ How does this relate back to offender accountability & responsibility, consequences that have a natural connection to harm committed?

¥

Appendix M: Video Narration

As citizens of a democracy we are free to reason and decide what kind of world we live in. Our willingness to punish depends on standards for acceptable behavior and on our cultural tolerance of prisons as sites of punishment. The following seven Canadians step outside of our traditional correctional framework and explore concepts of penal abolition and social justice.

Stephen Duguid was a prison educator in British Columbia in the 1970 and 1980s. He is currently the chair of the Dept. of Humanities at SFU.

Marc Forget is an international educator. He trains prisoners and facilitators on methods of nonviolence, healing and mediating interpersonal conflicts.

Karlene Faith is a pioneering academic and activist and has worked as a prison educator in Canada and the United States. She is currently a Criminology professor at SFU and continues to play an active role in community justice forums.

Nikki O'Halloran was charged with drug trafficking and sentenced to prison for 7.5 years in 1995. She currently works and volunteers in her community and is passionate about transforming the criminal justice system.

Eddie Rouse was charged with a non-capital murder and sentenced to life at the age of 23. He served 14 years in prison and currently works in his community helping other ex-offenders reintegrate in society.

Liz Elliott has worked with numerous prisoners' rights groups and was mentored by Ruth Morris and Claire Culhane. She is currently a Criminology professor at SFU.

Ruth Morris walked a distinguished journey as an academic, activist and educator. She was strongly committed to inclusiveness and social justice.

About 200 years ago, we started using imprisonment as a form of punishment. The power of justice has shifted so decisively from the community to the state only in recent centuries. Today, with the privatization of prisons, we see the standards for profit and expansion in a system originally built on the basis of justice.

After failing to "cure" people, prison authorities shifted away from this medical approach to a new opportunities model in the late 1960's.

And with budgets being cut back, the Correctional Service of Canada began allocating their resources to risk prediction.

In 2001, Canadian corrections cost approximately 2.5 billion dollars. 75% of this cost was allocated to incarceration and 13% to community supervision programs. It cost approximately 66,000 thousand dollars per year to hold a male in a federal prison approximately 110,000 thousand dollars for a female. Supervising an inmate in the community cost approximately 15,000 (Taylor-Butts, 2002, p. 1; Hendrick & Farmer, 2002, p. 1).

In 2001, there were 554 homicides in Canada, 87% committed by someone known to the victim. In British Columbia, there were 1,800 deaths related to alcohol, 315 suicides and 30 homicides (Dauvergne, 2002, p. 1; Savoie, 2002, p. 1; Vital Statistics, 2001, pp. 71, 87).

In 2002, Canada's crime rate was relatively stable. Violent crime accounted for 13% of crimes reported to the police, whereas property crimes accounted for 52%, of crimes reported to the police (Wallace, 2003, p. 1).

Claire Culhane was a great Canadian prison abolitionist and humanitarian leader. She was a keynote speaker at the first International Conference on Prison abolition in Toronto in 1983.

Appendix N: Ethics Approval Letter

SIMON FRASER UNIVERSITY

OFFICE OF RESEARCH ETHICS



BURNABY, BRITISH COLUMBIA
CANADA V5A 1S6
Telephone: 604-291-3447
FAX: 604-268-6785

November 18, 2003

Ms. Lara-Lisa Condello
Graduate Student
School of Criminology
Simon Fraser University

Dear Ms. Condello:

Re: Anthem for a Tolerant Tomorrow

The above-titled ethics application has been granted approval by the Simon Fraser Research Ethics Board, in accordance with Policy R 20.01, "Ethics Review of Research Involving Human Subjects".

Sincerely,

Dr. Hal Weinberg, Director
Office of Research Ethics

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