

**AN ANALYSIS OF CANADA'S MORAL ECONOMY OF PUNISHMENT THROUGH
TERRI-LYNNE MCCLINTIC'S TRANSFER TO OKIMAW OHCI**

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ABSTRACT

One of the more popular areas of study in recent times is public opinion research, in the context of prisons, punishment, and other penal practices. Some of the most notable Canadian literature on this topic was published during the Harper era government, which further transitioned Canada into an increasingly neoliberal society. The gap that can be identified from this literature is that the relationship between politicians and members of the public is the central focus, despite the public not being a monolith of morality, and the obvious reality that there are many social actors who have a stake in punishment and penal practices in Canada.

This research analyzed punishment discourses in Canada using the transfer of Terri-Lynne McClintic in 2018 from a medium security penitentiary, to a medium-minimum security Indigenous healing lodge as its case study. Didier Fassin's moral economy was used to frame this research, combined with a set of three analytical tools; Evelien Tonken's citizenship regime, Arlie Russel Hochschild's framing rules and feeling rules, and Jonathan Haidt's moral emotion families. These concepts were used to make sense of the complex emotions and values that circulate within a moral economy. In order to examine Canada's moral economy of punishment, 13 news media sources, 4 online comment threads, and 6 Hansard Transcripts were collected and analysed. This research demonstrates how the moral economy of punishment that citizens participate in is actively influenced by neoliberal governance and economics.

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CHAPTER 1: INTRODUCTION

The topic of punishment has been written about for centuries, most notably by prominent philosophers, such as Michel Foucault and Jeremy Bentham. Over time, coinciding with the proliferation of prisons, punishment has been studied from various perspectives: sociology, law, anthropology, and of course, criminology. One of the more popular areas of study in recent times is public opinion research, in the context of prisons, punishment, and other penal practices. In the Western context, much of this literature looks at the relationship between political and public discourses, and how certain ideologies are perpetuated through this relationship. Some of the most notable Canadian literature on this topic was published during the Harper era government, during the transition to an increasingly neoliberal state ideology that had begun in the preceding decades.

To better understand the morality behind punishment in contemporary Canadian society, this research analyzes punishment discourses using the transfer of Terri-Lynne McClintic from a medium security penitentiary (Edmonton Institution for Women), to a medium-minimum security Indigenous healing lodge (Okimaw Ohci) in September 2018 as its case study. In 2009, Terri-Lynne McClintic and her then-boyfriend Michael Rafferty were arrested for the abduction, sexual assault, and murder of eight year old Victoria (Tori) Stafford. McClintic and Rafferty abducted Tori on her way home from school.

As one of the most famous cases in recent Canadian history, McClintic's transfer to, and from, a non-traditional penitentiary sparked heated debate across the country about punishment and penal governance. The overarching goal of this research was to examine how different punishment stakeholders (e.g. victims, the public, media, government actors, political actors) believe that crime should be punished, or what punishment should look like. Within that goal,

this research also tried to understand the responsibilities that these stakeholders believe offenders have toward society (or the state, as a representative of society), and what responsibilities the state/society has toward offenders. To achieve these research goals, I asked how punishment and penal governance is conceptualized by the various stakeholders in Canada. Then, once coming to an understanding of how those are conceptualized, I sought to identify what the hegemonic punishment discourses were in this case. From there, I move to identify what emotions and values were mobilized in those hegemonic discourses, and how normative arguments were made using those emotions and values.

In order to answer these research questions, and therefore meet the outlined research goals, this research works from the frame of moral economy. The moral economy is understood to be the “production, distribution, circulation and use of moral sentiments, emotions and values, norms and obligations in the social place” (Fassin, 2009, p. 37). From this framework, a set of three of analytical tools were used to categorize emotions and values, the normative statements formed in relation to those emotions and values, and the groups of similar discourses within the moral economy. In order to examine Canada’s moral economy of punishment, 13 news media sources, 4 online comment threads, and 6 Hansard Transcripts were collected for analysis.

Following this introductory chapter, Chapter 2 links relevant literature on morality and public punishment discourses to this research, and identifies the gap that it seeks to fill. Next, Chapter 3 discusses the philosophical foundations of morality literature and lays out an integrated theoretical framework that mobilizes moral economy and the analytical tools used in this research to understand the deliberations about punishment in Canada. Chapter 4 outlines the methods that this research uses, including its epistemological framework and the empirical material studied therein. Then, Chapter 5 analyzes findings through an inductive process of

identifying and understanding prominent discourses and citizenship regimes in relation to Terri-Lynne McClintic's transfer to Okimaw Ohci, an Indigenous healing lodge. This analysis is concluded in Chapter 6 with a discussion of moral economy and punishment, as well as potential areas for further research. In summary, this research demonstrates how the moral economy of punishment that citizens participate in is actively influenced by neoliberal governance and economics.

CHAPTER 2: LITERATURE REVIEW

2.1. Introduction

The focus of this research is on punishment, penal policy and practices in Canada, and the public discourses that debate and reinforce the carceral state. This literature review outlines the work that has been done on the areas of public discourse in the context of punishment, penal policies and practices, from a variety of perspectives. This review focuses on five key actors, or stakeholders in punishment; the mainstream media, politicians, victims, members of the public and government actors, whose discourses are circulated in public or are made publicly available. These actors are some, not all, of the key stakeholders in the phenomenon of punishment, but their discourses are a gateway to a better understanding of punishment's function in Canadian society and how certain actors view its function differently, or similarly. They were also the most prominent voices in the discourses surrounding Terri-Lynne McClintic's transfer to an Indigenous Healing Lodge in September of 2018, therefore directing the national discourse.

This chapter begins by looking at the legal and philosophical foundations of Western punishment, including the principles that are legally recognised as valid grounds that justify punishment. It also looks at the function of punishment and the prison in neoliberal societies. This literature helps situate this research in Western conceptions of punishment and outlines some of the ideas that have led to the formation of the criminal justice system that exists today. It also aids the moral economic analysis of hegemonic punishment discourses by outlining the top-down function of punishment, penal policies and practices, particularly in the Canadian and American contexts. Once the legal and philosophical foundations of punishment are outlined, literature on the various actor groups that this research studied is presented. First, government

discourses that justify certain laws, penal policies, and practices – such as the statements made by various government departments over the years are covered, followed by the discourses from elected and appointed officials. The final two sections of this chapter look at two major sources of literature on punishment and discourse; the media and victims. The chapter is concluded by a review of the limitations and gaps that have been identified in the literature.

Of note, some of the literature on these topics could not always be found in the Canadian context; therefore, it is noted throughout when certain literature reflects the American context.

2.2. Legal and Philosophical Foundations of Punishment

The act of punishment is described as the response to a wrongdoing, which involves some type of hard treatment and carries a form of disapproval (Ciocchetti, 2009). It also consists of judgements, such as acknowledgements of harm, guilt or responsibility (Ciocchetti, 2009). At the macro-level, David Garland (2018) has stated that, “punishment is a social institution, not an automatic reaction or a mechanical response”. Garland’s view on punishment as a social institution suggests that the overall function of punishment is to govern behaviour and reinforce expectations within society, whose function is exercised by various groups that come together for common goals. This social institution, in the Western sense, has a complex history within philosophical and legal literature that is important to unpack before reviewing the current literature that discusses punishment discourses from various groups.

Moral Philosophy

Two dominant theories of punishment can be found throughout philosophical literature; retributivist or deontological theories, and consequentialist theories. Retributivist theories posit that legal violations justify punishment and that there is always an obligation for the state to punish when a violation has occurred (Kant, 1797). Thus, the guilty deserve to be punished. Just

deserts and vengeance are core aspects of a retributivist approach to punishment (Kant, 1797; Manson, 2001). In contrast, consequentialist theories of punishment are utilitarian in nature and seek to produce an effect following a violation (Bentham, 1780). The justification for punishment in the consequentialist sense is that punishment will produce a benefit for society, which sees prisons as a means to an end. Consequentialist theories favour the guiding principles of incapacitation, rehabilitation and deterrence (Bentham, 1780; Manson, 2001).

In an argument against pure utilitarianism, Kant suggested that such an approach cannot be justified when an innocent person is punished, as it is the guilt of the individual that justifies the punishment even if there is no perceived benefit to society (Kant, 1797; Fish, 2008). If there is no punishment for the guilt of a transgressor, then equality and justice have not been achieved according to Kant (1797). Fish (2008) argues that retributive approaches to punishment are not necessarily a direct embodiment of pure vengeance; rather, the concept of *lex talionis* (also known as the law of retaliation, or ‘an eye for an eye’) was actually a rudimentary form of proportionality that is now built into Western criminal justice systems, and is an integral principle to retributivism. For example, from a Supreme Court of Canada decision; “retribution incorporates a principle of restraint; retribution requires the imposition of a just and appropriate punishment, and nothing more” (*R v. M (CA.)*, 1996; Fish, 2008).

Contrarily, Bentham’s (1780) notion of utilitarianism is more forward-looking and views punishment as an incentive to reform transgressors, assuming that being conscious of one’s guilt will motivate reformation as well. This is the principle of deterrence. Through punishment, potential transgressors will pre-emptively reform themselves (Bentham, 1780; Fish, 2008).

In the Canadian context, courts have argued that deterrence as a main principle of sentencing is unduly harsh because we should not punish someone for the possible future crimes of another

(Fish, 2008). Both deontological and consequentialist approaches to punishment have shaped Canada's criminal justice system into what it is today, which has been referred to as a liberal system of punishment (Bedau & Kelly, 2019). While it cannot be assumed that all Canadians ascribe to a liberal theory of punishment, it is necessary to understand the dominant morality that is at play when punishment discourses are circulated in relation to specific cases, such as Terri-Lynne McClintic's transfer to Okimaw Ohci.

The Liberal Theory of Punishment

The concept of punishment in Western society has two elements; practical application and justification, which involve both deontological and consequentialist considerations (Bedau & Kelly, 2019). Throughout the history of Western punishment practices, justifications for punishing transgressors has gone back and forth between retribution and rehabilitation (Bedau & Kelly, 2019; Manson, 2001). Bedau and Kelly (2019) advance a liberal theory of punishment that pulls from deontological and consequentialist considerations and argue that this theory is the basis of Western criminal justice systems. The liberal justification of punishment would argue that victimization deserves punishment as an individual's rights were violated (Bedau & Kelly, 2019). It prefers a scenario where members of society will internalize the norms of their communities and choose to comply with the law, rather than having to enforce "unwilling compliance", because it is also preferable that perverse behaviour be regulated instead of allowing it to occur (Bedau & Kelly, 2019). The key to the regulation of behaviour in a liberal justification is that the punishment must be perceived by society's members as effectively enforced, reasonably harsh, and preventative of noncompliance (Bedau & Kelly, 2019). Eligibility for punishment is determined by the conviction for an offence, and an individual's liability to punishment is dependent on their own acts or omissions (Bedau & Kelly, 2019).

- *Prisons*

Within this liberal theory of punishment, as well as in other philosophical accounts of punishment throughout the centuries, the penitentiary as the site for punishment is a central feature. As justifications for punishment swayed between deontology and consequentialism over the years, the focus on prisons as a vehicle for punishment changed as well (Manson, 2001). For example, the penitentiary began to be used in the late eighteenth century as a “reformatory” place through discipline, hard labour and penitence, but later morphed in the nineteenth and twentieth centuries into a place that focuses on psychological, vocational, and educational programs in efforts to satisfy the rehabilitative ideal (Manson, 2001). This shift was believed to be influenced by the newer idea that those who were disadvantaged were more likely to commit crimes, therefore moving from the utilitarian principle of deterrence towards incapacitation and rehabilitation (Manson, 2001). This shift was largely influenced by Bentham’s (1780) utilitarianism, which also saw the establishment of the probationary system (Fish, 2008).

How prisons have been justified throughout Canadian history is another important contextual piece for analyzing the reaction to Terri-Lynne McClintic’s transfer to Okimaw Ohci. By understanding the dominant moral foundations of the criminal justice system, the support for instruments of punishment can be examined.

- *The Criminal Law*

In addition to the prison, the criminal law is another key instrument of punishment that needs to be understood from the perspective of morality. The liberal justification for punishment posits that a punishment is deserved only in the case that the punishment itself is acceptable, which is to be outlined in a “fair penalty schedule” and any punishment that goes beyond what it outlined is not acceptable (Bedau & Kelly, 2019). Though, this depends on the theoretical principles that

inform the practical application of punishment in a criminal justice system. Thus, in the Canadian context, the *Criminal Code of Canada* (the Code) is the “fair penalty schedule” that outlines fair punishment. Manson (2001) argues that sentencing is the central instrument of punishment, which is set out in the Code, and is derived from a combination of retributive/deontological and consequentialist considerations. This is consistent with the liberal theory of punishment (Bedau & Kelly, 2019). Thus, the criminal law, as it exists in the Code, legitimizes the prison.

Within the Code, there is a fundamental *principle* and *purpose* and the various principles of sentencing, which describe the practical application of punishment in Canada. The fundamental *principle* of sentencing in the Code is that of proportionality, a more sophisticated version of *lex talionis* (Manson, 2001; Fish, 2008). Proportionality in Canadian sentencing is meant to ensure that sentences that are given are not to be used as a means to end (i.e. punishing one for the potential crime of another), and to assign sentences according to similar offences committed by others (Fish, 2008). The fundamental *purpose* of sentencing in the Code is utilitarian; to prevent future offending, to reinforce respect for the law, and the maintenance of public safety (Fish, 2008). Following the fundamental purpose and principle are the six objectives of sentencing: denunciation, deterrence, incapacitation, rehabilitation, restitution and responsibility. Fish (2008) states that these last two objectives have roots in restorative justice, and that they are consistent with *lex talionis* (i.e. proportionality) or ‘an eye for an eye’. This is because those considerations under Mosaic law, at the time, accounted for compensation of victims and restraint on acts of pure retaliation.

Superficially, Canadian sentencing embodies the liberal theory of punishment, which is built upon both deontological and utilitarian foundations. However, it is important to look at the

broader social context of crime and punishment to truly understand how morality is arbitrated in Canadian society.

Morals, Ethics and Values of Punishment Practices

This section covers some of the literature that discusses punishment, penal policy and practices in the context of morals, ethics, and values. Within this context, there appears to be two dominant approaches to punishment; one that works within liberal justifications of punishment, and the other that is critical of the liberal justifications of punishment. For example, much of the literature looks at the debates between deontological and consequentialist theories of punishment and which is the most legitimate. A major value that is present within this literature is that of fairness. Sentencing as an act of punishment is meant to be fair and just because of the guilt of a transgressor and the harm done to a victim (Bedau & Kelly, 2019). Also, this act of punishment is to reference the norms of a society that defines such institutional practices and is an act on behalf of the community (Roberts & W de Keijser, 2014). Thus, the practice of punishment has social purposes, and reinforce the values and goals of the broader community (Bedau & Kelly, 2019). In pursuit of reinforcing community values, Webster and Doob (2015) indicate that some feel that committing an offence revokes one's citizenship rights, in the symbolic sense. Gibbs (1975) suggests that to accept punishment as a form of social control is to accept consequentialism; the pursuit of some societal benefit. A Marxist analysis of liberal punishment, however, might suggest that it is driven by the principle of 'less eligibility', which sees punishment as a deterrent for the poor that is only effective when those who are punished are seen as having standards of living that are far worse than what is typically available to the most marginalized "law-abiding proletarians" (Rusche, 1930/1980, Giorgi, 2013).

In reference to fairness again, this literature debates whether determinate or indeterminate sentencing is fairest because while giving determinate sentences is fairest, even determinate sentences may be unfair if the transgressor is not perceived to deserve it (Bedau & Kelly, 2019). A retributive view of fairness in punishment sees the individual as a rational actor that is autonomous and to force reformation on them is to disrespect their rights as an individual (Bedau & Kelly, 2019). In the Canadian context, Kerr (2017) looked at what values, morals, and drivers for punishment are embedded in Canadian sentencing legislation, such as denunciation, deterrence and just deserts. Given that prison authorities, courts, and the public all exist in silos, Kerr (2017) argues that what punishment, penal practices and policies should look like, differ amongst these three entities. As sentencing and the carrying out of sentences occur in private, aligning it with the public's moral sensibilities is difficult to achieve and often conflicts with what the public may want (Kerr, 2017). For example, even if the majority public opinion is uniform in sentencing, prison administration officials might disagree with sentencing uniformity as a successful response to crimes (Kerr, 2017). This highlights the tensions within proportionality in punishment, what its purpose is, and what proportionality should look like in penal policies and practices. Overall, these debates highlight discussions of punishment within the context of liberal values, morals and ethics.

Critiquing the Liberal Theory of Punishment

Other literature is more critical of liberal punishment, and looks at the broader function of punishment in society as a mechanism of enforcing the values, morals and ethics of a few. For example, Foucault famously argued that punishment is about social and political power and is therefore only rationalised through ideology (Foucault, 1977). He critiqued the so-called humanization of prisons by suggesting that they are still as brutal as barbaric punishment

practices, but that they are now hidden behind walls (Bedau & Kelly, 2019). In the context of carceral expansion in Canada, Piché, Kleuskens and Walby (2017) argue that certain ideologies legitimate punishment by positing that prisons are legitimate and meaningful and are therefore necessary. Overall, this literature debates the legitimacy and practical application of the morals, ethics, and values of punishment, penal policy and practices.

Other research has looked at morals, values and ethics in relation to the punishment of a specific offender, particularly the retributive values of victims (Orth, 2003). Orth (2003) explored punishment motives of retribution and behaviour control more in depth through self-report data that were collected from victims who received assistance from the German government, finding that the punishment goals of crime victims can be separated into more distinct categories of instrumental and moral goals, which have a dichotomous relationship with macro and micro-goals. Orth (2003) found that the desires to punish offenders for the confirmation of societal values, and for the purpose of societal security were characterized as macro-goals. Micro-goals of punishment were the recognition of victim status, retaliation, and feelings of security as the victim. Whereas victim security and societal security were also classified as instrumental goals, and retaliation, recognition of victim status, and confirmation of societal values were classified as moral goals (Orth, 2003). To clarify this further, an example of an instrumental macro goal is societal security, and a moral micro goal would be retaliation. This study looked at personal predictors (e.g. belief in a just world, trust in criminal justice), situational predictors (e.g. feelings of fear/vengeance/guilt, the victim-offender relationship), and an effect variable (e.g. demanded punishment severity), to find correlations with punishment goals.

The literature that structurally analyzes punishment is also important to consider, as some analyses move beyond a focus on legal mechanisms of punishment, and instead critique liberal

philosophies of punishment from other paradigms. For example, the literature that looks at punishment as an instrument of regulation in a neoliberal society, and how economic, cultural and social norms reinforce the legitimacy of punishment. For the purposes of this research, the definition of neoliberalism that it operationalizes is one that sees neoliberal ideology as a “form of theology – it is a discourse that aims to reshape the world” (Kotsko, 2018, p.7). Neoliberalism focuses on the individual, rather than the collective, and sees self-actualization as a process of becoming more free under “deeply individualistic terms that render market competition the highest actualization of human liberty” (Collins & Rothe, 2019, p. 10).

Although the prison can be seen as a place of exclusion and “othering” throughout its history, as neoliberalism established itself in Western countries following World War II, the prison became a symbol of failed social and economic responsibility for those who were deemed not functional members of society. Bell (2013) argues that this neoliberal turn can be illustrated through the rise of “egoistic individualism” over “reciprocal individualism”, which sees the functioning citizen as a rational, free-thinking individual who conforms to the dominant norms of society. Thus, for those who do not appropriately conform to such norms, the prison acts as a site of exclusion in order for assimilated citizens to feel normal and law-abiding in neoliberal societies (Bell, 2013).

Wacquant (2013; 2000) argues that the institutional significance of the prison is political, rather than a response to crime, and is an instrument used to “diffuse social insecurity wrought by fragmentation of wage labour and the shake-up of the ethnic hierarchy” (p. 65). Similarly, the prison in a neoliberal society is used to show that the state is doing something about crime, while having the public focus on those who are deemed to be a threat to the society’s moral and physical welfare, rather than showing the state’s failure to provide social security to its citizens

(Tombs & Whyte, 2010; Bell, 2013). The prison is a symbol of toughness and the strength of capitalism, and is a vital instrument for instilling individual responsibility and accepting severe consequences for one's actions (Bell, 2013). The prison is supposed to ensure the physical security of communities, which is only successful if those inside it are believed to be the dangerous other (Bell, 2013; Berman, 2012). As Sim writes: "[T]he institution exists in the collective mind as an existential comfort blanket for the protection of the globalized citizen against the material and psychological insecurities generated by the predations of the criminal or the deviant" (Sim, 2009 p. 128 in Bell, 2013).

Political Economy and Punishment

In a macro-level approach to neoliberalism and punishment, Giorgi (2013) revisits the Marxist political economy of punishment, arguing that its modern iteration should not be as rigid in its view of economic relationships. This conception of a political economy of punishment is based in the transition to a "post-Fordist" era, from the industrial welfare era following World War II, similar to that of Bell (2013). Giorgi (2013) characterizes this shift as the "dismantling of the welfare state incited by the neoliberal ideology of deregulation and 'less government'" (p. 29). However, in order to see this political economy's broad effects, it is important to consider institutional and cultural dimensions in a structural analysis of punishment (Giorgi, 2013). In doing so, we can see the penal state as an instrument of enforcement for neoliberal economic order, which looks like punitive regulation of the poor. Giorgi (2013) also argues that the rise of penal populism, where offenders are seen as dangerous criminals and outsiders, reinforces punishment under neoliberalism, as marginalized classes are determined based on their placement within the economic structure. Cultural signifiers, such as conservative views on socioeconomic inequality and moral panics about crime, drugs, immigration and welfare, should

also be considered in a political economy of punishment analysis as this also sheds light on the hegemonic view of the poor in a neoliberal society (Giorgi, 2013). This critique of the traditional political economy analysis can therefore be used to support a more effective analysis of punishment in the neoliberal domain using the moral economy.

With these foundations of the philosophical and legal forces behind punishment, its manifestation in a neoliberal society, as well as its discussions in relation to values, morality and ethics, literature that engages with government, political, media and victim discourse on punishment, penal practices and policies can be explored.

2.4. Government and Political Discourses

For the purpose of this literature review, I group government and political discourses together as they both aim to advance and carry out penal policies and practices. However, in analyzing their separate discourses, this research operates from the understanding that political actors do not speak for the Government of Canada, and therefore their discursive motivations are inherently politically driven and partisan. Government discourses are intended to be bipartisan, reflecting departmental mandates and guiding legislation. From the Government of Canada's Values and Ethics Code for the Public Sector: "a professional and non-partisan federal public sector is integral to our democracy" (Secretariat, 2017). However, this distinction is often blurred. For example, following an election, departments are typically mandated to carry out policy initiatives that were part of the elected government's political platform. Given this reality, this project operationalizes political actors as those who are directly affiliated with political parties, including Cabinet Ministers or Members of Parliament, and government actors as those who represent departments, such as the Commissioner of the Correctional Service of Canada. Government actors who represent departments are not affiliated to political parties, and are

classified as public servants. In keeping these groups separate, this research helps to show how there are often similarities in discourses between political and government actors.

Government Actors

Limited literature exists on discourse from government department or officials as most research blends politicians and government actors together, and focuses on public opinion; however, government and political actors were kept separate for this research. Most of the literature on Canadian governance, policies and practices, in relation to punishment, looks at legislation over the years in the context of the philosophical foundations (e.g. retribution, utilitarianism) that they embody and how that has aligned with broader Canadian sentiments. For the purposes of this research, these findings helped to contextualize the moral economy of punishment in Canada over the past couple of decades. Particularly in relation to the diffusion of hegemonic discourses that are influenced by neoliberal economics and governance.

As discussed previously, Kerr (2017) looked at what values, morals, and drivers for punishment are embedded in Canadian sentencing legislation, such as denunciation, deterrence and just deserts. She nuances this with the idea that in contemporary society, the administration of the punishment handed down by a judge in court, is largely a separate process that occurs in private, in comparison to when punishment would historically be “administered” publicly. With this separation, she argues that this distinction warrants further consideration about how Canadians feel and form opinions about penal governance in Canada.

In recent years, a variety of amendments that were made to laws that govern the criminal justice system during the Harper era government have been found unconstitutional by various courts. Certain research has looked at these findings of unconstitutionality and what that means for the values of Canadians, and more generally, what principles truly guide sentencing

legislation and correctional policies in Canada. Mulrooney (2017) argues that the Canadian courts struck down most of the tough-on-crime amendments that were brought in during the 2006-2014 Conservative governments because they did not align with Canadian values or the *Charter*. This reality has important considerations for this research when examining the circulation of hegemonic discourses between the government (and political actors), to the wider population of Canadians. By the government administering sentences in private, Kerr argues that it is hard to “confirm and regenerate, a public moral sensibility” to the public when a wrong has been committed (2018, p. 197). However, this presumption of a homogenous public moral sensibility is discussed further by Kerr (2017) through the works of Durkheim (e.g. mechanical solidarity, organic solidarity) and Garland (e.g. disputing uniform collective passion). It is posited that how citizens feel about government sentencing and penal policies is likely not as uniform as it may be reflected through sentencing law principles. Thus, morality is more nuanced and varied amongst the public than what would be reflected at the government level.

Further, according to Kerr (2017), if the assumption is that there are uniform agreements on the principles that underlie sentencing and state punishment, the reality of the prison experience (to which the public is not privy to) is not reflective of sentencing laws; it is reflective of internal penal policies and practices. This creates a discrepancy between what the public may think state punishment looks like, and what the actual realities of penal governance are. Therefore, the realities of how the government departments that are responsible for prisons administer sentences are not going to reflect the principles that guide the judicial process. As an example, Kerr (2017) explains that citizens may want uniformity in sentencing and prison administration for similar crimes; however, she highlights that many government officials who work in corrections believe uniformity is antithetical to proper case management and

rehabilitation. Kerr's findings demonstrate the tensions between morality and punishment practices from the perspectives of different social actors. Similarly, research done on prison "amenities" and programming has argued that those who work in prisons (e.g. wardens, guards) support the rehabilitative potential of work training and education (Applegate, 2001). This emphasizes that punishment is not the only reality of penal governance, and is not the sole emphasis of punishment discourse from government actors, which may be different for members of the public.

Researchers in the United States have also looked at historical legislation that has been enacted on behalf of, or in the name of certain victims, which discusses how the state's role as "protector" is imposed on the victim (Wood, 2005). "The state's power to punish – a power that is domesticated into a sign of protection" (Wood, 2005, p. 4). Wood (2005) discusses how laws that are enacted in the name of victims allow the government to exploit the victim(s), harm or manipulate victim(s) in the interests of increased control and public safety. She argues that these laws and policies harm others in the name of a victim; a form of symbolic violence. By using victim images to legitimate their power, Wood (2005) argues that governments employ discourses and images of "ideal victims" (Christie, 1986) (i.e. white women and children, fetuses, middle class) to legitimate these crime policies. However, in doing so, these policies ignore offenders who are also victims, and victims who do not fit the ideal image. Wood (2005) uses the example of "fetal protection laws" that were passed in the US, which led to the prosecution and sentencing of low-income, substance misusing, and/or homeless women due to their behaviour being framed as neglectful. She uses an example of a woman who was sentenced to 12 years in prison due to her pregnancy ending in stillbirth (Wood, 2005). Overall, this research speaks to government discourses used to justify policies that are framed as protectionary

measures in honour of victims, but are more just an exercise of power and control. The use of victims' stories by the government to implement new policies and practices is another important consideration for this research, given that Tori Stafford's murder is one of Canada's most well-known crimes.

Going back to the Canadian context, Jackson and Stewart (2010) discuss fear-driven policy, through an analysis of the Harper era. Their work discusses issues such as government-led research, its influence on policy, and how government research results are used to justify the policies the government plans to introduce. Specifically, they examined the time in Canada where the government was looking to abolish statutory release and to crack down on drugs in prisons as well as prison employability and work programs (Jackson & Stewart, 2010). Their analysis found that the conclusions drawn by the Conservative government from their own departmental research, offered a "false promise of public safety", while being too caught up in public opinion and political expediency (Jackson & Stewart, 2010). By looking at fear-driven policy, their analysis is meant to engage with the debate of whether policy should respect due process rights guaranteed to citizens under the *Charter* by not prioritizing punishment or penal attitudes within the public as drivers for policy, or if the public's desire to punish prisoners through the deprivation of their rights is more important (Jackson & Stewart, 2010). This research contributes to this area of Canadian punishment policy literature from the perspective of exceptional cases of crime guiding the discourse on punishment and how crimes should be dealt with according to various stakeholders. Not only this, but it expands the analysis to consider more complex morality and how that is woven through discourses from different groups, rather than a linear analysis of public opinion and political action.

Other research has looked at how governments use certain discourse strategies to convince the public of the need for carceral expansion. In Canada, at both the federal and provincial/territorial level, governments have successfully argued for building more prisons and jails by pulling on notions of community safety, institutional security, rehabilitation opportunities, and the “Indigenizing” of incarceration (Piché, Kleuskens & Walby, 2017). Through these ideological discourses that legitimate punishment and the need for prisons, governments in Canada have been able to vastly expand the carceral sphere in the name of public safety. In addition to this, Piché, Kleuskens and Walby (2017) describe government discourses that promote carceral expansion as an instrument of neoliberalism in which policies and practices are justified because prisoners are to be responsible for reforming themselves into “law-abiding citizens”. These findings are another example of how government discourses work in the broader context of society to promote certain goals through targeted messaging, and is therefore an important contextual piece for this research.

Although not all of this literature directly engages with government discourse, it touches on the values that are embedded within legislation developed and carried out by governments, the differences between general legislative principles and internal policies, and how these realities of governance might create tension between different ideals of state punishment amongst the public.

Political Actors

Next, this subsection looks at the discursive practices of political actors as they relate to punishment, penal policies and practices. It will draw from work done in the Canadian context on the past couple of decades of penal policies and practices. Similar to the literature on government discourses, penal policy and practices, research on political actors and appointed

officials has often been conducted in relation to the perceived opinions of the public. Other literature looks at the contrasts between conservative and liberal policies over the years and how their discourses have shifted in pursuit of different punishment goals.

Jackson and Stewart's (2010) work on fear-driven government policy cautions that the tough-on-crime approaches that are so often linked to the Conservative party and its supporters, are also diffusing into Liberal and New Democratic Party supporters as well (Jackson & Stewart, 2010). Webster and Doob (2015) echo this sentiment by showcasing how there used to be agreement across the Conservatives and Liberal parties that the use of incarceration was to be limited in pursuit of rehabilitation. There was also unanimity of federal, provincial and territorial ministers in the late 1990s that there should be no growth in imprisonment because there are serious limitations as to what prisons can "achieve" (Webster & Doob, 2015). However, those values have significantly shifted in favour of increasingly "tough on crime" approaches. In addition to this, Webster and Doob (2015) suggest that political actors' discourses about crime and punishment influence the way the public sees crime and punishment. This is an important consideration for this research when examining a variety of punishment discourses and the hegemonic themes that cut across different opinions and ideologies.

Continuing the work on punishment politics, Mulrooney (2017) looked at the Canadian tough-on-crime Conservative era, and argues that there were inconsistencies between what politicians argued that the public wanted, and what the public actually wanted. He argues that prior to the Conservative government, crime as a product of social circumstances, and offenders themselves needing assistance, was a more broadly accepted understanding of why crime occurs, and penal policies emphasized rehabilitation and reintegration. In contrast, Mulrooney (2017) argues that Conservatives favour free will and rational choice explanations of crime and

punishment, and therefore favour correctional policies that emphasize punishment and efforts to exclude prisoners from society. Dissent to these tough-on-crime approaches from the Conservatives are argued to be largely reflected in media coverage of that time, where the proposed policies were framed as being unduly harsh and unnecessary (Mulrooney, 2017). Mulrooney's (2017) findings are significant for situating this research as the tension between rehabilitative and retributive/exclusionary discourse is one of the major themes of this research.

Research on the increasing punitiveness of political actor discourse has looked at how punishment and prisons are discussed and legitimated through various rhetorical practices, which is useful when analyzing debates about Terri-Lynne McClintic's transfer to Okimaw Ohci. Lenz (2002) argues that political actors have historically used discourse that emphasizes the "cushiness" of prisons as a way to remove "amenities" as a deterrent effect, and therefore having a reduction on recidivism. Roberts and Hough (2005) also discuss this idea that political actors engage with certain discourses that emphasize the need to increase the unpleasantness of prisons, with the belief that this would result in lower recidivism. They argue that this is reflected in both the US and Canadian political contexts.

This existing literature on government and political discourses related to punishment, penal policy and practices highlights the ways in which discourse is used as a mechanism for achieving certain goals in the criminal justice system. It also highlights how punishment is operationalised as a means to an end. Next, this chapter will look at the media's role in punishment, penal policy and practices in Canada.

2.5. The Media

The literature that covers media discourse on punishment and how these discourses may relate to penal policies and practices is largely presented in research done on media reporting and

framing of crime stories. It highlights the ways in which discourses constitute social realities, and considers media forms as ways of communicating to the public and suggests that discourses about crime in the media constitute certain realities for those who consume this information. How stories are written and how events are portrayed in the media, is important to this position. Looking at media as the main source of crime reporting and penal-related issues, helped me to theorise why certain discourses are circulated more often and how punishment is conceptualized in this research.

Luhmann (2000) argues that everything that we know is through the consumption of mass media; it mediates what we know and what we feel. The literature on media reporting, including crime reporting in the media, engages in this debate of information distribution or the distribution of discourse in the form of story-telling. Iyengar's (1991) study on crime reporting found different ways of framing and reporting stories in the news; *thematic* and *episodic*. *Episodic reporting* is consistent with typical crime news stories which focus on the individual, sensationalized cases, whereas *thematic reporting* focuses more on the background stories of the offender(s) and the relevant social conditions that are at play in these cases (Iyengar, 1991; Fullerton & Patterson, 2006). Iyengar (1991) found that *episodic reporting* was more successful in garnering interest in news stories, was used most commonly, and were more attributive of individual responsibility to the offender. This is an important finding for situating the media as a prominent stakeholder in punishment practices in Canada.

Applegate, Cullen and Fischer (1997) advance the concept of "vignettes" in crime reporting. Like *thematic reporting*, vignettes are believed to offer contextual information about a crime and the offender, and act as a way to shape the results in survey answers on how a specific offender should be punished or dealt with, based on the contextual information (Applegate, et al.

1997). Their specific study engages with the dialogue about whether the public is typically punitive, and nothing more, or if there is more diversity in their ideologies surrounding crime and punishment. This idea has also been developed by Garland (2001) with his idea of “popular punitiveness”, its relationship to political discourses and its influence on penal policy.

Researchers have also looked at the portrayal of crime in the media through specific discursive practices (Adorjan, 2011) and popular culture trends (Kohm, 2009) in the context of emotions and how consumers react or are influenced by such practices and trends. Adorjan (2011) analysed stories from three Canadian newspapers to see how the media uses reflexive rhetorical strategies in the face of emotional ideologies used to discuss youth crime. For example, newspapers that produce “sensational” or tabloid-style stories often direct condemnation towards youth offenders by framing them as victimizers. This type of emotional discourse sees emotional responses to crime, and youth offenders in particular, as legitimate (Adorjan, 2011). In contrast, “upscale” or quality newspapers approach youth crime from a contextual angle (e.g. offering social and environment details, debunking myths of rising crime rates) in an effort to elicit and direct sympathy to youth offenders with the view that they are actually victims (Adorjan, 2011). According to Adorjan (2011), these types of emotional discourses actively contest emotional responses to youth crime and indirectly use rationality as a rhetorical strategy.

Journalists of these three newspapers appeared to employ a “careful arrangement of claims that underscored their respective positions” (Adorjan, 2011, p. 190). Similarly, the media has been found to subtly direct audiences to align emotionally with victims and survivors when reporting crime (Peelo, 2016). Also referred to as the “re-emotionalization of law”, emotionally charged discourses are becoming more prevalent as members of the public appear increasingly

dissatisfied with the existing methods of punishment (Karstedt, 2002; Massaro, 1991). Another analysis of emotions and media portrayals of crime looked at shame and humiliation as entertainment and punishment in popular crime TV shows, such as *To Catch a Predator* where vigilantes track down sex offenders (Kohm, 2009). Alongside popular culture's shocking portrayals of crime and punishment in TV shows, the moral panic that crime is out of control blurs the reality of actual crime rates (Kohm, 2009). Within this, Kohm (2009) argues, is the commodification of humiliation, law and order discourses, and powerful punishment imagery that frame the state as a failure in tackling heinous crimes such as child sexual offenders and further the dissatisfaction with current realities of crime and punishment. The theme that emotions are deeply tied with punishment discourses is an important consideration for this research, as it examines the ways in which emotions are deployed in the moral economy to emphasize morality and calls to action.

Other research has helped to highlight where emotions are seen as appropriate in punishment discourses, and where they are not. A US study on pro-death penalty discourse on the internet investigated how online discourse seeks to remove any empathy of humanity from a murderer while advocating for harsh punishment that goes beyond institutional limits (Lynch, 2002). Despite the death penalty being outlawed across most of the US in the face of evidence and prevalent criticism, support for the death penalty garners majority public support (Lynch, 2002). Lynch (2002) claims that being pro-death penalty is a widely held default argument across the US; therefore, the community advocacy around this issue is sporadic and loosely organized. Given this, much of the pro-death penalty discourse occurs online, even on dedicated pro-death penalty sites. The internet is a starting place for social movements that can easily constitute "truths" about social issues given the internet's unregulated nature and ease of access

to a variety of users (Lynch, 2002). Lynch's (2002) research found that the "good versus evil" dichotomy was rampant on pro-death penalty sites. For example, victim imagery is often used to represent the innocence and inherent goodness of the victim, while any attempt to humanize or describe the death row prisoner is suppressed or eliminated. Further to this, executions are regarded as non-violent, good acts while "illegal murders" are violent and deserving of punishment (Lynch, 2002).

This research engages with how the media is an important stakeholder in punishment discourses, particularly with consideration to how crimes are reported, what ideologies are given a platform, and how emotions are woven through these discourses. In terms of media practices, by choosing which way to report stories, the narratives are then constructed in a way that would appeal to certain views about crime, punishment ideals, and emotion discourses of those who consume various forms of media.

2.6. Victims

This subsection will outline research that has been done on victim experiences with the criminal justice system, victim-centred discourses, and the emotions that are inherent to these discourses as they relate to punishment ideals towards their offender(s) and the policy and practices that are advocated for. This literature is important for framing the "us versus them" theme that is examined in this research, particularly through the analysis of Tori Stafford's father and his position in the debates around Terri-Lynne McClintic's transfer.

Berns (2009) assesses the discursive connection between feelings of vengeance and the need for closure after a crime has been committed. They specifically look at this discourse in relation to support or opposition to the death penalty, and what these victim narratives say about victims' needs and their broader concept of justice – or what Berns (2009) refers to as the

“institutionalization of closure”, which is defined as “the establishment of opportunities for victims to achieve closure within the legal system” (p. 397). These opportunities are known as right-to-view in death penalty cases, and victim impact statements. Berns (2009) analyzes victim discourse in a framework of emotion-domain expansion, which they propose as a way of using emotions inherent to a social problem as a cultural resource, such as through the discourse of *closure*. This study highlights the dynamic process between social context and rhetoric using emotions in the construction of social problems and the mobilization of social movements.

Three themes that relate to receiving closure in death penalty cases were identified – that the death of the offender is needed for the victims’ families to heal and move on (i.e. find closure), watching the offender be killed is therapeutic for the victims’ families, and lastly, a person cannot advocate for offender rights and victims’ rights simultaneously; thus, any advocacy on behalf of the offender is deemed as disrespectful in victim discourse (Berns, 2009). Berns (2009) argues that victims in death penalty cases utilize this discourse of closure to expand their emotion domains and shape “feeling rules” (Hochschild, 1979) for homicide victims. In contrast, abolitionist discourses that were analyzed in this study embrace closure via their own distinct arguments that challenge themes within the discourse of death penalty proponents (Berns, 2009). The specific claims that are made within these abolitionist discourses are that the death penalty does not bring closure for victims, life in prison is a better option due to appeal processes that prolong a false hope of closure, the death penalty hinders closure by eliminating opportunity for reconciliation, life in prison is more retributive, and finally, forgiveness and releasing anger can serve as more effective means of closure (Berns, 2009).

Similar to this research on victims’ closure discourse and the need for justice, is a study done on family members of homicide victims and their experiences of feeling neglected or

unrecognized by the criminal justice system (Armour, 2002). Armour (2002) approached this study of victim family members through the lens of understanding these experiences as something that has been given meaning through communicative interactions and human relationships. Through this lens, they found that the post-homicide experience of family members differs from victims of other crimes, and is characterised by feelings of being left to struggle with the loss of a loved one, rights to privacy being stripped due to the public nature of homicide, and the expected bystander role during the court and corrections process as they remain secondary to the state (Armour, 2002). Building on this last finding, Armour (2002) explains that one of the themes that arose in interviews with family members of homicide victims was characterized as “What rights don’t I have anymore” (p. 375). This discourse is described as the family members feeling as though their rights are subsumed by the public agenda, and the state’s procedures are given priority (Armour, 2002). Generally, this study suggests that the experiences of homicide victims’ family members are unique, and are largely made up of interactions that lead to feelings of exclusion and exploitation. These findings are important when understanding Tori Stafford’s father and his participation in punishment discourses pertaining to Terri-Lynne McClintic.

More broadly, and most significant to this research, studies on victims has also looked at punishment goals towards a specific offender (Orth, 2003). For the purposes of this research, the two main motives of punishment are understood to be retribution and behaviour control (Vidmar & Miller, 1980; Orth, 2003). Orth (2003) found that the emotions of guilt, fear and revenge were more closely linked to micro goals (i.e. victim status recognition, retaliation, victim security), and that through punishment, these feelings of aversive emotion would be reduced. Whereas macro goals of punishment were found to be more closely associated with beliefs in a just world,

and higher trust in the criminal justice system (Orth, 2003). It is worth noting that this study approached public interest and societal values as homogenous. Also, the demanded punishment severity was said to vary based on the victim's instrumental, but not moral goals (Orth, 2003). More generally, Orth (2003) argues that overall, this study's findings speak to greater victim support for instrumental goals (i.e. societal and victim security) rather than moral goals of punishment. Although it was not a direct variable that the author studied, it was argued that support for rehabilitation is low amongst crime victims.

The work of Nils Christie on the "ideal victim" is also pertinent to the understanding of why reactions to Terri-Lynne McClintic's transfer were so intense and widespread. Christie (1986) makes the argument that being a victim (a phenomenon) can be investigated both at the personal level and at the social system level. The latter is most relevant to this research because Christie (1986) argues that "some systems might be of the type where a lot of victimization is seen as taking place, while others are seen as being without victims" (p. 18). For example, some people may feel that Canada fails to protect children from sexual victimization, while simultaneously being of the view that victimization does not occur in prisons. From this understanding of victimization as a phenomenon, Christie (1986) outlines five attributes of the ideal victim: (a) weak, sick, old, or very young; (b) carrying out a respectable project; (c) was victimized somewhere they cannot be blamed for being; (d) the offender is "big and bad"; and, (e) the offender was unknown/ had no personal relationship to the victim. These five attributes apply directly to Tori Stafford's sexual assault and murder.

The study of emotion work and punishment discourse as it relates to death penalty cases is significant to understand how victim discourses about punishing their offender might be influenced by feelings of anger, forgiveness, and the need to find closure. Further, the research

that speaks to victims describing negative experiences with the system and feelings of exclusion and exploitation is an important contextual piece for understanding what the moral economy of punishment looks like in Canada from the perspective of victims.

2.7. Conclusion

To conclude this chapter, the limitations of the approaches to studying punishment, penal policies and practices from a variety of perspectives need to be highlighted in order to position this project. This literature points to limited discoveries on morality and emotions, as these two concepts are often studied as a monolithic phenomenon rather than integral, contextual pieces to punishment discourses and how penal policies and practices are formed or changed in pursuit of different morals, values, emotions, and other goals. Also, these approaches almost exclusively exist within discussions of punishment, penal policies and practices from the liberal point of view that debates between retributive/deontological and consequentialist/utilitarian punishment justifications. It also mainly analyzes crime and punishment from the dichotomous perspective that there are only purely rational and purely emotional responses. This reinforces traditional philosophical and legal discussions of the separateness of rationality and emotion and how that distinction should inform Western penal policies and practices.

Government discourses, although never clearly distinguished from political discourses, highlight how governments attempt to draw from the public will (with the presumption that it is uniform) and go back and forth between retributive and utilitarian approaches to sentencing, while also drawing on victims' stories and imagery in order to achieve certain legislative goals. Political actors (i.e. elected officials and appointed officials) also attempt to pull from the public will and attempt to elicit emotions and support for tough on crime approaches, such as characterising prisons as luxurious facilities. Research on political actors also focuses more

heavily on right-wing, hegemonic punishment discourses and how these discourses diffuse to other political parties in Canada (Jackson & Stewart, 2010; Webster & Doob, 2015). Those findings would suggest, however, that right-leaning ideologies are more influential in Canada's history of punishment, especially in more recent decades.

Research on different media forms (e.g. traditional news media, internet forums) suggest that discourses also debate retributive and utilitarian approaches to crime and punishment, and how specific reporting strategies are used in order to garner support for a preferred outcome in response to crime stories. The literature on victims and punishment discourses suggests that victims feel left out of the process and sometimes have different punishment goals towards the offender than the state, while also being used as means to an end by government, political and media actors when discussing crime and punishment.

Given this, the existing literature appears limited in the sense that complex moral and emotional grounds for punishment discourses are researched linearly. For example, working from the presumption that "public opinion" is uniform or stable, and that it is influenced from the top, or that the top is influenced by the public, negates the opportunity to explore the differences of morals, ethics, values and emotions that make up punishment discourses from different social actors. The existing literature also studies rationality and emotion in the philosophical sense, in a way that labels one as good and one as bad when supporting or opposing punishment, penal policies and practices. This means that the literature does not adequately consider how rationality and emotion coexist in certain discourses, or that they may be defined and practiced differently by different people or communities. Another limitation has been identified by Canton (2015), who suggests that punishment is often only looked at as an instrument of crime reduction. There

is value in examining how punishment is viewed by different social actors, and the nuances that are present amongst those views.

In addition to these limitations, it appears that emotions are not typically studied in the context of punishment, penal policies and practices other than in in some victim-focused research (see Orth, 2003). Looking at emotions in conjunction with morality, as they relate to punishment and more specifically in the Canadian context, also appears to be scarce. Although Canton (2015) looked at existing research on emotions, crime and punishment from the perspective that the lens of moral emotions is more effective in providing context to public attitudes, they acknowledge that their review looks at punishment attitudes in a generalised way and does not consider the contradictions or nuances that can make up such attitudes (Canton, 2015). Given these considerations of the observed limitations of previous research, this research helps to fill the gap in Canadian punishment literature regarding the complexities of punishment and morality, the inconsistencies within punishment ideologies, and the nonlinear trajectory of discourses influencing penal governance. This research's goal is to see how different stakeholders in punishment believe that crime should be punished, or what punishment looks like in their ideal society. Not only this, but this research adds more recent findings to the Canadian punishment literature, and most importantly, looks at how the prison is a central feature to adjudicating morality in the context of crime, justice and punishment. The following chapter outlines the theoretical framework and analytical tools that will be used to fill the gaps in literature that have been identified here.

CHAPTER 3: THEORETICAL FRAMEWORK

3.1. Introduction

This research uses an integrated theoretical framework with specific analytical concepts to gain an understanding of a moral economy of punishment in Canada. It asks how punishment (and penal governance) is conceptualized by various stakeholders, and determines the hegemonic view(s) of punishment in that moral economy. To do so, this framework uses concepts as analytical tools to parse through the moral economy and understand the different discourses that are mobilized by different actors in the criminal justice system and beyond.

A moral economy is understood to be “the production, distribution, circulation and use of moral sentiments, emotions and values, norms and obligations in social space” (Fassin, 2009, p.37). Using moral economy as the analytical frame for this research allowed for discourses to be identified, which show the internal deliberations about punishment in Canada when a crime has occurred and a community or victims are seeking justice.

Using this integrated framework, groups of discourses were identified and categorised into a corresponding citizenship regime, which is defined as “the institutional arrangements, rules and understandings, and power relations that guide and shape current policy decisions, state expenditures, framing rules, feeling rules and claims-making by citizens” (Tonkens, 2012, p. 201; Jenson & Phillips, 2001). Each citizenship regime includes each group’s shared framing rules and feeling rules (Hochschild, 1979); the rules that ascribe meanings/definitions to situations, and the rules that guide how we want (or try) to feel in those situations, in addition to the regimes’ dominant moral emotion families, which are groups of emotions that are linked to the welfare or interests of society or individuals of that society (Haidt, 2002). These elements of

the citizenship regimes are based on their relative positions on punishment, penal policies and practices.

3.2. Morality

The notion of moral economy has lineages in philosophical and anthropological literature; the former, however, precedes the latter. Further to this, these lineages are the two dominant schools of thought that have studied morality within social spaces, and their contributions are important to understand before using moral economy as a concept in research (Fassin, 2014). The foundations of morality literature are important to this research because it helps contextualize the moral economy, and can provide further understanding of how and why individuals practice morality. Thus, a brief analysis of moral philosophy and how this has fed into moral anthropology is needed.

Fassin (2014) focuses on the rise of moral anthropological literature and distinguishes between two distinct domains of enquiry into morality. A domain of enquiry is defined as “the social space in which researchers position themselves according to their school of thought and in which the theoretical stakes regarding morality as a topic of study are defined (Fassin, 2014, p. 4). The two central domains of enquiry for moral anthropological literature are rooted in (a) duty ethics, or deontology, and (b) virtue ethics (Fassin, 2014). The first domain, which relies on deontological epistemologies, “emphasises the moral constraints that society places upon individuals – which can take the positive form of obligations or the negative form of sanctions”. This approach views moral systems as abstract means of determining good versus bad, right versus wrong; thus, an “ethics of duty” requires norms, rules and duties that the specific society must adhere to, which pulls from Durkheim (2010/1924) and Kant’s ethics of duty (Fassin, 2014). It views moral systems as abstract measures rather than a system that is a product of

drives and emotions. The second approach, characterised as an ethics of virtue, “highlights the ability of the individual to produce ethical reasoning and judgements with a certain freedom from the pervasive nature of the social” (Fassin, 2014, pp. 4-5). An individually produced moral system results from drives and emotions that produce an ethical subject. Despite this approach being subjectively constituted, the ethical subject is still produced in a specific context. Ethical subjects are not external to the reality that they have perspectives on (Nietzsche, 2003/1844-1990; Doyle, 2005). The virtue ethics domain is inspired by Foucault (1990/1984) and Aristotle’s ethics of virtue. Virtue ethics suggests that individuals have the freedom to engage in moral debates and produce their own ethical subjectivities, rather than prescribing to an abstract code. Fassin (2014) explains that this domain can take a variety of forms, such as looking at actions, judgements and emotions of what sentiments motivate people. This second approach is what informs Fassin’s conceptualisation of the moral economy, and is the epistemological standpoint that this framework works within.

Though Fassin’s moral economy has been argued to have broken away from the economic ethos of the concept (Siméant, 2015), this can be remedied by building back in Weber’s (1905) notion of affinities, which is the idea of a process through which two separate cultural aspects that have certain similarities (e.g. economic, political, etc.) come into a reciprocal relationship of influence, reinforcement or convergence (Löwy, 2004; Siméant, 2015). Affinity thus presumes that cultural aspects live in coexistence and rely upon each other. Taking this into Fassin’s definition of moral economy would then see that “economy” or “economics” (i.e. any mode of production and allocation) is reproduced and influenced by morality; put another way, morality influences economic practices. For example, Sayer’s (2000) found that “the ways in which economic activities, in the broad sense, are influenced by moral-political

norms and sentiments, and how, conversely, those norms are compromised by economic forces; so much so in some cases that the norms represent little more than legitimations of entrenched power relations” (p. 80). These norms and sentiments can relate to how much inequality is tolerable, what should (not) be commodified, who is entitled to support, or who one should (not) do business with (Sayer, 2000). This approach differs from the political economy approach which is more heavily influenced by Marxism.

Bringing in Weber’s (1905) notion of affinity is important for this project as Fassin’s (2014) definition alone does not bring enough rigour as a concept in terms of what the data for this research shows. This research found that there is an economic aspect to discourses surrounding punishment, penal policies and practices in general; namely, debates surrounding the neoliberal subject as a product of prison, and the occurrence of crime(s) as the failure of the neoliberal subject. Although not every piece of data shows this relationship between economy and morality, it is a general theme that shows how citizens interact with the prison, what they expect from it, and what their morals are in relation to it. Siméant (2015) also argues that it is key when using moral economy in research to embed the link between the governed and the elite. Thus, we can understand the prison as an instrument of the elite, and citizens as the governed, within a moral economy that is influenced by neoliberal governance and economics. Then, by bolstering Fassin’s moral economy with affinities and power relations, we can see the diffusion of hegemonic discourse around punishment, and how that is debated amongst citizens in a neoliberal society. More specifically, the citizen, which is a product of both political and economic forces, may engage in, or be influenced by, the moral economy of a more welfaristic society differently than a neoliberal society. In the Canadian context, while certain systems still operate within a welfaristic approach (e.g. health care), albeit loosely, the country has seen a

marked shift towards neoliberalism following the Second World War (Jenson & Philips, 2001). For the purposes of this research, the definition of neoliberalism that it works from is one that sees neoliberal ideology as a “form of theology – it is a discourse that aims to reshape the world (Kotsko, 2018, p.7). Neoliberalism focuses on the individual, rather than the collective, and sees self-actualization as a process of becoming more free under “deeply individualistic terms that render market competition the highest actualization of human liberty” (Collins & Rothe, 2019, p. 10).

3.2.1. Moral Economies

The concept of moral economy has a complex history, as it has taken on different forms throughout its use by authors in various fields. From its inception by E.P. Thompson (1971), a moral economy is juxtaposed to a political economy and is used as an analytical tool to observe “social norms and obligations” in traditional peasant economies. More recent uses have broadened the concept and lost the economic element of the moral economy’s origin (Siméant, 2015; Daston, 1995); this research uses the moral economy lens and aims to reconcile the economic element in its operationalization. Thus, any identification of neoliberalism in the moral economy discourses will be well served by such framework, and will need relevant constructs to further breakdown these discourses.

In his analysis of the rise of capitalism and the eighteenth English peasant riots, Thompson (1979) uses the concept to look beyond the production and distribution of goods and services within the peasant economy, traditionally a Marxist approach, and moved to an analysis of economy and social action; he looks at what is done, what is not done, and considers principles of justice, dignity and respect to be inherent to these analyses (Fassin & Eidelman, 2012). Thompson’s use of moral economy relied upon “a particular equilibrium between

paternalist authority and the crowd” (Götz, 2015, p.152), which means that Thompson looked at class and moral dimensions from the perspective that “community is as much determined by their living conditions as it is a result of moral and political activity” (Siméant, 2015, p. 164). Other uses of moral economy in social science research have studied general orders of regularities and rules in moral economies (Daston, 1995), rather than using it to examine the ways in which classes are dominated, the way norms are rooted in their economies, or how wealth is produced or accumulated (Fassin & Eidelman, 2012). Daston (1995) sees a moral economy as an equilibrium of emotional forces with a composition that is logical to its operation and activities and is useful in analyzing knowledge and truth claims (Daston, 1995). Therefore, a fusion of the economic and political elements of moral economy’s literary history is needed along with an understanding of how mobilizations of values and sentiments occur within a moral economy analysis (Siméant, 2015). Inherent to the concept, is the vertical link that connects the governed with the elite, and the ‘crises of revolution’ that are fundamental to this relationship and are abandoned by broadening the concept (Siméant, 2015). Modes of governance and modes of production impact the moral subject just as the moral economy impacts governance and production. This research considers penalty and punishment as a social space influenced by a neoliberal form of government, a neoliberal economic regime, and a multitude of moral systems produced by different subjectivities in a social space.

Reconciling both elements for a newer conception puts moral feelings as a central feature of the social spaces that are being researched, where the times of suffering or sadness in these social spaces may act as springboards for political discourse and action (Fassin & Eidelman, 2012). Moral economies maintain themselves through their internal deliberations; through the

opinions, the critics, their respective doubts and dilemmas, and their debates and their criticisms (Fassin & Eidelman, 2012).

Given that morality is empirically tied up with various dimensions of social life; specifically, the mutually constitutive political and economic dimensions (Fassin & Eidelman, 2012), this project's modified moral economy lens facilitated an analysis of this relationship. Looking at morality from a sociological or anthropological lens thus highlights the impurity of morality. This means that morality occurs in tandem with these elements of social life, and contributes to the inner-workings of social spaces. Studies that look at norm and value systems as homogenous and permanent do not consider the flexibility or instability of these systems that occur with emotional and ideological shifts in social spaces. Moral economy studies need to analyze the passing and circulation of values, standards and emotions within social spaces, and how these values, standards and emotions are used and practised by social agents within these spaces (Fassin & Eidelman, 2012). This aspect of moral economy was operationalised in this research through the intent to identify emotions, values, and beliefs about justice in order to understand the moral economy. This lens facilitated reflections on moral transactions, and to further understand, or show, how values, standards, and emotions represent the practices of those within certain social spaces (Fassin & Eidelman, 2012). Also, this iteration was used to analyze incongruent values and sentiments as part of a specific historical moment.

First, it is important to understand that in a moral economy, values do not randomly occur; they are developed to create senses of right versus wrong based on the conditions that you are immersed in (Siméant, 2015). Values and emotions are intertwined; they can occur independently, but do not need to precede one another in their deployment within social spaces. These deployments of emotions and values can be observed from an affective focus (i.e. focusing

on feelings and attitude), or an evaluative focus (i.e. assessing the value of something) (Fassin & Eidelman, 2012). The second point is that when using this conception of moral economy, the researcher must understand its dynamic conception of how moral issues are understood in societies; specifically, how are moral issues used to “move” people, or “gather” them (Fassin & Eidelman, 2012, p. 13). This emphasizes feelings that trigger the construction of different social problems or phenomena, incongruous values, and their causes (Fassin & Eidelman, 2012, p. 13). Therefore, moral economy allows the link between emotions and values in discourses about punishment to be explored.

While understanding that morals and the definition of social issues are intertwined, one must also develop an approach to a moral economy analysis. Moral economy can be used in either a top-to-bottom, or bottom-up approach to research; the former allows for an analysis of social context and the ideological and political climate that it embodies, whereas the latter looks at how the ideas and images that circulate within public spheres have a micro-level influence upon the actions or decisions of social agents or institutions (Fassin, 2012). This research took a top-down approach while using micro-level and meso-level concepts to analyse discourses on punishment. Therefore, this integrated framework uses the lens of moral economy along with specific analytical concepts to contextualise the ideological and political climate in Canada at a specific historical moment.

Working from Fassin’s (2009) definition of a moral economy, it is important to highlight the literature that guided the analysis. Much of the criminological literature that employs the moral economy has focused on either governance or economic regimes, and little on the moral subject as constituted by political and economic forces within a moral economy that also impacts those same political and economic forces. Both macro-level and micro-level approaches have

been used to study to specific social spheres in given historical moments (Karstedt & Farrall, 2006; Whitehead & Crawshaw, 2013; Lehalle, 2016). Its utility as a theory has deduced a multitude of explanations on the justice and morality link to economic processes, as it relates to criminal justice. For example, Karstedt and Farrall (2006) assess sentiments around being a “respectable citizen” versus having criminal labels in spheres of local justice. They explore the grey zones of law and how many citizens who engage in activity that is technically criminal, successfully avoid those labels publicly through the commission of everyday crimes that are seen as “morally dubious” and therefore, permissible, in their moral economic conception. They discuss a link between individual morality and marketplace characteristics relevant to certain time periods and how the process of deregulation shifted the moral order. This moral economy research is important to my project as it highlights the subjectivity of morals surrounding beliefs about crime, and what social actors might characterize as permissible or impermissible, and why, within a specific social context.

A broader moral economic analysis on conceptions of justice speaks to tensions between neoliberalist values and notions of justice and morality. Whitehead and Crawshaw (2013) discuss the links between moral economy, capitalism, and neoliberalism, and their intersections with criminal and social justice. They argue that in contrast to a capitalist political economy, a moral economy would prioritize human interests over economic ones, and would demand the existence of justice and morality in social spheres. They discuss that in the current political state, the relevant markets and institutions are more concerned with fiscal responsibility and growth while maintaining a controlled social order, rather than the socioeconomic statuses that are associated with reoffending or criminal behaviour. Thus, in confusing the moral economy’s end-goal with economic objectives, “personalist” values such as health, education, welfare and criminal justice

are forgotten (Whitehead & Crawshaw, 2013). This type of moral economic conception utilizes both moral and economic analyses to understand beliefs about justice in social spheres, which may be useful for any neoliberalist discourse analyzed in this project. Broadly, Whitehead and Crawshaw's (2013) research discusses differences between moral and political economy and the implications in terms of the values of justice and fairness. It looked at shifts in the economic market at specific historical moments and contrasted it with the penal reform of that time. Whitehead and Crawshaw (2013) discuss how religious and humanitarian sensibilities characterized 18th and 19th century penal reform, and the creation of the probation system under a moral economy of criminal justice. They argue that a moral economy of criminal justice is disrupted by market-driven concepts that are applied to organizational structures that surpass market operations, such as fiscal efficiency and establishing social order. Traditionally, the probation system was built on notions of friendship and a social work rationale, but has since been transformed into a system that effectively and efficiently administers punishment in the community; this "depersonalizing" of tendencies has led to colonizing policies and practices (Whitehead & Crawshaw, 2013). The overarching theme of this literature is that values of justice and morality have traditionally occurred outside of economic market mechanisms, but over time, capitalism and neoliberalist ideals have forced these processes to change together. The idea that tensions are present between human and economic interests in an economy is important to this research when discussing prison and punishment, particularly within a neoliberal society.

Some research has specifically looked at confinement from a moral economy lens, with the goal of highlighting tensions that exist between Canada's legal framework, the security logic, and the moral feelings that are involved in the use of detention (Lehalle, 2016). This study argues that detention is used as a remedy to hide or "fix" those deemed "other" through a process of

moral differentiation that dehumanizes certain individuals and groups and advances an “us versus them” ideology to legitimate the use of detention (Lehalle, 2016). In a society that produces criminal and administrative mechanisms to control, these mechanisms are defined by values, and if looking at this from the lens of moral economy, Lehalle (2016) argues that it “reveals how moral issues, through feelings and values, penetrate our representations, our practices, our policies and finally our standards of exclusion of certain individuals” (p. 489). Keeping with these findings, and this mutually constitutive approach to the moral subject and moral economy, my research builds on this by looking more broadly at punishment of the “other” (i.e. prisoners). It mirrors Lehalle’s (2016) approach to a moral economic analysis with a carceral lens; however, some punishment discourses may not exclusively focus on the use of incarceration.

In using the emerging literature for my research, and considering its critiques, the moral economy framework used in this project does not completely abandon an economic or political element to its approach and analysis of discourses around the transfer. This gap in conceptual rigour is filled with Weber’s (1905) notion of affinities. Since this research looked at punishment from the perspectives of various stakeholder discourses, and the ways in which claims are justified or opposed, these justifications have inherent economic implications given the costs and funding associated with any implementation of a policy or practice. This project also questioned how the emotions, values, and beliefs about justice that made up the social context of the case study impacted the ways justifications were used to support or oppose certain practices, thus satisfying Siméant’s (2015) critique that a moral economic analysis must look at how mobilizations occur and consider the relationships between the governed and the elite. Broadly,

this research examines how punishment and penal governance is conceptualized by the various stakeholders in Canada, and what the hegemonic conceptualizations are.

3.3. Analytical Tools

This research used three analytical tools to interpret the data. The first meso-level concept is the citizenship regime (Jenson & Phillips, 2001; Tonkens, 2012). The second tool are the micro-level concepts of feeling rules and framing rules (Hochschild, 1979), which I situate as part of the citizenship regime definition refined by Tonkens (2012). The third is Haidt's (2002) moral emotion categorisation, which allowed for the emotions found in the data to be linked with values, and then the broader moral economic lens. Each tool is defined, and their analytical purposes are explained in the following sections.

The Citizenship Regime

Jenson and Phillips (2001) conception of a citizenship regime was developed within an analysis of how the post-war citizenship regime, largely defined by the philosophy of welfarism, has been dismantled over time by the neoliberal agenda. Canada has seen a policy shift since the early 1970s where fiscal policies have become increasingly restrictive, the welfare state has been scaled-back, and economic and social inequality has proliferated (Smith, 2005). This dismantling of the welfare state has resulted in a "reduction of space in which citizens can act together as social and political citizens" (Jenson & Phillips, 2001, p. 71). This is due to individualism, what Smith (2005) suggests is defined by self-diagnosing the cause and solution for one's own problems. Therefore, collective efforts of citizens to engage in political discourses has weakened, as "the individual consumer/client/citizen has become the privileged political actor" (Smith, 2005, p.14). Poverty is seen as a personal failure and those who participate in the labour force are

legitimate actors, while those who cannot are seen as less than full citizens who are underserving of help (Smith, 2005).

With this contextual understanding of the Canadian political landscape, the citizenship regime means “the institutional arrangements, rules, and understandings that guide and shape concurrent policy decisions and expenditures of states, problem definitions by states and citizens, and claims-making by citizens” (Jenson & Phillips, 2001, p. 72). Jenson and Phillips (2001) emphasize that importance must be given to ideology, but also to the material practices of those ideologies. A citizenship regime will consist of identity rhetoric, and has its own understandings of what a “national”, “model citizen”, “second-class citizen” or “non-citizen” may look like, in accordance with its ideological beliefs. This inherently considers the ideas of patriotism, and the circulation of discourse that seeks to legitimize, or delegitimize certain values as “Canadian”. Jenson and Phillips (2001) do not present a typology of citizenship regimes; rather, they analyse the demise of the post-war citizenship regime over the late 20th century in the context of identity rhetoric, based on the entrenchment of neoliberalism in Canada. With this framework, the complexity of punishment discourses in social spaces, and how those discourses are connected to a notion of good or bad citizenship can be highlighted.

Tonkens (2012) work redefines the citizenship regime to include the consideration of norms, values, power and emotion. These components need to be seen to understand how citizenship regime ideologies manifest in a social space; to do this, Tonkens borrows from Hochschild’s work on emotions. Citizenship regimes are more than just ideologies, as they embody norms and values and are also defined by formal and informal institutional arrangements that are guided by the regime’s norms and values (Tonkens, 2012). They encompass the material practices of an ideology, thus, transcending beyond ideology as a concept. Using the conception

of citizenship regimes that incorporates Hochschild's notions of feeling and framing rules, and the dimensions of power and emotion, citizenship regimes are redefined as "the institutional arrangements, rules and understandings, and power relations that guide and shape current policy decisions, state expenditures, framing rules, feeling rules and claims-making by citizens" (Tonkens, 2012, p. 201; Jenson & Phillips, 2001). This conceptualization of citizenship regimes allowed me to categorise discourses based on feeling rules and framing rules, as well as the embedded emotions and values, and therefore to highlight the complexity of punishment in social spaces.

Feeling Rules and Framing Rules

At the micro-level of this framework, Hochschild's concepts of feeling and framing rules are important for understanding humans as sentient actors. They also help to understand humans and their emotional connection to their culture or subculture, their viewpoints, and their relationship to the world (Hochschild, 1975; 1979; 1990). Viewing humans as sentient actors means seeing them as both conscious and feeling, and by studying their emotions and feelings, we can understand how or why they do what they do, and think what they think (Hochschild; 1975). The discourses that circulate in our close communities and broader society, come from how we think and feel about the things we interact with. Feelings and emotions guide our responses to things, but are also reactions to those same things, be it a specific event, a story, or a conversation. Understandings of emotions have differed across academic disciplines. In the biological and psychological literature, emotions are considered to be processes of the brain as a result of hormone action, and are shared universally amongst humans (Tarlow, 2012). Whereas a constructivist view employed in sociology or linguistics situates emotions as personal rather than universal to all humans, as they can change based on social or cultural contexts and are learned,

rather than innate, reflexive biological responses (Tarlow, 2012). The latter is the approach used for this research.

Hochschild's work on emotions, feeling rules and social structure can act as a bridge from psychological and psychosocial ideas of emotions to sociological literature and the constitutive nature of feelings, emotions and social norms or values have on the broader structure. The symbolic work of giving meaning to things discursively creates structures that we subsequently inhabit and navigate (Carey, 2009). Framing rules refer to the cognitive, meaningful and interpretive frame in which feeling rules situate themselves (Tonkens, 2012). These rules are both expressed and experienced by different individuals, but are rooted in collective notions of a group, which inevitably differ between groups of individuals or societies (Tonkens, 2012). Framing rules are linked to one's ideologies, and are described as the rules that ascribe meanings or definitions to certain situations (Hochschild, 1979). Hochschild (1979) notes that framing rules, and the "right" to feel things (feeling rules), often differ across groups. There are three types of framing rules; *moral* (what is considered to be morally right), *pragmatic* (what is seen as possible), and *historical* (an historical frame to individually specific, or collectively-shared histories) (Hochschild, 2003, p. 116). Feeling rules are social guidelines that regulate how we try, or want, to feel in a certain situation. These feeling rules outline the latent social rules of feeling; they are not considered unless intentionally thought about (Hochschild, 1979). For example, these rules would ascribe the right to be angry at someone for causing you harm. They are used to evaluate the "appropriateness" of feelings and emotion, as they fit with framing rules. There is a typology that helps to frame how groups measure the appropriateness of feelings and emotions; *clinical* (what is expected for "normal" or "healthy" persons), *moral* (what is

considered to be morally legitimate), and *social-situational* (what is called for by the norms that are specific to situations) (Hochschild, 2003, p. 82).

To conclude, Hochschild's (1979) concept of "feeling rules" refers to this idea that different social situations expect certain responses and emotions (Hochschild, 1979). Framing rules" speak to the meanings and definitions that we ascribe to situations, which are inherently connected to ideology (Hochschild, 1979). This is important to this research as feeling and framing rules may differ across citizenship regimes and their discourse communities. Not only that, but the different feeling and framing rules used in response to a perceived social problem allow certain discourses to circulate in the political ideological climate. Feeling rules help us to understand how certain citizenship regime discourses argue how someone should feel about prisoners, the crimes they committed, and what treatment or punishment they deserve. Whereas framing rules would further the understanding of these discourses as they relate to a groups' ideology or citizenship regime (Tonkens, 2012; Jenson & Phillips, 2001), and why, or how, they feel justified in their feelings. As analytical tools, these concepts are grouped into their respective citizenship regime, within the broader context of the moral economy of punishment. These concepts, as they appear in the data, are also influenced by the social and moral complexity of the emotions that are the foundations of the framing rules and feeling rules in each citizenship regime. For example, someone who believes that the economy (and therefore the citizens who participate in the economy) would benefit from increased deregulation, in an already neoliberal society, would likely be extremely angered if the Government moved to nationalize the country's natural resources sector. Using these concepts to analyze this example, the individual's anger would be tied to a framing rule that sees government regulation of the economy as immoral (i.e. inconsistent with neoliberalism), and therefore against the hegemony of current society. Thus,

this person would fall into a citizenship regime that aligns with neoliberal hegemony, and would abide by feeling rules that expect anger as a response to attempts to regulate the natural resource sector.

Bringing these concepts back to the topic of punishment, one study that has operationalized this conceptual framework of feeling rules, framing rules and emotion work to analyze victim discourse surrounding support for the death penalty in homicide cases (Berns, 2009). This use of Hochschild's (1979) work was important for this research given that there are specific emotions, norms and values that are felt and believed in by certain citizenship regimes regarding crime, punishment, penal policies and practices. These concepts can also be used to assess differences based on political leanings and how their realities are constructed through their specific discourses. It can also tie in an understanding of the use of emotions in political discourse. Specifically, Berns (2009) uses the concept of "domain expansion" (that she later transforms into "emotion-domain expansion"), which is the idea that claims-makers will reconstruct an issue so that they can expand its scope for renewed interest from the outside (Best, 1987). What builds on this "domain expansion" are how these issues are framed in discourse to increase participation, through the use of emotions, in said movement (Snow, Rochford, Worden & Benford, 1986).

Emotions that are associated with justice and punitiveness have been explored in the social sciences. Generally, the social constructivist approach has been taken when studying emotions, for example through talking about emotions as constitutive of practice and where emotional discourse creates and gives meaning to things circulated in social life (Greco & Stenner, 2008). Rather than taking the reductionist approach to emotions in a positivist paradigm, viewing emotions as a construction understands them as "discursive dialogical

phenomena” (Greco & Stenner, 2008, p. 9). This framework is characterized as part of the “affective turn” and represents a post-deconstructive ontological approach to researching emotions (Greco & Stenner, 2008, pp. 9-10; Thrift, 2008).

Bringing this back to Hochschild’s concepts, feeling and framing rules understand emotions from an interactionist perspective, meaning that social factors permeate the emotional experience and their expression, but also influence labelling and the management of emotions (Hochschild, 1975). This management of emotions and our feelings becomes more difficult during rapid social change (Tonkens, 2012). Given these ideas about emotions, Hochschild’s feeling and framing rules help highlight the moral and social complexity of emotions (Tonkens, 2012). If we are to connect this conceptual duo to citizenship regimes (Jenson & Phillips, 2001), framing rules are the ‘problem definitions by citizens’, and feeling rules capture the power and emotional dimensions of these problem definitions (Tonkens, 2012).

Moral Emotions

Lastly, is Haidt’s (2002) families of moral emotions. Working from the understanding of emotions as subjective experiences that are learned and change within social and cultural contexts (Tarlow, 2012), moral emotions are defined as “those emotions that are linked to the interests or welfare either of society as a whole or at least of persons other than the judge or agent” (Haidt, 2002, p. 853). From an evolutionary perspective, Haidt (2002) says that what makes a moral emotion would be the difference in the emotional life of *homo sapiens* rather than that of *homo economicus*; whom is purely self-serving. However, the criteria for moral emotions do not need to relate to the nice or altruistic aspect of moral emotions, but to all the complex variations of emotions that morality depends upon. Whether their actions are nice or not does not constitute the criteria of a moral emotion, only if the actions are in pursuit of improving,

supporting or enforcing the perceived integrity of the social world constitute a moral emotion (Haidt, 2002). Haidt (2002) argues that there are two main components that are useful in identifying a moral emotion; the elicitor and the action tendency of the emotion. An elicitor is defined as an event that creates an emotional reaction (Haidt, 2002), such as viewing a disturbing crime scene image or the suffering of children. An action tendency follows the elicitor. Emotions that are experienced from the eliciting event motivate some sort of action in the individual (Haidt, 2002).

Within emotion families, there are positive and negative emotions that are related to the core emotions. It is the “*affect*” of the emotion that distinguishes whether it is positive or negative. The four emotion families are: “other-condemning” (whose main emotions are contempt, anger and disgust), “self-conscious” (whose main emotions are shame, embarrassment and guilt), “other-suffering” (whose main emotion is sympathy), and lastly “other-praising” (whose main emotions are awe and pride) (Haidt, 2002). This framework of moral emotions is used in this research to allow for emotions, their elicitors and action tendencies, along with the values they are linked with, to be analysed at the micro-level and then fed in to the broader moral economic lens through their respective citizenship regimes.

3.5. Conclusion

To connect these concepts back to the overarching framework, citizenship regimes, which are defined by the specific norms, values, power relations, and emotions within specific discourses, help advance an understanding of the political and ideological climate of the moral economy punishment in Canada. Looking at citizenship regimes that are engaged with by various stakeholders helps to answer this research’s guiding questions: how punishment is conceptualized in different ways, what the hegemonic views of punishment are in relation to the

political and ideological climate, and what emotions and values are used to make normative arguments for a certain conception of punishment. The identification of framing rules within specific citizenship regimes' punishment discourses are linked to rhetoric about citizenship identity, which is an important lens to use when theorizing about the responsibilities that the state and prisoners have to one another from the perspective of different citizenship regimes. From those framing rules, feeling rules and their constitutive emotions and values are identified and linked to broader moral emotion families that help shape normative arguments within the moral economy of punishment. These discursive components constitute discourse and become discourse communities. Thus, these discourse communities share framing and feeling rules, and pull from moral emotions to constitute a citizenship identity within a particular citizenship regime, in relation to punishment, penal policies and practices.

CHAPTER 4: METHODS

4.1. Introduction

This chapter describes the methods used to conduct this research and the rationale behind their use. The main research question asked how punishment is conceptualized by different stakeholders in Canada (e.g. members of the public, victims, political actors). This research also seeks to identify what the hegemonic view of punishment in Canada is, and how emotions and values are mobilized in different normative arguments in support of punishment practices. These research questions helped me to meet the goals of gaining a better understanding of how different stakeholders view how crime should be punished and what responsibilities society has to offenders (or prisoners), and offenders/prisoners have to society.

In order to answer these questions and achieve my research goals, I conducted a case study of the discourses advanced in relation to Terri-Lynne McClintic being transferred to the Okimaw Ohci Indigenous healing lodge in Saskatchewan in September of 2018. This particular case received national media attention and brought Canada's moral economy of punishment to the forefront of political discourse. The amount of news attention, social media interaction, and overall discursive stakeholder engagement pertaining to McClintic's transfer provided for sufficient data to be collected and analysed in relation to the moral economy of penalty and punishment as a social space. This data also allowed me to analyse in-depth how punishment is discursively constituted in Canadian public spaces.

McClintic's transfer to an Indigenous healing lodge occurred in September 2018 when the Correctional Service of Canada (CSC) moved her from a medium security wing of the multilevel security penitentiary Grand Valley Institution for women in Kitchener, Ontario, to a

medium-minimum security facility classified as an Indigenous healing lodge named Okimaw Ohci in Maple Creek, Saskatchewan. The complexities of why this event caused months-long debate can be summed up through one of the widely-held beliefs of many stakeholders, as represented in the dataset, that this transfer was an “injustice” (CBC Saskatchewan, 2018). Common sentiments were that a healing lodge is not a prison and the idea of a “child murderer” being imprisoned there was an affront to the imposed life sentence she received for murder and the rights of the victim. For context, Terri-Lynne McClintic is incarcerated for murdering Tori Stafford after abducting her from school in 2009. Terri-Lynne’s boyfriend at the time, Michael Rafferty, is also incarcerated for sexually assaulting Tori and taking part in her murder and the disposal of her body. A child being victimised through extreme physical and sexual violence by an adult couple is a deeply complex moral issue. McClintic’s transfer, which was perceived as a release from prison, was well-suited to a case study of the moral economy of penalty and punishment. A multitude of emotions and values were at play when analysing the discursive construction of punishment by stakeholders.

To meet the goals of this research, the various moral emotions (Haidt, 2002) circulating within discourse communities, the respective citizenship regimes and their rhetorical purpose(s), the identified different framing and feeling rules (Hochschild, 1979) at play within the citizenship regimes, are described and discussed in the analysis and conclusion chapters. By analysing the different ways in which punishment is constituted by various stakeholders within citizenship regimes, and through exploring the values and emotions mobilised throughout stakeholder discourses, this research sheds light on Canada’s moral economy of punishment in an increasingly neoliberal society. Throughout the rest of this chapter, I outline the

epistemological framework, the empirical material analysed, and the process of data collection and analysis.

4.2. Epistemological Framework

This project works from an epistemology inspired by Friedrich Nietzsche's perspectivism and the foundational understanding that knowledge and knowing is subjective rather than objective. Nietzsche argues that knowledge cannot be objective because we are not external to the material reality that we have perspectives on (Doyle, 2005). Further to this, in *Beyond Good and Evil*, Nietzsche makes the argument that any concept that we know emerges within a specific historical context, which we need to understand in order to make sense of the concept (Doyle, 2005; Nietzsche, 2003/1844-1990).

An epistemology that is informed by this theoretical understanding of knowledge is useful for my research because this methodology examines discourses from multiple perspectives (e.g. stakeholders in punishment) during a specific event (i.e. the transfer of Terri-Lynne McClintic to an Indigenous healing lodge) that brought the moral economy of punishment as a social space to the forefront. Further to this, in developing an integrated theoretical framework under the frame of moral economy requires perspectivism because of the historical context of the moral economy in literature and the need for analytical tools to further contextualize said moral economy. The stakeholder discourse examined in this research reveals how subjective knowledge forms as each stakeholder group mobilizes their own "truths" to debate in relation to the issue at hand; namely, the morality of penal policies, practices and punishment.

4.3. Empirical Material

This section of the Methods chapter outlines the key components of this research (e.g. discourses, stakeholders), the data sources and how the dataset was collected, the data's relative limitations, and finally the detailed steps of the analysis.

4.3.1. Stakeholders

I chose five main stakeholder groups to consider for data collection; members of the public, victims, the media, government actors and political actors. I had intended to include prisoners as a stakeholder group, but was unsuccessful in finding any representation of prisoners' views in the sources of data I was collecting.

As mentioned in Chapter 1, I separate political and government actors due to the understanding that political actors (e.g. Cabinet Ministers, Members of Parliament) do not speak for the Government of Canada, therefore, their discursive motivations are inherently politically driven and partisan. Discourses from government actors (e.g. public servants, Departmental officials) are intended to be bipartisan and not reflective of political agendas, but rather, their mandates and guiding legislation. The table below provides more details on what was classified under each stakeholder group.

4.3.1.1. Table 1	
Stakeholder Group	Examples
Victims	Rodney Stafford Terri-Lynne's adoptive brother <i>(remained anonymous in interviews)</i> Victim Advocates
Media	Newspaper articles Reporters/Journalists Media Interviews
Members of the Public	Online commenters Interviews with protestors, activists, etc.
Political Actors	Cabinet Ministers

	Members of Parliament (MPs)
Government Actors	Public Servants (<i>often referred to as Departmental officials in public communication</i>) “Bureaucrats”

4.3.2. Discourses

“People’s positions in the world are their positions in discourse, since the power to shape the world is, to a large degree, the power to shape how people talk about the world. People without a voice are often people without a shaping role in the world” (Johnstone, 2008, p. 129). This understanding of discourse guides the methodological approach taken in this project, as the sources of data are “discourse communities” (Johnstone, 2008) that are made up of their own truths, which all interact to then shape the world. Discourse communities are made up of a group of people who talk to each other on a regular basis about a specific topic or issue, or within a particular situation (Johnstone, 2008).

Discourse communities are not solely defined by the actors who take part in such community (i.e. stakeholders), but rather by the communities’ content (e.g. the government can be trusted to do its job of justice and punishment). However, who takes part in these discourse communities is an important aspect in understanding how discourses constituted punishment, but this aspect is not the defining feature.

Within the five stakeholder groups considered for this research, there are discourses, as well as discourse. “Discourses” are understood as a way of talking that create, or perpetuate, an ideology, whereas “discourse” is the stand-alone or singular piece of talk, writing, etc. (Johnstone, 2008). Within “discourse”, Johnstone (2008) has established a typology of written versus non-written discourse. Written discourse is more structured in nature, and would be found in books, newspaper articles, etc. (Johnstone, 2008). Non-written discourse is less structured in

nature, and is considered as more “random” or “chaotic”, and are viewed as “records of discourse” since we cannot analyse non-written discourse in real time (Johnstone, 2008). Online discourse (e.g. online comments) and oral discourse (e.g. interviews) are two main types of non-written discourse, because they tend to be less structured (i.e. random, chaotic) and we are only viewing records of the discourse, not analyzing the discourse in real time (Johnstone, 2008).

Next, I review the sources of data collected for this study.

4.3.3. Data Sources and Data Collection

News articles and interviews with various stakeholders that were conducted by journalists are a main source of discourse that I analysed. These sources were published between September 2018 and April 2019. Each data item was a news article from the source’s official website, which was retrieved and then converted into a PDF for coding and analysis. Depending on the source, this data can be considered as either written or non-written discourse. The words of the article are written discourse, whereas interviews that are embedded in the article are a source of non-written discourse. Broadly, these samples can be described as primary sources, which were collected and analyzed inductively within a case study research design (Suter, 2012).

1. The news media sources were collected from primarily national media companies (e.g. CBC, Global News) in an effort to reflect a pan-Canadian view of punishment discourses as they relate to McClintic’s case and transfer. The following table illustrates the media companies that articles were collected from:

<i>4.3.3.1. Table 2</i>		
Type	Source	Number of Articles
News Media Sources	CBC	5
	Global News	3
	CTV News	2
	National Post	1
	Kitchener Today	1

	Regina Leaderpost	1
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2. Hansard Transcripts are another main source of data, specifically as records for political actor discourses. Although a formal publication by the House of Commons, Hansard Transcripts are a form of non-written discourse because they are transcribed records of debates in the House. Thus, the discourse within these transcripts may be more “chaotic” and “random” in nature given that discourse is circulated verbally in a space specifically for the purposes of discussion and debate on various issues.
3. Online comments are the last main source of data that this research analyzes. These comments were pulled from the same online news articles that had commenting available. Four comment threads were included in the data; two from CBC articles and two from Global News articles. These threads were from news articles that would already be included in my sources. There were not comment threads for every news article that I collected, as the commenting feature had been disabled on many of them. Such threads would therefore include members of the public from all over the country given that all four threads were for articles published by national news companies. Comment threads were copied and pasted into Word documents and coded for analysis. Furthermore, these comments are from members of the public, who use the forum of open comment threads (after verifying their identity) to circulate non-written, online discourse. To be consistent, where comment threads under articles were available on news websites, all comments from the top five most popular threads were pulled from and analysed.
4. The types of sources, the quantity, and the discourse type are identified below in Table 3:

4.3.3.2. Table 3			
#	Source Type	Quantity	Discourse Type
1	News Media Sources	13	Written Discourse (articles) Oral Discourse (video interviews)
2	Hansard Transcripts	6	Oral Discourse
3	Online Comments	4 threads	Online Discourse

The data collection process occurred between the months of September 2018 and April 2019, and consisted of collecting news articles and relevant government documents (e.g. Hansard Transcripts) that were published throughout the duration of McClintic's transfer being a dominant story in the news cycles. Further to this, I collected data that included the various stakeholders' perspectives on punishment in an effort to find a wide range of views to inform my analyses. This project's data collection was completed when I accumulated 23 data items to make up the wider dataset (e.g. news articles, Hansards, comment threads).

4.3.4. Limitations

The most apparent limitation of the data is that the discourses represented therein are not representative of all Canadians, given that it is not possible to collect what every Canadian has said about the case at hand, the media can only interview so many individuals and tends to privilege victim discourses over others, and that the online discourses only provide a snapshot of the views of those who engage with these topics on social media. This also lends itself to the assumption that those discourses that are included in the dataset are from the actors that are the most vocal. Not only this, but by prioritizing the collection of data from sources that are national in scope (e.g. CBC, Government of Canada), the discourses that are analyzed only represent those who choose to engage with national news media and those at the highest levels of power. Viewpoints from Canadians that do not choose to comment on articles online, or provincial/territorial and municipal level political and government actors, are not captured. A

broader limitation of this research is that the intention and guiding morality of each individual stakeholder is only inferred through an analysis of their discourse and what was made public.

4.3.5. Data Analysis

The data analysis occurred across six phases, each of which were important in terms of the findings presented in the following chapter. The data analysis process was conducted inductively, in that I used my integrated theoretical framework and analytical tools (e.g. moral emotions, feeling rules, framing rules, etc.) to make conclusions from identified patterns and concepts (Suter, 2012). Induction also allowed me to group the various discourses into important components that demonstrate the moral economy of penalty and punishment as a social space constituted by various public discourses.

The first phase of analysis consisted of assigning colours to each stakeholder group in order to code their respective discourse. For example, the media was assigned orange and political actors were assigned blue. I also coded each of the 20 data sources according to the type of discourse that they represented (e.g. online discourse, written discourse, etc.), and laid that out in the first page of an Excel spreadsheet.

The second phase involved coding the discourses within the data, source by source, according to the speaker and the colour assigned to the speaker's stakeholder group. Any discourse from Public Safety Minister Ralph Goodale was highlighted blue, as an example. Following this, I identified framing rules and feeling rules within the highlighted discourses, and signaled which type of rule each was (e.g. moral framing rule, social-situational feeling rule).

The third phase of data analysis entailed creating "collections" of similar framing rules and feeling rules across stakeholder groups, which I recorded in a new spreadsheet page. This is where the method of determining discourse communities became visible within the process, and is also what helped inform the formation of the five citizenship regimes. For each collection,

framing rules were listed under Column A, and feeling rules were listed under Column C.

Columns B and D were used for listing the emotions and values that were present or reflected within each rule, where applicable. This was done in order to find themes or similarities in phase 4 of the analysis, and to present the implicit justification of the feeling and framing rule concepts and why the discourse was spoken/written.

Phase four of analysis involved deducting the emotions and values, then compiling them into the prevalent themes. For example, “tradition” was a value of more conservative-leaning discourses and “democracy” was a value of more centre and left-of-centre discourses. Figure 2.1 presents the moral emotion families that were prevalent in the data and their associated “positive or negative emotions”, and the themes of values for each citizenship regime. An example of this coding tool is shown below:

4.3.5.1. Figure 1			
<i>Framing Rule</i>	<i>Value(s)</i>	<i>Feeling Rule</i>	<i>Emotion(s), Value(s)</i>

The fourth phase allowed me to transition to the fifth phase, which involved establishing a “typology” of different citizenship regimes based on their preferred institutional arrangements, policies, practices, emotions, power dynamics, etc., as stipulated by Tonkens’ (2012) modified definition of citizenship regimes. There is a range of hegemonic discourses in the realm of penalty and punishment in Canada, and based on this data, each regime was determined and named according to the hegemonic spectrum that they fell on. The prevalent themes that were determined in this phase were then compiled into spreadsheet pages for each citizenship regime. An example of this coding tool is shown below:

4.3.5.2. Figure 1.1
Hegemonic Citizenship Regime

<i>Framing Rule</i>	<i>Value(s)</i>	<i>Feeling Rule</i>	<i>Emotion(s), Value(s)</i>
Reformist-Hegemonic Citizenship Regime			
<i>Framing Rule</i>	<i>Value(s)</i>	<i>Feeling Rule</i>	<i>Emotion(s), Value(s)</i>
Legal-Hegemonic Citizenship Regime			
<i>Framing Rule</i>	<i>Value(s)</i>	<i>Feeling Rule</i>	<i>Emotion(s), Value(s)</i>
Counter-Hegemonic Citizenship Regime			
<i>Framing Rule</i>	<i>Value(s)</i>	<i>Feeling Rule</i>	<i>Emotion(s), Value(s)</i>

The sixth and final phase of this research's data analysis involved determining the prominent discourse communities, and analyzing how the various citizenship regimes were engaged within these communities, in order to achieve the goal of understanding how the discourse communities constituted the social space of penalty in punishment.

4.3.6. Ethics and Rigour

Using Tracy's (2010) Eight "Big-Tent" Criteria, my research's methodology and its suitability within, and contributions to, criminological qualitative research was also evaluated.

The criteria are described as follows:

- *Worthy Topic*: The topic of this research is relevant and timely as Canada has seen tensions between the restraint and reliance on the use of imprisonment over the last two decades, in addition to an increased focus in criminological literature on public opinion, criminal justice and correctional policies, and punishment. Following the Harper era government, the Trudeau government was elected in 2015, promising various criminal justice and correctional policy reforms that would focus more on reintegration and diversion. In addition to this, the overrepresentation of Indigenous Peoples' in Canada's prisons, and the criminal justice system writ large, has been a large focus of the federal government and reform advocates. Therefore, this research is timely and relevant as it

critically engages with the punishment views of various stakeholders, the perceived purpose(s) of the criminal justice and correctional systems, and traditional Western versus Indigenous approaches to punishment. This research topic is also significant and interesting, as Terri-Lynne McClintic's transfer to Okimaw Ohci dominated the news cycle and political debates for weeks in late 2018.

- *Rich Rigour*: This research's methodology is rigorous in that it uses various theoretical constructs to classify, group, and analyze complex moral and emotional discourses on punishment. Its analytical framework provides rich analysis of two related components, under the umbrella of moral economy: (a) the discourse communities that engaged in the debates surrounding McClintic's transfer; and, (b) the citizenship regimes that participated in those discourse communities.
- *Sincerity*: This research is reflexive, as personal subjectivities and judgements were examined throughout the data analysis and peer-review processes. Thus, this research was strengthened by those processes by ensuring that my arguments are appropriately presented with evidence and examples. It is also transparent both in its methodology, which is detailed in this Chapter, as well as the challenges that I faced as a researcher on this topic.
- *Credibility*: This research is marked by rich analysis of complex discourses that reveal the moral, emotional, and political meanings of stakeholders' views on punishment. I use a multi-level analytical framework (i.e. macro, meso, and micro-level concepts) to code discourses and present my findings in a consistent and coherent manner. I also ensure that operationalized terms are defined, and values and emotions are labelled/identified according to their definition and appropriate position in the analytical framework.

- *Resonance*: This research topic is emotionally and morally rich, as well as relatable, as many people can find something to discuss, or reflect on at a personal level given that morality and emotions are universal experiences that have various subjectivities, often at odds with other groups or individuals. This research also makes generalizations that are based in data from everyday people who have a stake in how its country chooses to punish transgressors. It is also transferable by being relatable at the personal level, but also to criminology as it fills gaps in Canadian punishment literature. By viewing morality and emotions as contradictory, chaotic, and not uniform, this research sparks important conversations at the academic and interpersonal levels.
- *Significant Contribution*: This research links the concept of the citizenship regime, which would typically be used in citizenship or economic studies (Tonkens, 2021; Jenson & Phillips, 2001), to criminological literature by examining the complex relationship between citizens of neoliberal societies (as spectators and participators) and punishment. It also adds to Hochschild's (1979) concepts of framing rules and feeling rules by bringing them to the area of punishment and imprisonment, where they have not been well-mobilized. This research also provides significant moral and heuristic contributions, given that it reminds readers that morality is not always static or coherent, and it allows readers to reflect on their own subjectivities and how they may have engaged in debates around McClintic's transfer.
- *Ethical*: This research is ethical in uses culturally-appropriate language, and acknowledges the colonial relationship that exists between Canada and First Nations, Métis, and Inuit. With respect to using individuals' names when citing comments or interviews, I use names only when they were voluntarily posted or given.

- *Meaningful Coherence:* This research is coherent as it achieved what I intended to achieve (i.e. answered my research questions and met my research goals), through a rigorous analytical framework. It also connects seemingly unrelated literature into a broader criminological discussion on morality, punishment, and politics/governance.

4.4. Conclusion

To conclude, this chapter describes the methods used to conduct this research as well as the rationales behind those procedures. It describes the methods of collecting the data, how data items were distinguished by type, and the analytical tools that were used to analyse the data in pursuit of a moral economy understanding of punishment in a social space. Overall, this methodology works from an epistemological understanding of knowledge as subjective and Nietzsche's work on perspectivism. The next chapter presents the analysis in two major sections; the first presents the citizenship regime typology, each regime's internal logic and associated values and emotion. The second section then looks at the common discourse communities, described by their relative moral emotions, framing rules and feeling rules, and values mobilized throughout.

CHAPTER 5: ANALYSIS

5.1. Introduction

This chapter outlines the analysis and research findings that were generated through an inductive process of classifying citizenship regimes and identifying and understanding prominent discourse communities regarding Terri-Lynne McClintic's transfer to an Indigenous healing lodge. This analysis begins with an explanation of the four citizenship regimes that were identified within the data, a description of their internal logic, as well as the emotions and values that were mobilized within each discourse community. Figures demonstrating each citizenship regime's core values and emotions exhibited in the discourse communities are also included.

Following the outline of the citizenship regimes, I present each community of discourse, the emotions that were identified within it, and the values that are framed in specific ways by the various actors. Each actor's discourse is affiliated with one or more of the four citizenship regimes. The reason for this is that engagement with a discourse community, where emotions and values are circulated when discussing a specific social issue, constitutes a moral system that can be identified under a broader citizenship regime of similar discourses.

Situated within the frame of moral economy, this chapter highlights the internal deliberations about punishment, crime and victimization. Using the concept of citizenship regimes, which allowed for the data to be grouped into categories of emotions, values, and feeling rules and framing rules, various discourse communities were able to be identified within the broader moral economy of punishment. Furthermore, mobilizing the concept of citizenship regimes demonstrates the vertical link between the governed and the elite, which Siméant (2015) identified as a key element of a moral economic analysis. Through this lens, the moral economy

of punishment that citizens participate in is actively influenced by neoliberal governance and economics through a diffusion of hegemonic discourses about punishment.

5.2. Citizenship Regimes

There were four main citizenship regimes that engaged with the various discourse communities found through this research. The citizenship regime represents “the institutional arrangements, rules, and understandings that guide and shape concurrent policy decisions and expenditures of states, problem definitions by states and citizens, and claims-making by citizens” (Jenson & Phillips, 2001, p. 72). The citizenship regime gives importance to ideology, but also to the material practices of those ideologies. This research places those citizenship regimes along a continuum: hegemonic at one end, and counter-hegemonic at the other end. This scale of hegemony is rooted in two considerations that are reinforced by this research’s findings. The first relates to the idea that tough-on-crime rhetoric has diffused to other political parties beyond the traditional Conservative Party of Canada (Jackson & Stewart, 2010). The second consideration is the favouring of free will and rational choice discourses by conservatives (Mulrooney, 2017). From this discursive understanding of hegemony and punishment, the four citizenship regimes can be described.

The first, and most frequently followed, was the Hegemonic Citizenship Regime (HCR), which was used as a baseline for the other three citizenship regimes. The HCR can best be defined as a regime that is entrenched in neoliberalism and whose view of justice is rooted in ethnocentrism and patriotism, where victims’ rights are paramount above all else. The HCR is ethnocentric in the sense that it views Indigenous culture and practices in the realm of criminal justice to be inferior and illegitimate. It is also patriotic in the sense that the HCR’s encompassing ideology is situated as what Canada should follow, and where dissenters or rule-

breakers risk being seen as traitors. This citizenship regime is rooted in the responsabilization of subjects, whose claims are rooted in certain values or emotions. Overall, the prison is central to the HCR's conception of justice and is viewed as not being punitive or "tough" enough.

The Reformist-Hegemonic Citizenship Regime (RHCR) is similar to the HCR in that the prison is still central to a conception of justice; however, those that are imprisoned are viewed from a rehabilitative lens. The discourses falling into this regime see Indigenous culture and practices as legitimate and directly beneficial for Indigenous prisoners. Claims of the RHCR are loosely based in research and data, rather than values and emotions, such as the HCR – though, the values of equality, fairness and benevolence are present.

The Legal-Hegemonic Citizenship Regime (LHCR) is one that sees the law as objective truth, rather than a reflection of a dominant ideology. Most notably, this "objective truth" is that the law is used by different actors to advance specific ideologies and material practices. For example, actors whose discourses typically fall into the HCR and Counter-Hegemonic Citizenship Regime would often argue their side while using the law as justification. Thus, this regime can be best described as a vehicle by which ideological discourse is filtered in order to present an ideological claim as objective or universal.

Finally, the Counter-Hegemonic Citizenship Regime (CHCR) runs counterintuitive to the HCR. Notably, the most plentiful discourses, and discourse communities, are rooted in hegemony, while counter-hegemony was almost nonexistent in the data barring a few framing and feeling rules condemning engagement and circulation of hegemonic discourse. While the discourses from this regime were minimal, the regime values individual truths and looks to separate ideologically-driven emotions and politics from governance.

A breakdown of the four citizenship regimes' ideology and power relations and their associated values, moral emotions, and framing rules and feeling rules are presented in Figure 2.1 on pages 83-84. The following subsections present the emotions and values that were mobilized within each citizenship regime and which constitute unique discourse communities.

5.2.1. Hegemonic Citizenship Regime

Moral Emotions

In using the conceptual framework to establish moral emotions and their associated positive and negative secondary emotions, I was able to determine that this citizenship regime evokes emotions from across the moral emotion families, but mostly from the other-condemning family (e.g. anger, disgust, contempt). This family of moral emotions is seen as the “guardians of the moral order” that influences individuals to change their relationships with moral violators (Haidt, 2002). Examples include being angry about Terri-Lynne's transfer and arguing that others should feel angry about it if they are not already, or feelings of disgust and hatred towards McClintic, including that expressed by her adoptive brother. The second most common family of moral emotions was “other-praising” (e.g. fear(less), respect), which were used in interesting ways. Discourses from this citizenship regime that mobilized other-praising emotions such as and trust were used in a way that condemns “criminals” for violating people's trust. For example, in the article where McClintic's brother claimed that she is not Indigenous, one individual commented the following:

Allowing a criminal to “self-identify” – what could go wrong with that kind of gullibility? How about the correctional services identifies criminals as murderers, rapists, pedophiles just as the police and courts have done. (Laurie Weston, 2018)

In addition to the rhetorical purposes for condemning any sense of trust of criminals, was the use of shame (from the self-conscious moral emotions family) to argue that one should feel ashamed about such positive feelings towards “criminals” as they are unacceptable.

I have yet to understand why convicted killers elicit any sympathy in Canada. They gave up all their moral rights in society when they took an innocent and defenseless life (Bob Gillies, 2018).

This type of discourse is consistent with Berns' (2009) 'institutionalisation of closure' theme that sees advocacy for offenders as disrespectful to victims and incongruous with their rights.

Shame was also evoked by McClintic's brother when he stated that he felt ashamed to be related to her. Any feelings of sympathy or compassion towards criminals and not towards the victim(s) should also produce shame, according to the discourses in this regime. Other unassociated positive and negative emotions that were mobilized throughout this regime's discourses were grief from the victim's father, Rodney Stafford, who expressed that he hoped for closure by seeing McClintic's transfer be reversed. Also, as McClintic's transfer was often touted as a reflection of her freedom, any perception of enjoyment while incarcerated should never exist; it should only be suffering, which reinforces Lynch's (2002) findings in pro-death penalty discourse that removes empathy and humanity from a murderer while advocating for harsh punishment. Some individuals also felt that McClintic should come to terms with her punishment and *accept* being in prison, which implies that she is unremorseful, otherwise she would not have requested a transfer to a healing lodge. On the whole, this citizenship regime showed that certain emotions are appropriate (examples of a moral feeling rules) and expected to be felt in response to McClintic's transfer and her crimes more broadly.

Framing Rules and Feeling Rules

In addition to these particular moral emotion families, there were various framing rules and feeling rules expressed in discourses of the HCR; most of which were of the moral type (i.e. what is morally right/legitimate). I identified the following moral framing rules:

- Prisoners should not have rights, let alone equal rights to victims, as victims are more important;
 - *“I really have to question our Federal Government as to why convicted child murderers, such as Terri-Lynne McClintic, deserve more rights than their victims and law-abiding citizens” (Stafford in Dickinson, 2018).*
- Indigenous justice practices are illegitimate and make life “easy” for prisoners;
 - *“McClintic’s brother said his sister is trying to make her life easier while serving her sentence...” (Bimman, 2018).*
- Crimes against children are the gravest of all crimes;
 - *“When it comes to the vulnerable sector, there should be no lowered security for anybody who has committed crimes of this magnitude (Stafford, October 31, 2018).*
- Indigenous healing lodges are not real prisons and embody a sense of freedom for prisoners;
 - *“...was transferred to a healing lodge that does not even have fences.” (Rayes, 2018)*
 - *“...nine months ago, Tori Stafford’s killer was behind bars and today she is in a healing lodge.” (Scheer, 2018).*
- The federal government is the moral authority of the country;
 - *“Conservative MP for Cypress Hills-Grasslands David Anderson is sponsoring an e-petition that calls on the federal government ‘to exercise its moral, legal and political authority’ and reverse the decision to transfer McClintic to the healing lodge” (CBC Saskatchewan, 2018).*
- Morality and justice are not mutually exclusive;
 - *“It’s hard to understand how someone of your power and authority can sit back and continue to watch this injustice unfold, yet do nothing about it” (Stafford in CBC News, 2018).*
 - *“I ask the Prime Minister on behalf of Tori’s father and on behalf of Canadians to do the right thing...” (Clement, 2018).*
- A conservative approach to justice and punishment is right;
 - *“Under our Conservative government, we listened to Canadians and took steps to correct aspects of the judicial system that allowed for re-victimization, legislation such as the Victims Bill of Rights and life means life” (Finley, 2018).*
- Punishment of a prisoner should be what the victim wants their punishment to be.
 - *“I’m happy. I’m glad to know that justice is actually being served and, all the little steps we took to make this happen, it’s become reality, and she is back behind bars” (Stafford in Lamberink, 2019).*

These moral framing rules suggest an ethnocentric view that centers the Western prison as the only legitimate means of justice and punishment. This notion is furthered by one historical framing rule that suggests Indigenous prisoners get “preferential treatment” in the criminal justice system. These framing rules also assume that morality and justice exist from the same truth; one that originates from conservative ideology. It is also clear from these rules that prisoners are seen as subhuman, or not even human, given that they are viewed to be undeserving of equal rights, or any rights at all. This belief is further embodied by the language used to intentionally other McClintic (e.g. “convicted child murderer”) from the rest of Canadian society (e.g. victims, “law-abiding citizens”). Given these beliefs, stakeholders advancing the HCR view maintained that prisoners like McClintic should be subject to any unrestrained punishment deemed necessary for the purposes of meting out justice. This belief was further entrenched in the discourses around McClintic’s transfer by the framing rule that crimes against children are the most serious crimes. This inherent value in children is also consistent with Nils Christie’s (1986) work on the “ideal victim”.

A few moral feeling rules were also active in the hegemonic discourses that complement some of the aforementioned framing rules by attempting to explain why Canadians should be opposed to McClintic’s transfer:

- We should have respect and compassion for victims’ ideas of justice;
 - *“Face it, Canadian politicians generally seem to be not at all that much into protecting victims and honouring victims of crime” (Lieschen Mueller).*
- You should feel shame and embarrassment if you have any compassion for prisoners;
 - *“I have yet to understand why convicted killers elicit any sympathy in Canada. They gave up all their moral rights in society when they took an innocent and defenseless life” (Bob Gillies, 2018).*
- “Criminals” cannot be trusted;
 - *“That’s exactly what he says McClintic has done, and he called her an expert manipulator. I have no doubt [...] she went through the steps that she thought were necessary to remove herself from [a small prison cell], to what she thought whoever with a checklist wanted” (Anonymous in Bimman, 2018).*

- *Also see Brenda Foley Cook quote on p.62.*
- Prisoners, especially Terri-Lynne, should accept their fate because they brought this onto themselves/chose this path, and should therefore accept their punishment.
 - “[Terri-Lynne] took that option to commit the crime she did, and just do your time” (Stafford in Lamberink, 2019).

These feeling rules employ the moral emotion families of self-conscious (e.g. shame, embarrassment), other-suffering (e.g. compassion), and other-praising (e.g. trust, respect) in their claims-making. Importantly, other-praising emotions were used in feeling rules that favour victims over prisoners.

Values

Both of these rule categories are driven by implicit and explicit values. In general, discourses within this citizenship regime embody ideologies and power relations that favour conservatism, victims’ rights (broader human rights are conditional), ethnocentrism, patriotism and the inherent value or innocence of children. From there, framing and feeling rules were used in order to emphasize values that are important to achieving a moral economy based upon these ideologies and power relations.

I was able to identify eight core values from the HCR discourses: privacy, security, status quo, tradition, responsibility (or accountability), fundamental truth, universalism, and worthiness (or quality). These core values were identified by grouping the normative themes throughout the framing rule and feeling rules that made up the HCR. Each rule is based on a belief or value assessment; therefore, the core values were deduced from the common beliefs and value assessments that were identified amongst the discourses. For example, individuals spoke of the inherent *unworthiness* of “criminals” to highlight why victims’ rights are more important, or that prisoners do not *deserve* rights in general. How the value of worthiness and the innocence of children is applied to Tori Stafford versus Terri-Lynne McClintic by stakeholders can also

provide insight as to why victims' rights are deemed more important for those in the HCR. If children are seen as "ideal victims" (Christie, 1986), it is then obvious why there are intense emotional and moral reactions to the sexual assault and murder of Tori Stafford, and therefore to her murderers. This is not to downplay the atrocity and gravity of Tori's murder, but to show how morality and emotions are intertwined in the punishment discourses that are circulated as a response to her murder. Tori Stafford is seen as worthy (attributable to her age and innocence), whereas Terri-Lynne McClintic is entirely unworthy.

Additionally, Ethnocentric discourses were reinforced by arguing the perceived legitimacy of traditional Western practices (e.g. non-Indigenous prisons) versus the illegitimacy of Indigenous healing lodges. This could be seen as a moral macro-goal, where punishment is meant to confirm societal values (Orth, 2003).

5.2.2. Reformist-Hegemonic Citizenship Regime

Moral Emotions

Reformist discourses in this citizenship regime showed less emotion and only pulled from two of the moral emotion families: the other-condemning and other-praising families. The other-condemning family, or the "guardians of the moral order", consists of the emotions of anger, disgust and contempt in response to a stimulus that is perceived to be negative (Haidt, 2002). The other-praising family typically reflects the moral emotions that are felt in response to positively-viewed stimulus or moral exemplars that are said to motivate prosocial behaviour (Haidt, 2002). Haidt (2002) includes gratitude and awe/elevation as part of this family but acknowledges that limited research has been done on them as moral emotions. Given the criteria for inclusion in this family, I propose that fear/fearlessness, respect and love should be included in the other-praising moral emotion family.

From the other-condemning family, one example comes from an individual that argued that feelings of anger, bitterness, hate or vengeance from the public towards a specific prisoner is inappropriate; rather, only the victim(s) are entitled to expressing these feelings. This argument is an example of a social-situational feeling rule, because the speaker is arguing that it is inappropriate for those who are not the direct victim(s) to feel anger, bitterness, hate or vengeance towards an offender. I would argue that it is therefore a moral feeling rule due to the presence of the other-condemning moral emotion families in the rule itself.

From the other-praising moral emotion family, several individuals argued that those who are against the transfer should “trust” the system to do its job and to not assume that there was wrongdoing. For example, Rod McLeod (2018) wrote in the Regina Leader-Post that McClintic’s transfer to Okimaw Ohci had,

...brought into question the trust that we all need to have in Canada’s correctional system and the highly trained professionals who are tasked with taking on these very difficult convicted persons to assist them to become emotionally and maturely ready for the day they will be released back into society.

This is just one example of a moral feeling rule that centers trust in the system that is present in the discourses of the Reformist-Hegemonic Citizenship Regime. An unassociated emotionally-driven experience that was brought up by a journalist was that of *forgiveness*, where they asked Rodney Stafford if he could see himself ever forgiving McClintic and Rafferty for murdering his daughter. This question was the only time that forgiveness was brought up to Stafford directly. His response to the interviewer’s question of whether he could “find the room to forgive” was: “It’s hard to say. I don’t want to say yes, and I don’t want to say no, because, it’s just, I, it’s who I am. I don’t know I really don’t” (Stafford, 2018). While there is no clear answer from Stafford, this suggests that forgiveness is not entirely out of the question for him, but that it is not something at the forefront of his mind. The experience of forgiveness is one that is directed at

your offender rather than the harm (Haber, 1991), and is the process of moving past negative feelings and judgements of the offender so as to view them with a sense of compassion or benevolence (Ronel & Lebel, 2006; Enright & The Human Development Study Group, 1991). These examples are the extent of which emotions presented themselves in reformist-hegemonic discourses.

Framing Rules and Feeling Rules

The data also allowed me to identify the following two moral framing rules and one moral feeling rule. These rules were evoked in response to calls for interference in Terri-Lynne's case, in order to have the transfer to Okimaw Ohci reversed. The moral framing rules from the RHCR are as follows:

- The criminal justice system can do its job with professionalism, regarding justice and imprisonment;
 - *This is about the contrast between a party and a government that respects the rules and respects the independence of our judicial system, that appreciates the professionals of our correctional services, and a party of ambulance chasing politicians... (Trudeau, October 3, 2018).*
- Courts and correctional services should function independently from politics.
 - *The determination of appropriate sentencing must be left with the courts. That is justice. The determination of appropriate rehabilitation must be left with the professionals who serve in Canada's correctional system, not in the public forum of the House of Commons... (McLeod, 2018).*

These two moral framing rules highlight the RHCR's belief in the independence of the judicial branch, as well as the safeguarding of the public service from politics.

The accompanying feeling rule aims to dictate how people should feel towards McClintic's case, and the functioning of the political and non-political systems of government.

The moral feeling rule is as follows:

- The system (e.g. courts, correctional service) should be trusted to do its job.
 - *"...brought into question the trust that we all need to have in Canada's correctional system and the highly trained professionals who are tasked with taking on these very difficult convicted persons to assist them to become*

emotionally and maturely ready for the day they will be released back into society” McLeod (2018).

The first framing rule, which is social-situational, is based on the argument that the political debate around McClintic’s transfer and whether it should be reversed consisted of inappropriate emotionally-charged discourses. In the same vein, the feeling rule intimates a sense of trust in the court and correctional systems to carry out their work responsibilities properly and without political interference.

Values

The values that were characteristic of this citizenship regime confirm the liberal theory of punishment, in that they view the system, particularly the prison system, as the best instrument to reduce crime and achieve social cohesion. As done in the Hegemonic Citizenship Regime, core values were identified through a process of deduction by identifying the normative themes throughout the framing rule and feeling rules within this citizenship regime. The most prominent values were fairness, equality, honesty, logic and reason, security, diversity and benevolence. These values indicated ideologies that are pro-government, confidence in research and data, and were supportive of Indigenous rights and alternative forms of justice (e.g. culturally-appropriate programming). The discourses of this citizenship regime presented a much more compassionate view of prisoners, but still within the specter of the prison.

5.2.3. Legal Hegemonic Citizenship Regime

Moral Emotions

The discourses from this citizenship regime did not contain any explicit reference to emotions. Legal-hegemonic discourses within the data were presented as a rational way of thinking about Terri-Lynne’s transfer. The only hint of emotion within these discourses was the idea that the system, meaning the law, should be respected and trusted (emotions from the other-

praising moral emotion family). For example, in Question Period, Prime Minister Justin Trudeau argued that in Canada,

“...we live under the rule of law. Politicians do not get to make decisions in regard to the justice system. We respect the system.” (September 26, 2018)

This could either be considered a moral feeling rule, or an other-praising moral emotion.

Though, it could be argued that this is meant to be a rational response to believing that the law is right and good and therefore must be respected.

Framing Rules and Feeling Rules

When I say rational in the previous section on moral emotions, I mean this in the modern sense as the speakers of legal-hegemonic discourses seemed to believe that their arguments are purely rational and evidence-based. However, it is uncertain whether this was truly rational because many political actors who used discourses falling in the LHCR also used discourses that fall in the HCR, which contains a collection of very emotionally-charged discourses. Further to this, it may not have been rational or truly fact-based in the modern sense, because two incongruous arguments were being made in the name of the rule of law and democracy, neither of which had the same conclusion. On the one side, historical framing rules were employed from old cases of political interference by a Cabinet Minister, Prime Minister or even a Premier of a province into a case of one specific prisoner to justify why the Liberal government (at the time of the transfer) had the power to intervene and reverse McClintic's transfer. Thus, the historical framing rule sees political interference as appropriate simply because it had been done before. A pragmatic framing rule was used multiple times as well to say that the rule of law itself justifies the Minister of Public Safety or the Prime Minister, intervening in the case. For example, because the Minister of Public Safety is the head of the broader Public Safety Portfolio, which

includes the Correctional Service of Canada (CSC), Conservative MPs argued that the Minister has the authority to direct the Commissioner.

In opposition to this, the Liberal government flipped this pragmatic framing rule around and argued that the rule of law does not permit the Prime Minister nor the Minister of Public Safety to intervene in a specific prisoner's case. An official for CSC also made arguments using a pragmatic framing rule to say that intervention cannot occur because there are oversight mechanisms in place, such as the courts. These framing rules demonstrate how the legal-hegemonic discourses aim to present a "rational" way of thinking, despite many of the "rational" arguments having different conclusions, depending on who invoked the argument.

Values

Based on a deductive analysis of framing rules and feeling rules, the two core values of this citizenship regime were the rule of law and democracy. In addition to these values, this citizenship regime believes in the law as truth, bipartisanship of government, judicial impartiality and human rights. For example, some moral and pragmatic framing rules that demonstrate such values are as follows:

- *"Again, it's going to be tested through the courts, so you're asking me to then do the next step of what the courts would view that as. There are mechanisms in place... I mean, you're well aware. You're part of the parliamentary workings from which laws and so on get formulated. The present laws don't have those conditions within them."* (MacAulay, September 27, 2018)
- *"We also have a responsibility to let judges, the corrections commissioner and others who are involved in our justice and corrections system make decisions."* (Dube, October 3, 2018)
- *"I would indeed suggest that this is a moral issue. This is about the contrast between a party and a government that respects the rules and respects the independence of our judicial system, that appreciates the professionalism of our correctional services, and a party of ambulance-chasing politicians who are quite frankly demonstrating a contempt for the principles of law and debate in the House. It is inexcusable."* (Trudeau, October 3, 2018)
- *"The determination of appropriate sentencing must be left with the courts. That is justice."* (McLeod, 2018)

5.2.4. Counter-Hegemonic Citizenship Regime

Moral Emotions

This citizenship regime was similarly devoid of emotion. There were also very few discourses to analyse within this citizenship regime; however, one feeling rule and two framing rules were identified and are detailed in the subsequent section.

Framing Rules and Feeling Rules

A social-situational feeling rule used by the Liberal Party argued that emotionally-driven opinions and arguments are inappropriate in the political context.

Madam Speaker, he is right. This is absolutely gut-wrenching. However, it is so important for us to resist the emotional calls and to address difficult issues like this one with reason, deliberately and thoughtfully. That is exactly what we are going to do. (McCrimmon, October 2, 2018)

This statement was made during the House of Commons debate and was used to condemn the arguments being made by the Conservative Party, which was opposed to McClintic's transfer. In addition to this feeling rule, a moral framing rule was used to argue that one should not speak for others, and in particular, politicians should not be speaking in place of a victim or all victims.

"Mr. Speaker, the Conservatives continue to play a very dangerous, and quite frankly, repulsive game of politicizing a tragedy and speaking for others who they have no business speaking for" (Trudeau, October 3, 2018).

Another moral framing rule was used by the Prime Minister to argue that using one's political power in hopes of a specific outcome is inappropriate, especially when it is emotionally-driven.

Mr. Speaker, once again, the Conservatives are showing that they will not let the facts get in the way of a political opportunity, and that is a real challenge for them and for Canadians watching. (Trudeau, October 3, 2018)

MP McLeod (2018) invoked a moral framing rule that condemned basing legislation and policies on negatively-charged emotions, stating: *"I am opposed to public legislation being developed based on public outrage, which comes from anger, bitterness and a wish to get even."*

Values

Through a deductive analysis of the aforementioned feeling and framing rules, I determined that the core values of this citizenship regime were honesty and logic/reason. For example, when Prime Minister Trudeau argues that the Conservatives are ignoring facts and using the case as a political opportunity, this suggests that the Conservatives are being dishonest about their motives for bringing forward concerns with McClintic's transfer, and that the concerns are not based in logic or reason. Similarly, when Liberal MP Karen McCrimmon stated that "it is so important for us to resist the emotional calls and to address difficult issues like this one with reason, deliberately and thoughtfully", this reinforces the value of logic and reasoning when emphasizing the need to put aside intense emotions in the face of this transfer of a very high profile prisoner.

5.2.5. Conclusion

The following tables summarize the stakeholders that affiliated with each citizenship regime (Figure 1), as well as the moral emotions, framing rules and feeling rules, and core values of each of the four citizenship regimes (Figure 1.1).

<i>5.2.5.1. Figure 2</i>			
Hegemonic Citizenship Regime	Reformist- Hegemonic Citizenship Regime	Legal-Hegemonic Citizenship Regime	Counter-Hegemonic Citizenship Regime
Political Actors - <i>Conservative</i> Victims Members of the Public	Members of the Public Government Actors Political Actors – <i>Liberal</i> <i>New Democratic Party</i> (NDP) <i>Green Party</i>	Political Actors – <i>Conservative</i> Political Actors – <i>Liberal</i> <i>NDP</i> Government Actors Members of the Public	Political Actors – <i>Liberal</i> <i>Green Party</i>

5.2.5.2. Figure 2.1

Citizenship Regime	Ideology & Power Relations	Framing Rules	Feeling Rules	Values	(Moral) Emotions
Hegemonic	Conservatism Victim's Rights Human Rights not Absolute Ethnocentrism Patriotism Value and Innocence of Children	<i>Moral:</i> Prisoners should not have rights, let alone equal rights to victims, as victims are more important; Indigenous justice practices are illegitimate and make life "easy" for prisoners; Crimes against children are the most grave (i.e. ideal victims); Indigenous healing lodges are not real prisons and embody a sense of freedom for prisoners; The federal government is the moral authority of the country; Morality and justice are not mutually exclusive; A conservative approach to justice and punishment is right; and, Punishment of a prisoner should be what the victim wants their punishment to be.	<i>Moral:</i> We should have respect and compassion for victims' ideas of justice; "Criminals" cannot be trusted; <i>Social-Situational:</i> You should feel shame and embarrassment if you have any compassion for prisoners; Prisoners, especially Terri-Lynne, should accept their fate and punishment because they brought this onto themselves/chose this path.	Privacy Security Status Quo Tradition Responsibility/Accountability (Fundamental) Truth Universalism Worthiness/Quality	1. <i>Other-Condemning:</i> Anger Distrust Hatred 2. <i>Other-Praising:</i> Respect Trust 3. <i>Self-Conscious:</i> Shame 4. <i>Other-Suffering</i> Suffering 5. <i>Other Positive/Negative Emotions:</i> Closure Enjoyment Acceptance
	Pro-Government Welfarism	<i>Moral:</i>	<i>Moral:</i>	Fairness Equality	1. <i>Other-Condemning:</i> Anger Bitterness

Reformist-Hegemonic	Liberalism Indigenous Rights/Justice Judicial Independence Separation of Powers	The criminal justice system can do its job with professionalism, re: justice and imprisonment; and, Courts and correctional services should function independently from politics	Trust the system to do its job (e.g. correctional service, courts).	Honesty Logic/Reason Science Security Diversity Benevolence	Hate Vengeance 2. <i>Other-Praising</i>: Trust
Legal-Hegemonic	Bipartisanship of Government Judicial Impartiality Human Rights	<i>Moral</i>: The law is objective truth; <i>Historical</i>: Political interference in individual cases must be based on precedence of similar action <i>Pragmatic</i>: Legal authority to act covers political interference in individual cases; The rule of law prohibits political interference in individual cases; and, Independent oversight intends to discourage political interference in individual cases.	None	Rule of Law Democracy Rationality	1. <i>Other-Praising</i>: Trust Respect
Counter-Hegemonic	Listening to Others Facts	<i>Moral</i>: No one should speak for another; Political capital should not be levied for personal or political gain; and, Public legislation should not be based in emotionally-charged discourses.	<i>Social-Situational</i>: Emotionally-driven opinions and arguments are inappropriate in politics	Honesty Logic/Reason	None.

5.3. Discourse Communities

This section of the analysis shows how the four citizenship regimes interacted within the main discourse communities that were found in the data. With an understanding of how the power relations and ideologies manifest in framing rules, feeling rules, values and moral emotions in each citizenship regime, the participation in various discourse communities can be better understood.

Discourse communities are made up of a group of people who talk to each other on a specific topic or issue, within a particular situation (Johnstone, 2008). This section of the analysis describes, in detail, the main communities of discourse that were present in the data through three main components. The first component is the various emotions circulated within the community and their rhetorical purposes. The second component is the collection of framing and feeling rules circulated in the community's topic. The last component is the values that were mobilized or evoked throughout the discourses.

Prior to the analysis of the prominent discourse communities, the citizenship regime typology is outlined by each type's internal logic, and the values and the emotions that are attached to them. Some values are similar across citizenship regime types, but are understood and mobilized in different ways. Other values are different across citizenship regimes and contribute to each's conception of power and ideology. As for emotions, and specifically moral emotions, I present many of the same emotions across the citizenship regime types, taking care to explain how the emotions' function, role, source, aims, and justification(s) are unique to each regime. These differences help us to unpack the circulation of hegemonic discourses around punishment, and how these discourses are debated amongst the elite and the governed within a neoliberal society.

i. *Indigenous healing lodges are not prisons.*

The first community that this chapter covers is the one that debated what a “legitimate” prison is, in the context of McClintic’s transfer to Okimaw Ohci. Four statements appeared throughout the data that characterize the majority of the discourse communities as debates about Western justice versus Indigenous justice. These statements were: “Send her back”, “back behind bars”, “return McClintic back to prison”, and “proper prison”. These statements appeared 23 times throughout the data, with the “back behind bars” statement being the most common at 14 appearances. “Proper prison” was used interchangeably with “traditional prison”, as well. The core purpose of such statements is to differentiate between non-Indigenous and Indigenous carceral settings and to suggest that healing lodges are not prisons. Interestingly, none of the discourses acknowledged that both types of institutions are prisons at their core and are both run by the Correctional Service of Canada (CSC). There are guards at both facilities, broad surveillance, and at neither institution are prisoners allowed to leave until they are formally released on parole or statutory release. The only difference is that there are not cells with metal bars in the healing lodge (Stefanovich, 2018). These discourses use powerful punishment imagery that is consistent with dissatisfaction with the reality of crime and punishment in Canada, in order to frame the Government as failing to tackle egregious crimes (Kohm, 2009).

There were three core themes to the discourses within this community. The first is the descriptions that are used in attempts to distinguish healing lodges from the “proper prison”. For example:

- *“The prison system reports to the Minister of Public Safety. Terri-Lynne McClintic needs to be behind bars and surrounded by razor wire, not by trees and children” (Kusie, September 28, 2018).*
- *“...Terri-Lynne McClintic and her release to a local wellness centre in Saskatchewan” (Eglinski, November 6, 2018);*

- *“The two made national headlines last year when it was discovered that McClintic was transferred to a Saskatchewan healing lodge (she was moved back into prison following public outrage)” (Lamberink, 2019).*

The second theme focuses on the treatment and programming available at healing lodges. Individuals discuss the treatment and programming offered at Okimaw Ohci and why it is not appropriate for McClintic. For example, her brother discusses in the Global News interview the “privilege” that was afforded to McClintic at Okimaw Ohci:

“Do I agree that Terri-Lynne needs psychological help? Absolutely. Do I feel that being in a healing centre in Saskatchewan for Indigenous people is the place for her to do it? No! You know they talk about some of the things that you do at that centre; you adopt the customs, you adopt the culture, why is she given that privilege? As a convicted murderer your day-to-day life should be spent in your five-by-ten cell...” (Anonymous in Bimman, 2018).

Using the values of fairness and worthiness, McClintic’s brother engages hegemonic discourses that seek to characterize Okimaw Ohci (and other Indigenous facilities) as an illegitimate penal institution particularly for those serving sentences for serious crimes like murder. By characterizing this transfer as a privilege also suggests that this facility is an easier place to spend time and that, given the seriousness of her crimes and her non-Indigenous identity, it is unfair that she was sent there. Online commenters also discussed the appropriate kind of institution McClintic should be in:

“Anonymous: I have no doubt... she went through the steps that she thought were necessary to remove herself from [a small prison cell] to do what she thought whoever with a checklist wanted.

Bimman: You sound angry about that.

Anonymous: I absolutely am. You deserve bread and water and to suffer.”

It is important to highlight the use of emotion in this exchange. Anger, an other-condemning moral emotion, is used by Bimman to elicit an emotional response from the brother, which may have been an effort to connect him with Global News’ viewers, or to further drive home the

unpleasant and guttural feelings being experienced due to McClintic's transfer to Okimaw Ohci. By suggesting that the brother feels anger, which he confirms, is to suggest that he would no longer be angry if McClintic was suffering in a prison. In other words, those against this transfer would experience positive emotions if she was suffering the way they hoped, which confers with the idea of the media subtly directing audiences to emotionally align with victims (Peelo, 2016). While suffering can often elicit compassion or sympathy, this use of suffering in a moral feeling rule characterizes suffering as a desired outcome. This exchange highlights the desire to exclude, and even brutalize, those that are deemed worthy of exclusion. Fairness, even equality, are thus only afforded to those who are included. This belief is dissonant with the value of fairness in sentencing and punishment that is characteristic of Canada's liberal theory of punishment.

In contrast to these sentiments, other discourses tried to counter this notion that healing lodges are easy time;

"I hope that Canadians don't think that healing lodges are a cake walk, [be]cause they're not" (Pettigrew in Bimman, 2019).

This is an attempt to counter the claims that due to the healing lodge's infrastructure, it is still a difficult place to be.

The third theme of this discourse community focuses on security of healing lodges versus prisons.

- *"When it comes to the vulnerable sector, there should be no lowered security for anybody who has committed crimes of this magnitude... But it's well worth fighting for. It's not just about myself and my family anymore. It's about making it safer for everybody's family" (Stafford, R. in CBC London, 2018);*
- *"...a woman who was convicted of the rape and first degree murder of an eight-year-old was transferred to a healing lodge that does not even have fences. Security is so lax, that there were 18 recorded escapes from this type of facility between 2011 and 2016" (Rayes, October 3, 2018).*

This narrative suggests that one of the obligation(s) of the prison is to keep families and communities safe, and in order to do so legitimately, prisons should be high security, with perimeter fences. The obligation of the prison is to keep the “dangerous other” away from law-abiding citizens. Such finding is consistent with Orth’s (2003) instrumental macro-goal of using punishment as a means of ensuring societal security, which is used to ameliorate fear of future offending.

Overall, this discourse community discusses the “proper” role and function of prisons, which sets the baseline for the remaining discourse communities identified in the dataset.

The following discourse communities touch on the appropriateness of Terri-Lynne being in a healing lodge, what justice looks like, the roles and responsibilities of the government and the criminal justice system, as well as human rights in the context of crime and punishment.

ii. *Terri-Lynne McClintic does not belong in a healing lodge*

The discourses within this community were mainly circulated by those within the Hegemonic Citizenship Regime, especially by conservative political actors, victims (i.e. Rodney Stafford, McClintic’s brother) and some members of the public. This discourse community builds on the first discourse community that distinguishes healing lodges from “conventional prisons”, but uses specific language to explain that if healing lodges are not prisons, then these are the reasons why McClintic should not be at Okimaw Ohci. Some arguments for why she did not belong there did not contain any explicit reason or justification other than the belief that McClintic should be excluded from such an institution. For example, a Conservative MP, stated that the Liberal government should,

“...move McClintic to the medium-high security prison where she belongs” (Finley, 2018).

Taking the legal-hegemonic angle, Michael Cooper, (2018) another Conservative MP, argued that the,

“[Minister of Public Safety] has the authority to put McClintic back where she belongs”.

Other Conservative MPs, as well as Rodney Stafford, attached the reasoning for McClintic not “belonging” at Okimaw Ohci to her being a “convicted killer”, and more specifically, a killer whose victim was a child (an ideal victim), thus, highlighting the inherent value of children within society:

- *“The fact that this killer is in a healing lodge, which is not where child killers should be” (Bergen, 2018);*
- *“That might be where someone with bad practices might go, but not someone who is an atrocious, evil child killer” (Rempel, 2018);*
- *“I am just asking you to do what is right and return these two convicted killers back to where they rightfully belong. In maximum security, behind bars, for life” (Rodney Stafford, January 14/2019); and,*
- *“A convicted killer was moved somewhere she doesn’t belong and I want to do everything I can to put her back because it’s not right... Terri-Lynne’s got to go back to max security where she belongs” (Stafford, R. in DeClerq, 2019).*

These are examples of Conservatives favouring correctional policies that emphasize exclusion and punishment based on free will and rational choice discourses (Mulrooney, 2017).

McClintic’s brother made similar arguments as to why he does not believe her, “a convicted murderer”, belongs in Okimaw Ohci:

“As a convicted murderer your day to day life should be spent in your five-by-ten cell looking at your four walls, your ‘hots and cot’ and that’s it. You don’t deserve anything else. You deserve bread and water and to suffer. To suffer like Tori’s parents have suffered. Like her family has suffered. Like Tori has suffered.” (in Bimman, 2018)

Seemingly driven by feelings of retribution and vengeance, her brother uses a moral feeling rule when arguing that suffering is appropriate for her because she is a “convicted murderer” and that this healing lodge is not a sufficient facility for making her suffer. A small cell with minimal

food and water are identified as the appropriate conditions for ensuring her suffering. From the perspective of moral economy, this argument views the prison as a place of necessary suffering, where there are no responsibilities of the state to those that are held there.

Other members of the public, Rodney Stafford, and McClintic's brother, also extended their argument against her being at Okimaw Ohci to include opinions on Indigeneity and culturally-specific programming that CSC offers. For example, McClintic's brother said that,

"She is no more Indigenous than I am green from Planet Mars... With what I know about Terri-Lynne, Terri-Lynne is taking a bed away from somebody that could benefit from it" (in Bimman, 2018).

In addition to this, he stated that "healing lodges can be beneficial", but she should not be in one because she does not belong there (Bimman, 2018). These discourses from her brother suggest that, not only because she has been convicted of murdering a child, she is not Indigenous and therefore does not belong. He also suggested that she is 'unfixable' and only deserves to suffer.

One of the organizers of the protests led by Rodney Stafford argued something similar to this rhetoric of being unfixable. Penny Steinkey stated in an interview that,

"[Terri-Lynne]'s going to get Aboriginal healing there, but not the psychological help I think she needs" (CBC Saskatchewan, 2018).

Whether Steinkey believes that Indigenous healing practices are illegitimate, or just that they are not "rigorous" enough for McClintic, she suggests that McClintic is not "fixable" at this healing lodge. By seeing a distinction between a "real" prison and Okimaw Ohci, these discourses about being "fixable" suggest that prison is where those who are not fixable should be sent. They are to be excluded from society if they are not willing or capable of reformation, a consequence of confirming societal values through punishment (Orth, 2003).

A comment from a member of the public under a CBC article about people protesting the transfer suggests that this belief that Terri-Lynne did not “belong” at Okimaw Ohci is not just an individual problem and should warrant more concern from the government:

“No, it is not necessary for the government to tell Corrections what to do with ‘a single inmate’. The McClintic case points to a systemic problem. The feds should tell Corrections that no offender who has victimized children should serve any part of their sentence in any facility where children are allowed to reside, such as the healing lodge where McClintic is living. They should also stipulate that only offenders with Indigenous status are eligible to transfer to healing lodges. By making those common-sense policy changes for all offenders, they would incidentally ensure that McClintic was put back in a proper prison” (Aaron Lane, 2018).

This comment draws on previous arguments made by Rodney Stafford, McClintic’s brother, and others, which suggest that prisoners who have an offence history against children, and particularly those who are non-Indigenous, should never be considered for placement in an Indigenous healing lodge. Further to this, the argument in the above quote that “no offender who has victimized children should serve any part of their sentence in any facility where children are allowed to reside” is in reference to CSC’s Institutional Child-Mother Program. For additional context, this program’s purpose is defined by CSC as “To foster positive relationships between federally incarcerated mothers and their child, by keeping them together where appropriate, and providing a supportive environment that promotes stability and continuity for the mother-child relationship” (Correctional Service Canada, 2020).

These arguments fall most neatly within the Hegemonic Citizenship Regime, which commonly sees prisoners as the “other” and deserving of less rights (if any), and that Indigenous justice practices are not adequate for their Western beliefs of what should happen to those convicted of murdering children.

In contrast to these hegemonic discourses, but in agreement with the argument that non-Indigenous women should not be in healing lodges, an Indigenous individual posted a comment that reads:

“Shame on CSC! We Indigenous have fought to be who we are and have proven time and time to the government who we are but you let some convicted white woman claim she is with no proof and use our healing lodge? Shame on the government” (Carolyn Klassen, 2018).

While still centering the use of a penal institution (that is modified to administer culturally-specific programming) this comment would fall within the Reformist-Hegemonic Citizenship Regime (RHCR). This is because this individual is supportive of Indigenous justice practices and believes in Indigenous peoples’ rights to access them, but feels that white prisoners being given access to such practices is unfair. Within the moral economy, the RHCR believes that Indigenous services and facilities have a responsibility to Indigenous people first and foremost. The commenter employs the emotion of shame from the self-conscious moral emotion family to morally condemn McClintic for being at Okimaw Ohci.

Other reformist-hegemonic discourses used fact-based statements to argue why McClintic was allowed to be at Okimaw Ohci and therefore, belonged there. Abigail Bimman (2018), when interviewing CSC officials, stated that,

“After a review, McClintic was transferred out and policies changed, but today CSC tells Global News the rules at the time meant she had every right to be there”. From that interview, a CSC official stated that, “It is not accurate to say there was a mistake made in that case” (Mosey in Bimman, 2018).

These two statements differ in a significant way from the previous hegemonic discourses. The reformist-hegemonic arguments use fact-based, pragmatic framing rules to explain whether or not she belonged at the healing lodge; there are no emotions present in these statements, and there is no political leaning evident in the discourses themselves. Contrarily, hegemonic discourses exclusively used moral framing rules and moral feeling rules to illustrate their

position on why McClintic did not belong. Comparing these discourses with one another reveal that this discourse community is not necessarily debating whether she belonged there, but rather whether she *should have* or *could have* been there. The former is the crux of the moral argument in this community of discourses, which is expanded upon in the next community.

iii. *Terri-Lynne McClintic's transfer to the healing lodge was an injustice*

Harnessing the “should” aspect of this argument, this discourse community turns the moral debate to conceptions of justice, as well as the role of the (Western) prison in this pursuit of justice. This discourse community focuses on what “justice” looks like in the case of Victoria Stafford’s murder. For example, for Rodney Stafford, this looks like McClintic in a medium (preferably maximum security) prison with fences and barred cells:

“Terri-Lynne’s got to go to maximum security where she belongs. My little girl Victoria deserves so much better and deserves justice” (Stafford, R. in CBC News, 2018)

“A month and a half later, I have a nation of support. It just goes to show that one person can actually make a difference” (Stafford, R. in CBC News, 2018)

The phrase “make a difference” suggests that there is a problem needing to be remedied, such as norms and obligations that are not being met, or that someone or something is failing justice. These norms and obligations to justice are held by the federal government, as suggested by David Anderson, a Conservative MP, who publicly endorsed an e-petition that called for the government “to exercise its moral, legal and political authority” and reverse McClintic’s transfer to Okimaw Ohci (Anderson, D. in CBC Saskatchewan, 2018). To argue that the Government is a moral, legal and political authority, is to say that these three concepts are mutually inclusive; they depend on one another and are all based on the same beliefs. Therefore, this view intimates that the transfer was an injustice because it infringed on these beliefs; thus, the federal government was not fulfilling its right and responsibilities to others in the moral economy.

In speaking to the Commissioner of CSC, Anne Kelly, at the House of Commons Standing Committee on Public Safety and National Security (SECU), Candice Bergen (Conservative MP) pressed the Commissioner about McClintic's transfer and why she had not reversed it. She stated,

"I will leave my questions around how in the world anybody could see that this would be a fair and legitimate decision to make, because that is not my question at this point. I think it's clear that Canadians are outraged. It's clear that the family doesn't understand how this could happen" (Bergen, September 27, 2018).

This statement positions the transfer as a moral failure of the government, a neglect of their responsibilities to victims and to the broader public in pursuit of justice. Rodney Stafford felt this failure too in his letter to the Prime Minister asking him to reverse the transfer, where he wrote,

"God bless and I pray for you to do the right thing, which is to ensure this injustice is reversed and a child killer is returned to prison to finish her sentence behind bars" (Stafford in Dickinson, 2018).

A member of the public commented the following, also suggesting the moral failing of the government;

"Let's see... So people can kill kids and not go to prison for murder!!!! Wow... these healing lodges are a fucking joke!!! Whatever happened to the justice system!!??? You do a crime or commit murder you should be in jail where you belong" (Melissa Armstrong, 2019).

These discourses fall within a moral absolutist belief that justice, and knowing right from wrong, are universally understood to followed. They also embody what Armour (2002) observed as the feeling of victims that their rights are being subsumed by the public agenda, making them feel secondary to the state. Anything that diverges from the parameters of this type of moral economy is therefore a moral failure. By believing in this universal truth, and seeing something that goes against this truth, the discourse transforms into a discourse about justice and morality.

From the reformist-hegemonic view, it was argued that this transfer could not possibly be an injustice, because it was not a part of the trial in court. For example, McLeod (2018) wrote an

online article explaining why they disagreed with the movement behind Stafford and their calls to action:

I feel compelled to give a different view regarding the ongoing issues surrounding the public outcry regarding Terri-Lynne McClintic's 'sentence and rehabilitation'. The issue is led by Tori Stafford's father, who I readily understand has suffered greatly in his daughter's murder. He is seeking justice for his daughter. I do not know what he means by 'getting justice for Tori'. In my mind, justice has been served in that she (and the male accomplice) were caught and tried in court. Terri-Lynne pleaded guilty and was given the maximum sentence under the law.

McLeod also condemned the "courts of public opinion" and their involvement in this case:

From what I can gain from Mr. Stafford, those who are supporting him and others in our federal government, justice means 'getting even', 'an eye for an eye', 'lock her up for good'. It means taking the anger which came from Tori's senseless murder and turning it into bitterness and a campaign of hate.

This argument employs both a moral framing rule and a moral feeling rule. The latter sentence depicts the moral feeling rule, which deems the public's anger as being inappropriately used to fuel bitterness and hate towards McClintic. The writer does not think it is appropriate to mix emotion and governance. The moral framing rule that accompanies this feeling rule problematizes a vindictive or retributive justice. It also seemingly takes issue with indeterminate imprisonment, which is considered disproportionate in a liberal theory of punishment. Together, McLeod (2018) seems to argue that these inappropriate feelings from the public (i.e. anger, bitterness, hate), which are all related to the other-condemning moral emotion family, feed into retributive justice. This is consistent with emotions of revenge, fear and guilt, which are linked to the punishment micro-goals of victim status recognition and retaliation (Orth, 2003). McLeod (2018) problematizes victim goals being subsumed by other members of the public, who he views as irrelevant to McClintic's case. This discourse differs in that it discusses what justice should not be, even if we are not content with an outcome. This is a normative statement, that

government's business of getting justice ends once an offender is sentenced. Any intervention afterwards, particularly one fueled by negative emotions, is morally unjust.

Not only does this discourse community show the general belief that the Liberal government is a moral failure, it focuses on what could be seen as sentencing and punishment being administered in private, and therefore not reflecting the public moral sensibility (Kerr, 2017). It is important to remember that the majority of these discourses are created under the belief of an abstract moral code. Obviously, this was contested by McLeod (2018); however, it highlights how McClintic's transfer was a springboard for political discourses on penal governance.

iv. *The Trudeau government needs to "do the right thing"*

This discourse community debated morality and justice in the context of McClintic's placement at Okimaw Ohci. Much of this discourse was paralleled with the previous discourse community calling the transfer an "injustice". These people are trying to convince listeners, or readers, of why Rodney Stafford is on the right side of the issue, based in morality, and that this unjust transfer must be reversed. To reverse the transfer, is to do the right thing. It is to be morally righteous. For example, one of Rodney Stafford's protest co-organizers told a CSC reporter:

What we really want is for people to understand what's going on, to support Rodney Stafford and his rally, and to give people in our community and surrounding areas a place to come and talk...[she] hopes the rally brings further attention to the e-petition, to draw more signatories who believe, as she does, that an Indigenous healing lodge is not the right place for McClintic (CBC Saskatchewan, 2018).

Other righteous discourses suggested that this perceived unwillingness to reverse McClintic's transfer was a moral deficit of the Liberal government. Diane Finley, an MP for the CPC said in a House debate:

...Tori Stafford was just eight years old when she was kidnapped, raped and murdered by Terri-Lynne McClintic in 2009. We know now that the Liberals have allowed McClintic to move from a medium-high security prison to a healing lodge designed for criminals near the end of their sentences. This just proves that the Liberals are in favour of putting the comfort of criminals ahead of the rights of victims and their families... Under our Conservative government, we listened to Canadians and took steps to correct aspects of the judicial system that allowed for re-victimization, legislation such as the Victims Bill of Rights and life means life. When will the government start supporting victims of crime, do the right thing and move McClintic to the medium-high security prison where she belongs (October 3, 2018).

“Start supporting victims of crime” reinforces the institutionalization of closure (Berns, 2009) by arguing that you cannot advocate for the rights of an offender and a victim’s family simultaneously. It also shows the micro-goals of punishment: ensuring the security of the victim, retaliation and recognizing their victim status. By arguing that the Government puts “the comfort of criminals” ahead of victims and families is also an example of political actors using discourses that emphasize the “cushiness” of prisons, in order to remove amenities as a deterrent effect (Lenz, 2002). This notion is reinforced further by Bergen, stating that a Conservative government would do this right and prevent revictimization by imposing harsher punishment. This sentiment was echoed by another Conservative MP;

Mr. Speaker, Canadians continue to call on the PM to do the right thing and send Terri-Lynne McClintic, the killer of eight-year-old Tori Stafford back to prison. While he and his public safety minister dither with this review and refuse to reverse the transfer, which did not occur in 2014, but just a few months ago, with McClintic now enjoying life in a healing lodge without a fence (Clement, October 3, 2018).

If it is the wrong thing for McClintic to be in that healing lodge, this statement suggests that this was because she must have been enjoying her stay, as well as it not being a “traditional” prison. Therefore, a prisoner experiencing any positive emotion(s) is situated as a harm and injustice (a moral feeling rule). Similarly, another MP stated:

I understand that the Government will not be voting in favour of our motion today, but does the PM know whether there will be some of his backbenchers who will see the light and know that this is a moral issue and that they should do the right thing (Raith, October 3, 2018).

Here we can see support for the unpleasantness of prisons.

Two statements were made by other Conservative MPs that draw on a parent narrative in order to convince the Prime Minister to “do the right thing”. The first was by Karen Vecchio,

...the bottom line is that in southwestern Ontario, we are angry. As a parent, as a Member of Parliament, will the Prime Minister do what is right and put this convicted murderer behind bars where she belongs (October 3, 2018).

This parent discourse was echoed by Kelly Block;

...as a mother and a grandmother, I can only imagine the pain and suffering that Tori’s family has experienced. Tori’s father has been begging the Prime Minister to reverse the decision that has allowed Terri-Lynne McClintic to serve her time at a healing lodge in Saskatchewan. When will the Prime Minister listen to Tori’s father, do the right thing, reverse this decision and put Tori’s killer back behind bars (October 3, 2018).

Both Vecchio and Block’s statements encourage empathy for Stafford as a fellow parent; a moral feeling rule, and to choose the morally correct path, “the right thing”, because a good parent would know to do the right thing. Furthermore, these statements bring the Prime Minister’s parenting abilities into question. While this is an implicit intent, it can be seen as an attempt to further delegitimize the Government’s decision to transfer McClintic to Okimaw Ohci.

It is also worth noting how the violence of carceral spaces is trivialized, even forgotten, through discourses such as these. Collins and Rothe (2020) argue that under neoliberalism, “the violent carceral state becomes benign, consumed and celebrated”. In these specific discourses, the seriousness of incarceration is downplayed, as political actors argue about whose party is the most empathetic (to victims) and morally righteous. They also demonstrate more broadly the tough-on-crime narrative in Canadian politics (Webster & Doob, 2015) and the Conservative ideal of favouring penal governance that excludes and punishes (Mulrooney, 2017).

When asked if McClintic's removal from Okimaw Ohci and placement at the Edmonton Institution for Women bothered Stafford at all, due to the distance (she was previously at Grand Valley Institution in Kitchener, Ontario), he responded;

"No it doesn't matter to me, as long as she's behind bars serving the time she put upon herself. She took that option to commit the crime she did, and just do your time" (Stafford, R. in Lamberink, 2019).

In line with neoliberal values, Stafford is emphasizing his value of personal responsibility, the view of crime as a choice, as well as the need for punishment that excludes. Due to this belief in personal responsibility and rational choice, Stafford is enforcing a moral feeling rule upon McClintic to *accept* the consequences of her actions. To practice acceptance in this way is just and morally right. Stafford's statement captures the essence of retribution and behaviour control, which are punishment motives (Vidmar & Millar, 1980; Orth 2003). By making the argument that McClintic should accept her sentence and serve out her time (working from the hegemonic assumption that healing lodges are not prisons and constitute a freedom), this is a form of behaviour control, as well as retribution. This failure of McClintic to control her behaviour by not accepting her sentence and wanted to be at a healing lodge reinforces the need for her punishment. Thus, neoliberalism necessitates that the prisoner accepts severe consequences for her actions (Bell, 2013).

In summary, this discourse community debated the norms and obligations of the social space; namely, the criminal justice system, and the parameters for being righteous and correct in the realm of punishment, penal policies and practices.

v. *Prisoners deserve to be punished, not "bettered"*

While the previous discourse community discussed the rights and responsibilities that the government has to justice, the following discourse community discussed the opposite; what

responsibilities the government has to the public and prisoners in a moral economy. For example, Rodney Stafford compared himself, a victim, with the prisoner population to argue why the government should care more about him, and others like him.

A convicted killer was moved somewhere she doesn't belong and I want to do everything I can to put her back because it's not right. Why should these criminals be able to live a better life than myself, the one's going through this issue (Stafford, R. in CBC News, 2018).

The prison is a site of punishment, nothing else; therefore, Stafford's argument is that the government is going above and beyond what is normally be expected of them, a moral framing rule, in the hegemonic moral economy. Prisoners are getting too much "care", when other citizens – moral citizens – deserve that care more. This framing rule sees those in prison as lesser than and deserving of less rights, which is a characteristic of the Hegemonic Citizenship Regime. Stafford is arguing that the government should prioritize victims instead of prisoners. Another commenter in a CBC article thread took Stafford's sentiment further by suggesting that Indigenous people are actually treated better than others in prison:

Two tier system. Indigenous and others. This is not like she stole something (material) from somebody. She murdered a little girl (Art Rowe, 2018).

In a concerted effort to dehumanize McClintic entirely, Terri-Lynne's brother told a reporter how he felt about her as a family member. Using dehumanizing and vengeful language, he referred to his sister as "that":

Some of it is shame. I am disgusted with the fact that I'm, not blood related, but I'm related to that. I'm disgusted with myself that I didn't do more. As far as I'm concerned, my sister is dead. She should be, she should be for what she has done (Anonymous in Bimman, 2018).

The statement also reinforces the stigma that is associated with criminalization, by using language to explicitly separate the brother's existence from his sister's. He continued on to explain why he believes that McClintic will never be able to redeem herself, in his eyes.

McClintic's brother tells Global News rehabilitation for his sister is impossible 'without having her psyche torn down and rebuilt'. And he doesn't think the Indigenous healing path is the one for her. 'A lot of it has to do with things like culture and to understand what it is to be Indigenous, and I don't believe Terri-Lynne has that at heart.' (Bimman, 2018)

She is unfixable, unredeemable, and should be forgotten. Similar arguments and dehumanizing language were used by members of the public:

- *"That woman belongs behind bars until she is taken out in a body bag" (Mark Sobkow, 2018).*
- *"I can only hope that vigilante justice finds her wherever they squirrel her away. She is evil incarnate and deserves so much worse than she did to her victim" (David Cymble, 2018).*
- *"Nothing is too harsh in my opinion in this particular case. I support rehabilitation and humane treatment of prisoners... but NOT in this particular case" (Bob Gillies, 2018).*

The latter comment is a moral framing rule that suggests that prisoners' rights are not absolute and should be honoured based on discretion rooted in hegemonic moral goodness. This also reinforces Lynch's (2002) finding that state executions are considered non-violent and legitimate, while murders are violent and deserving of punishment. This commenter is assessing McClintic's "worthiness" as a human based on her crimes, deciding that she does not deserve rights as a result. In response to a comment saying that one does not have to be Indigenous to be placed in a healing lodge, one individual wrote,

You should have to be HUMAN though. This woman lured a child like a flesh-eating reptile into a car, with the promise of a puppy, to provide a warm, disposable body for her psychopathic pedophile boyfriend. There is a way to 'heal' this sick witch. It moves at 1000 feet per second and costs about 50 cents. (Sid Crowley, 2018)

While these comments show a complete disregard for McClintic's life, one commenter suggested that her redemption is possible but that is contingent upon the victim in some way: *"Well it could be mandated that for the most heinous crimes Life means life, then the only people whose it's in, is the jury" (Shelley King Smith 2018).* This is similar to the belief that victims should be able to grieve indeterminately and without interruption, such as the release of their offender or a

transfer to an “unsuitable” prison. This moral feeling rule, that grief should not be burdened by a prisoner, was suggested by a reporter when speaking with Rodney Stafford in a subtle effort by media to direct audiences to align emotionally with victims (Peelo, 2016);

It must be incredibly hard to get closure on this because there is always something, there's Rafferty appealing, there's McClintic going to the healing lodge, there's the issues that you have taken up with the correctional system. Have you managed to find any semblance of closure over the last ten years? (Lamberink, 2019).

Comparable to this idea that the fate of a prisoner is inseparable from the victim, one comment stated that,

No person who ever commits an assault on an innocent child and kills them for pure pleasure should ever be considered for reintegration into society. They are only entitled to get their life back when their victim gets their life back and even then I would have serious doubts. (Bob Gillies, 2018)

This moral framing rule suggests that prisoners are entitled to their humanity only if they are able to restore what was lost to their victim(s), which validates another theme of the institutionalization of closure, namely that the death of the offender is needed for the victim to move on (Berns, 2002).

Others in the CBC comment threads suggested that claims of Indigeneity need to be verified in order to prevent another situation like McClintic's transfer from happening in the future. For example, a comment thread was discussing how CSC does not require DNA tests for prisoners who wish to access Indigenous facilities, underneath the article covering the interview with Terri-Lynne's anonymous brother. One individual commented,

“Truth from the killer's own family! Just how dumb are the people in charge of the CSC and the weak kneed. #LPC that supports the manipulative killer” (Brenda Foley Cook, 2018).

Another comment said,

“The Correctional Service Canada allows offenders to self-identify as Indigenous without needing to prove their claim. I'm sorry.... WHAT?!?!?!?” (Angie Lange, 2018).

Others were as follows:

- *“A simple DNA test would determine her ancestry. I’m surprised CSC doesn’t do that routinely when a convict claims to be Indigenous, or do they have to ‘trust’ their word because they don’t want to be racist?” (Billy Howard, 2018).*
- *“Costs them too much to validate claims. And some [shyster] lawyers have made it look like a violation of human rights to force a DNA test... I know exactly what I’m gonna do if I ever get convicted of a crime now though” (Bryan Hill, 2018).*

In response to a CSC official arguing that “interfering with their liberties” in the way that Conservatives were proposing, Conservative MP Tony Clement argued,

“Right interfering with liberties is the whole idea of prison. I just want to make that point clear” (Clement, 2018).

This interaction reinforces the idea that retribution and behaviour control are the two main motives for punishment (Vidmar & Miller, 1980; Orth, 2003), as well as individual’s rights being subsumed by the public agenda and/or the state’s agenda (Armour, 2002).

On the topic of interfering with liberties, a member of the public commented on a CBC article about the transfer that he has,

“yet to understand why convicted killers elicit any sympathy in Canada. They have [given] up all their moral rights in society when they took an innocent and defenceless life.” (Bob Gillies, 2018)

This would be a moral feeling rule stipulating that everyone should be angry about this transfer, because being in a healing lodge must mean that we are being “nice” to McClintic, which is also unacceptable and disrespectful to victims (Berns, 2009).

There was only one notable attempt to counter the discourses within this community, which was suggesting that these harsh approaches would actually have more negative consequences on communities. Liberal MP Robert Falcon-Ouellette (2018) asked Anne Kelly (CSC Commissioner) about these consequences:

How long is it feasible to keep someone in a maximum security prison without moving them into a different facility? Could we keep them there for 25 years, and what would be the consequences for them – and for society – once we released them?

The Commissioner provided the following response:

For society, yes, absolutely. For maximum security institutions, there are certain criteria. If you have an offender for whom institutional adjustment is a problem, or if the offender is a high escape risk or a high public safety risk, they might start their sentence at a maximum security. Obviously, we expect the offenders to participate in their correctional plan, meet the objectives set out in that plan, and participate in the programming that's offered. If they do, many of our offenders actually benefit from a security reclassification and may be moved gradually to medium security. Some of them actually make it to minimum security. There are offenders, however, who because of their behaviour may stay in maximum security longer. We believe in gradual, structured supervision and for the offender to move from maximum to medium to minimum...

While this argument offers a different view of how prison should be experienced, and what outcomes are expected to be achieved by the individual, it centres the prison as the primary means of achieving order within a moral economy. It also does not “successfully” argue against hegemonic discourses in this community because conditional release outcomes are not the focus of the hegemonic discourses. The focus is suffering and life imprisonment, sometimes even death and violence. Interestingly, both discursive trends place personal responsibility on the prisoners to prove why they are worthy of redemption, and human rights in general. While the ends may be different from hegemonic and reformist-hegemonic, the means are still the same; the prison as an instrument for moulding ideal citizens in a neoliberal society. Both streams of discourse emulate the principle of individual responsibility that is characteristic of neoliberal economics and governance.

vi. *Trust the system to do its job*

The main topics of this discourse community were the courts, legal mechanisms and bureaucracy, and their respective roles in punishment, penal policies and practices. Actors

debated whether these intersecting institutions were operating appropriately, typically, or judiciously. The majority of the Prime Minister's discourse was within this community, as well as the other Liberal MPs' and Cabinet Ministers'. Government actors also engaged with this community. Conservative MPs continued to challenge the justice system's validity under a Liberal government, while right-leaning members of the public doubted whether bureaucrats could be trusted to "do the right thing". Another core theme was political intervention into Terri-Lynne McClintic's case, which was the key subject of debate of this discourse community.

Legal-hegemonic discourses were the center of this community, as they debated what the system is legally allowed to do, or what it must do, and why that is legally allowed. Many of those discourses were shared between MPs in the House, from Liberal and Conservative MPs particularly. For example, during a briefing with the newly appointed Commissioner of the Correctional Service of Canada at the House of Commons Standing Committee on Public Safety and National Security (SECU), multiple Conservative MPs argued that the Minister of Public Safety has the legal authority through the *Corrections and Conditional Release Act* (CCRA) to intervene in McClintic's case:

Candice Bergen: I think it's clear that Canadians are outraged. It's clear that the family doesn't understand how this could happen. We're not clear if the government is outraged, but if the government hypothetically was as outraged at this and felt it was as wrong as Canadians do, as we do, the minister has the ability to ask you as the commissioner, under the act, to immediately begin the process so that this decision would be reversed. Is that correct? Is that how you understand the Act?

Anne Kelly, CSC Commissioner: The minister has asked me to do an in-depth review of the case, and this is what I'm going to do.

Candice Bergen: Thank you, but just so I'm clear, you understand the chain of command. In fact, I'll read from the act. Section 6 of the Corrections and Conditional Release Act states: 'The Governor in Council may appoint a person to be known as the Commissioner of Corrections

who, under the direction of the Minister' - You're under the direction of the minister, Minister Ralph Goodale, correct?

Anne Kelly: Yes.

Candice Bergen: Under Minister Goodale's direction, the commissioner: 'has the control and management of the Service and all matters connected with the Service.' That's a clear chain of command, so if Minister Goodale did in fact decide that this decision to have Tori Stafford's murderer placed in a healing lodge should be immediately reversed, he could go to you and immediately have that process begun. Would that require a phone call or an email? What would it require so that you could begin that process? (2018, September 27)

During the same briefing at SECU, another MP justified the need for reversing McClintic's transfer using historical framing rules:

Tony Clement (CPC): Is it safe to say that ministers historically, and this minister, certainly has the power to issue directives to the commissioner regarding conditions of confinement?

Chief Superintendent Fraser MacAulay, CSC: Okay. Well, he has general direction, but not on case-specific incidents.

Tony Clement: Okay, that's good to know, because historically I can think of various ministers, such as Minister [Stockwell] Day, who issued a directive regarding first-degree murderers spending a certain amount of time in maximum security, or Minister [Vic] Toews, who issues a directive banning the practice of prison pizza parties. However, you would that is not specific but general.

Could a minister, if he so desires, have a say on the transfer of child killers to a minimum security facility when they are nowhere near the parole eligibility date? Is that something a minister could do?

Chief Superintendent Fraser MacAulay: Again, it's going to be tested through the courts, so you're asking me to then do the next step of what the courts would view that as. There are mechanisms in place... I mean, you're well aware. You're part of the parliamentary workings from which laws and so on get formulated. The present laws don't have those conditions within them. (September 27, 2018).

The Chief Superintendent was highlighting, and reinforcing, the impartial purpose of the courts under a liberal democracy with this argument.

In another House of Commons debate, Conservative MPs echoed these sentiments that the Minister of Public Safety has the authority to reverse McClintic's transfer,

...no matter how hard the minister tries to avoid taking responsibility, the buck stops with him. He has the authority to reverse the decision. He has the authority to put McClintic back where she belongs (Cooper, 2018).

This argument was countered by the Prime Minister several times, justifying the Liberal Government's stance with both historical and pragmatic framing rules:

- *The Conservatives should know that the minister does not intervene in such decisions, because that is precisely what the member for Bellechasse-Les Etchemins-Lévis has stated in the past, when he was minister. The minister has asked the commissioner to review her decision. As the Conservative member for Kamloops-Thompson-Cariboo said, the independent judiciary process might be allowed to take its course without political interference (Trudeau, October 3, 2018);*
- *I would indeed suggest that this is a moral issue. This is about the contrast between a party and a government that respects the rules and respects the independence of our judicial system, that appreciates the professionalism of our correctional services, and a party of ambulance-chasing politicians who are quite frankly demonstrating a contempt for the principles of law and debate in the House. It is inexcusable (Trudeau, October 3, 2018); and,*
- *...once again, the Conservatives are showing they will not let the facts get in the way of a political opportunity, and that is a real challenge for them and for Canadians watching. Let me set the facts straight. As reports have shown, the CCRA does not permit politicians to make one-off decisions in regard to the placement of individual inmates. Those are the facts. The Conservatives, yet again, are playing politics (Trudeau, October 3, 2018).*

McLeod (2018) also wrote in their op-ed about the responsibility of the courts, the public service, and the prison, as well as the responsibility that individuals have with respect to this system,

I do not know what he means by 'getting justice for Tori'. In my mind, justice has been served in that she (and the male accomplice) were caught and tried in court. Terri-Lynne pleaded guilty and was given the maximum sentence under the law (McLeod, 2018).

They continue on to discuss the hateful and vengeful emotions that he perceived from protestors in support of Rodney Stafford:

It has also brought into question the trust that we all need to have in Canada's correctional system and the highly trained professionals who are tasked with taking on these very difficult convicted persons to assist them to become emotionally and maturely read for the day they will be released back into society... The determination of appropriate sentencing must be left with the courts. That is justice. The determination of appropriate rehabilitation must be left with the professionals who serve in Canada's correctional system, NOT in the public forum of the House of Commons nor in the courts of public opinion and outrage... I am opposed to public legislation being developed based on public outrage which comes from anger, bitterness and a wish to get even (McLeod, 2018).

This runs counter to what Whitehead (2015) refers to as an anti-public service rhetoric in a neoliberal moral economy that sees the public sector as ineffective in contrast to an effective private sector. McLeod (2018) is making an argument in support of the public sector (i.e. the courts, the correctional system) as they see a threat to the legislative process and the liberal theory of punishment.

Other discourses in this community contrasted the function and safety of Okimaw Ohci from the beginning of its operation, to its current state (at the time, 2018). At first, only female staff and elders were employed at the lodge:

...Global News spoke with a founder of the Okimaw Ohci lodge in the 1990s, who said, CSC has too much control instead of elders, and it's no longer a safe place. 'We made sure we had no cross-gender stuff, no male elders, and no male staff.'... One of the reasons she said she left Okimaw Ohci was about admitting male staff into the institution. And just last week we saw a senior staff member convicted of sexually assaulting two female inmates. That suggests something unsafe (in Bimman, 2019).

This safeguards the autonomy of Indigenous elders and staff to practice their culture in their space, and the expectation that there be no interference from CSC. Also, respect for cultural practices and Indigenous institutional responsibilities would allow for a safe-space that is female-only. In terms of framing rules, this would be a moral rule that necessitates Indigenous sovereignty in their own spaces, in order to be able to follow their norms and values as part of the broader healing lodge experience.

A CSC official's response to the reporter's questions about this case and general concern about the safety of the lodge, was:

What I can tell you is that there are men who work in all of our women's facilities, there could be one case where there were issues, but that doesn't mean the entire model is one that unsafe (Moser, A. in Bimman, 2019).

Moser's pragmatic framing rule is reasserting CSC's power and control by saying that male staff are present at all CSC institutions, indicating that it is strictly CSC's institutional responsibility, not an Indigenous one, within federal prisons, including healing lodges. In response to another question about whether these lodges are not only safe, but that they work, Moser replied,

There's something that we've over the course of the last number of years, is the actual reduction in recidivism rate (Moser, A. in Bimman, 2019).

These discourses emphasize the safety of the healing lodge "model" by arguing that it is safe, normal, and an effective instrument of moral correction and recidivism reduction.

In terms of access to culturally-appropriate programming, criticism was given to the mistreatment of Indigenous prisoners, and Indigenous women in particular, as the precursor to McClintic's eligibility to transfer to Okimaw Ohci;

Prison advocates say that's a problem of its own. They've long said Indigenous offenders are overclassified, labelled as maximum security, and therefore not eligible for a healing lodge.

'If our lodge is not full, I'll be asking Corrections Canada why it isn't, because, of the overrepresentation of Indigenous women. When Indigenous elders make the decision about who can participate in a healing lodge, I think that statistic will change.' (Bimman, 2019).

This historical framing rule perceives CSC as culturally insensitive, while also perpetuating Indigenous overrepresentation and mistreatment in the correctional system, evidenced through McClintic being there, which exposes the Government's failure of responsibility to Indigenous Peoples' self-governance.

The following section discusses the findings within the broader conceptual framework of moral economy, and situates them within the existing literature and within the Canadian context

of punishment, penal policies and practices. The discussion contributes to furthering our understanding of how a neoliberal moral economy manifests, as demonstrated through the exchange of beliefs and ideas in different discourse communities.

5.4. Discussion

This section examines the six discourse communities presented previously within the frame of moral economy, and the tensions between neoliberal hegemony in Canadian punishment discourses. The four citizenship regimes that were identified are also situated in that analysis to demonstrate how they perpetuated neoliberal discourses, even when at odds with one another. The findings demonstrate that neoliberal ideology is prevalent throughout punishment discourses particularly in relation to the case of Terri-Lynne McClintic and her transfer to an Indigenous healing lodge. It is important to consider that the discourses represented herein are not necessarily representative of all Canadians, as the collected data is only a snapshot of online discourses that were circulated, and therefore does not capture discussions of McClintic's case that have occurred in other public and private settings. However, these findings provide a clear picture of the prison's pervasiveness in a neoliberal moral economy as an instrument of exclusion, moral reformation and reinforcement, as well as individual responsibility.

The following diagram (Figure 3) shows how the citizenship regimes, all-encompassing of their moral emotions, values, framing rule and feeling rules, interact from the perspective of moral economy. Figure 3.1 displays the citizenship regimes that participated in each discourse community, within the moral economy.

5.4.1. Figure 3

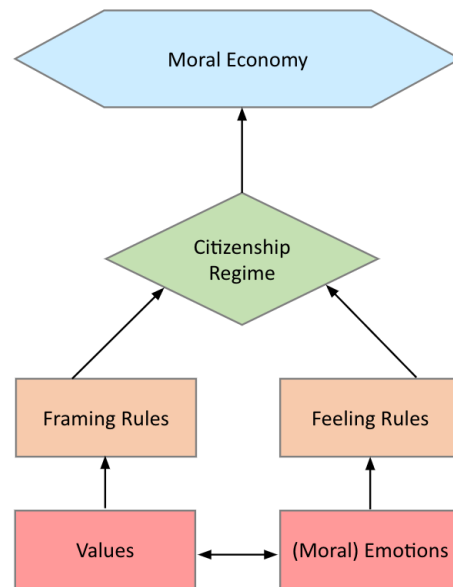
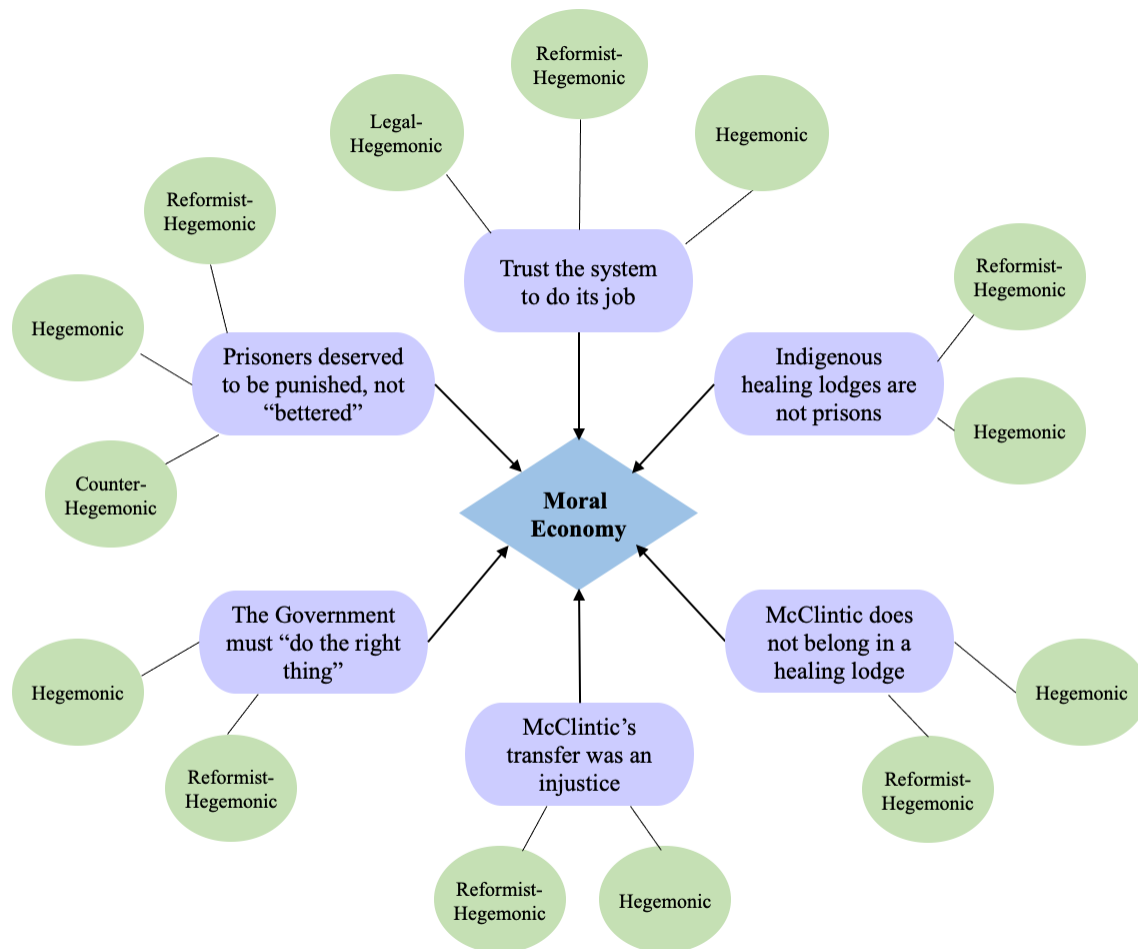


Figure 3 demonstrates the communication of citizenship regimes within each of the identified discourse communities that made the moral economy visible.

5.4.1.2. Figure 3.1



Indigenous healing lodges are not prisons

The first discourse community debated what a “legitimate” prison is using physical descriptions, normative statements, and emotional language. In perpetuating a security logic, various actors described what a prison should look like, particularly for prisoners like McClintic. Descriptors such as “maximum security”, “razor wires” and “metal bars” were used to delegitimize a healing lodge as a prison. This was also apparent in the repeated use of “back behind bars” and “send her back”. Normative statements were also used, such as stating that it was a privilege for McClintic to be at Okimaw Ohci due to the fact that it is not a “legitimate”

prison from various individuals' perspectives. Phrases such as “traditional prison” and “put McClintic back behind bars” made it apparent that the Western prison is seen as a legitimate site of exclusion and punishment, whereas the Indigenous healing lodge is not due to the fact that a healing lodge does not have all of the same physical structures as a Western prison. It could also be argued that the emphasis on treatment and community healing at Indigenous healing lodges contributed to the belief that they are not legitimate prisons in the eyes of Westerners, who believe that Western prisons are for punishment alone.

Further to these intentional semantic differences, emotional language was often used alongside normative statements in ways that tried to elicit negative emotional responses, such as Conservative politicians referring to Okimaw Ohci as a “local wellness centre” in a concerted attempt to undermine its suitability for the punishment of Terri-Lynne, who was mostly seen as someone deserving of harsh treatment and incapacitation. In addition to trying to elicit emotional responses, other-condemning moral emotions were also very pervasive in the discourses of this community; often used when defending why one felt as though a healing lodge is not a prison. This community highlights what Whitehead and Crawshaw (2013) recognized as a deficit of “personalist values”, such as health and welfare, that are purposely left out of these discourses in order to legitimize punishment and security. It also mirrors Lehalle’s (2016) argument that those held in detention are managed as a security problem; therefore, validating the broader public’s mistrust of the people managed there. From a moral economy perspective, the prison’s responsibility to those it detains is simply to incapacitate them, and the prison’s responsibility to the rest of the country is to keep them safe by incapacitating the other. Thus, the rest of society does not have any responsibilities to prisoners. This discourse community does not explicitly highlight a neoliberal moral system, but it does show how the individual who is perceived to

have failed at their social responsibilities is not given consideration beyond needing to be behind metal bars and fenced in with razor wire.

Terri-Lynne McClintic does not belong in a healing lodge

The second discourse community largely debated whether McClintic should have been at Okimaw Ohci in the first place. From a policy perspective, she was allowed to be there; however, McClintic as a non-Indigenous woman, an unfixable moral subject, and a “child killer” were among the reasons suggested as to why she *should not* have been there. By stating that she did not belong there, these discourses suggested McClintic be placed somewhere away from the public’s view and that would exclude her from a communal environment like that at the healing lodge. Simply put, this discourse community shares a similar moral economy perspective of the first discourse community, which believes that a legitimate prison has no benevolent responsibility to Terri-Lynne, other than to physically restrain and exclude her from the rest of society.

Terri-Lynne McClintic’s transfer was an injustice

This discourse community is an example of duty ethics in practice. Much of the discourses in this community felt that the Government has normative obligations to justice that they were violated by allowing McClintic to go to Okimaw Ohci. The Government was seen to have failed in the sense that they violated the abstract moral code that they are tasked with upholding. One specific member of the public (McLeod, 2018) disagreed with this assessment that there was a moral failure on behalf of the Government. They seemingly agreed with the idea that the government has a duty in some way, but felt that that is manifested in the courts’ arbitration of criminal cases. We can have an opinion on, or intense emotional responses to, what those outcomes are, but the responsibilities of the court should not change based on opinions and

emotions. In this dissenting view of the moral economy of punishment, the Government does not have a moral responsibility to justice, victims and Canadians beyond the court decision; in this framing, an institutional transfer is strictly a matter of institutional management that should not be impacted by the moral economy. However, the dominant moral economy approach of this discourse community was that the state's responsibilities to justice continue past the court decision and must uphold the desires of a retributive public moral sensibility.

The Government needs to “do the right thing”

The fourth discourse community focused on the perceived failure of the Government to uphold their moral responsibility to victims and Canadians as a whole, as demonstrated through their neglect of Tori Stafford and her family. It debated the responsibilities that the Government should fulfill through the criminal justice and correctional systems from a broader morality perspective, while using McClintic's transfer as a vehicle to demonstrate neglect of the Government's responsibilities. This discourse community also conceptualized a moral economy rooted in deontological ethics, meaning that it is morally correct and judicious to empathize with and protect victims, while their offenders are to be ignored. Arguments from the previous three discourse communities (e.g. security logic, emotional language) were also used to reinforce this abstract moral code. Together, this language of exclusion and indifference towards McClintic's confinement, as well as the arguments that explicitly state that prisoners should not receive any compassion or fair treatment, were mobilized to legitimize prison and the power to exclude the other in a neoliberal moral economy.

Prisoners deserve to be punished, not “bettered”

The fifth discourse community mostly debates the principle of less eligibility, whereby McClintic was seen as living luxuriously in the healing lodge, while other (worthier) citizens

(free and unfree) live in worse conditions. If punishment is only effective when the conditions are worse than those experienced by the poorest “law-abiding citizen”, then the Government is failing in their moral responsibility to the broader neoliberal moral economy. In addition to this idea of less eligibility, more rhetoric about Terri-Lynne being unfixable, unredeemable, and simply better off dead demonstrates an approval of violence in the realm of punishment, penal policies and practices from those engaging in this discourse community. This discourse community also viewed violence as necessary to avoid interrupting with the victim’s healing process; offenders are an aggravation when they are not left to be forgotten in prison. Thus, another responsibility of the government to victims in the moral economy is to ensure that offenders are controlled more deeply, regardless of the coercive, violent, or neglectful nature of that control.

Trust the system to do its job

The final discourse community, which discusses the criminal justice and correctional system as a whole, highlighted the tensions of liberal democracy and punishment with the broader neoliberal moral economy. The root of the argument in this community is political interference and whether it is appropriate in the context of punishment. The actors that felt that it was inappropriate suggested that institutions of criminal justice know their responsibilities to the public and know what they are doing; therefore, those who are critical of their decisions must respect that these institutions are doing their job appropriately. Political interference in Terri-Lynne’s case was thus seen as morally objectionable from the perspective of a liberal theory of punishment. Contrarily, those who advocated for political interference on the basis of moral righteousness did so because its appropriateness comes from the fact that government institutions, the prison and the Liberal Government, had violated their responsibility to the public

within the moral economy. Within this framing, this violation and the fact that individuals were calling on the Government to restore that responsibility to the public, it would be morally correct to politically interfere in McClintic's case.

5.4.2. Moral Economy

While many of the discourses in these six communities appear to be rooted in deontology, it is important to remember that there were differences between discourse communities, therefore reinforcing Fassin's approach to moral economy, where individuals produce their own subjectivities and form themselves into ethical subjects. This occurred even if individual actors believe in and follow an abstract moral code. The fact that many key punishment stakeholders in Canada debated Terri-Lynne McClintic's transfer, and whether the Government had a duty to intervene, is the embodiment of deliberation of norms and obligations in the moral economy. Further, those that were on the same side of the argument still had disagreements. Hence the moral economy is not a static concept. These findings can be summarized into a broader understanding of a moral economy of punishment in Canada, by examining the core responsibilities of the state and prisoners throughout each discourse community.

At its most basic level, these findings show that the Canadian prison is seen as the instrument that achieves order in the moral economy of punishment, as it molds failed individuals into ideal citizens within a neoliberal society. Particularly for high-profile offenders such as Terri-Lynne McClintic, the prison must be high security to protect the rest of society. Metal bars and razor wire fences are necessary for housing the dangerous other and making the rest of society feel safe. Thus, the macro-goal of societal security (Orth, 2003) is achieved.

In addition to a specific physical infrastructure, the violent nature of a prison is trivialized when some punishment stakeholders view the prison as insufficiently punishing and advocate for

the torture or neglect of prisoners. For the punishment stakeholders that take a more consequentialist approach to punishment and the prison's instrumental value (i.e. deterrence, rehabilitation), the violent nature of a prison is forgotten when the prison is argued to be the appropriate and effective site of deterrence and rehabilitation. While these retributive and consequentialist views conflict on the purposes and principles of punishment in the broader criminal justice system, the prison is accepted as the correct form of punishment in both approaches. It could be argued from this finding that both views ascribe to a similar moral economy of punishment because there are no responsibilities that the state has in "supporting" prisoners; it is the prisoner's responsibility to accept their reality of incarceration, regardless of what the outcome of that incarceration should look like. By neglecting to acknowledge the violence of prisons, or advocating for increasing their violence, the prison is accepted as a place of necessary suffering. The state has no responsibility to those that are held there, other than simply maintaining the physical infrastructure that confirms societal security, and other goals of punishment (Orth, 2003).

With this passive (or active) acceptance of prisons as a necessary instrument in the moral economy of punishment, the belief that Terri-Lynne McClintic's transfer to Okimaw Ohci was an injustice, and therefore a moral failing of the Liberal Government, can be understood. The transfer was seen to be an injustice and moral failure because the Government went above and beyond its responsibilities to prisoners. This is tied up with the prominent theme in the discourse communities that healing lodges are not real prisons, even if they are operated by CSC, because they do not emulate the same Western values or physical infrastructure that is deemed to be essential in the moral economy of punishment.

In addition to this, the moral emotions that were felt in reaction to McClintic's transfer suggest that this perceived neglect of responsibilities by the Government was even more offensive because it was viewed as having been done privately, and not in accordance with the public moral sensibility (Kerr, 2017). Coupled with a lack of transparency, the general distrust in the public service in a neoliberal society was also seen through the hegemonic discourses that disagreed with the transfer.

In terms of the rights of individuals and groups, the moral economy of punishment suggests victims' and prisoners' rights cannot be simultaneously supported, by virtue of the facts that prisoners are deserving of fewer rights, according to hegemonic punishment views, and that punishment should embody what victims want. By ensuring victims' security, recognizing their status, and retaliating against the perpetrator(s), the moral economy of punishment is seen as more legitimate. If the prisoner wants equal rights, this can only be awarded by law-abiding citizens who believe that they align with hegemonic moral goodness.

For the punishment stakeholders who looked at the transfer from the lens of Indigenous rights and non-Indigenous rights, the moral economy of punishment should ensure that Indigenous institutions (e.g. healing lodges) are meeting the needs of Indigenous prisoners first and foremost. Thus, from this perspective, the Government violated its responsibilities by allowing a non-Indigenous woman into an Indigenous space. While this was one of the few divergent views on McClintic's transfer, it passively accepts the prison in Canada's moral economy of punishment.

Based on this discursive understanding of the moral economy of punishment in Canada, how individual responsibility and exclusion rationalize the prison in the moral economy can be examined.

Individual Responsibility and Exclusion

Bell's (2013) 'egoistic individualism', which sees the functioning citizen as a rational, free-thinking individual who conforms to the dominant norms of society, is evident in almost all of the discourses within each of the discourse communities. People who are in prison, or "should be" in prison, are constructed as ill-functioning citizens who need to be sent somewhere to learn how to become functional, or to be forgotten, depending on the individual's perceived moral purpose of the prison. For those that seemed to believe in reformation, it was most explicit in the Hegemonic Citizenship Regime that individual responsibility and moral righteousness were the drivers behind why they believe the prison is the appropriate place for redemption. For example, Stafford talked about how McClintic should accept her sentence and make peace with the fact that she will be sitting in prison in order to show her ability to take responsibility for her crimes. However, Stafford also argued that prisoners "live better" than people on the outside and claimed that prisoners should be able to better themselves while incarcerated, where they should only suffer. This contradiction likely speaks to the host of strong emotions that a victim experiences in the grieving process, but gives a glimpse into Stafford's view of punishment nevertheless.

In contrast, CSC Commissioner Anne Kelly discussed at SECU how prisoners are intended to follow their correctional plan in order to reach lower security levels before release. Although this discourse is much different than Stafford's, these examples show that while what occurs in prison is up for debate, it is the prisoner that must redeem themselves in some way to the satisfaction of the moral order. Whether that be through the acceptance of one's fate, or through participation in one's correctional plan, there is no acknowledgement of Terri-Lynne McClintic as a person beyond her crimes. Thus, from a moral economic perspective, institutions,

namely the prison, should only have the responsibility to house prisoners and keep “citizens” safe, while it is the individual’s sole responsibility to reform oneself.

Illegitimate vs. Legitimate Violence

It is also important to discuss the violent language that was present within the data and the function that it has in a broader neoliberal moral economy. Of the discourses that emphasized the harshest treatment, the use of violence appeared to be integral to the punishment for violating one’s individual responsibility to the moral economy. In relation to this case, despite condemning the violence used by Terri-Lynne McClintic and Michael Rafferty against their victim, these discourses position violence as a legitimate response to these actions for the sole reason that it is deserved or necessary. This was seen through rhetoric arguing that the only way to get justice is through the use of severe, and often violent, forms of punishment.

These beliefs of illegitimate and legitimate violence exchanged at the micro-level of the moral economy are rooted in the structural or institutional level of the moral economy. For example, discourses that dehumanize and encourage suffering further legitimize neoliberal violence by reproducing the state’s power to punish, as this type of language makes violence seem banal and a part of everyday life (Collins & Rothe, 2020). This is seen through calls for torture or death to McClintic as a legitimate response to the crimes she committed. By normalizing violence, where is it believed to be deserved or necessary, the prison can then be reinforced as a vital instrument of the state’s power to punish. Coupled with its use for exclusion and othering that serves the law-abiding public by warehousing failed neoliberal moral subjects, the prison is the site of legitimate violence.

The Problem with Individual Responsibility and Exclusion

These themes of individual responsibility and exclusion are, however, at odds with one another. While McClintic is expected to accept responsibility for her actions and her prison time because it is morally righteous and her responsibility in the moral economy to do so, none of the discourses indicated that she would be welcomed back into society should she fulfill that responsibility. Not only is this a manifestation of the void of personalist values (Whitehead & Crawshaw, 2013), it is also one that shows how passions and virtues of kindness, generosity, compassion, and principles of justice that say we should do no harm, are “relegated to the inconsequential status by the revolutionary modernisers” in a moral economy that is rooted in neoliberalism (Whitehead, 2015). Although our criminal justice system is liberal in that it follows legal principles of punishment (i.e. deterrence, proportionality, etc.), these principles are not reflected in the broader moral economy. Terri-Lynne McClintic is held to those passions and virtues, but once those have been violated, those same passions and virtues no longer apply to her.

CHAPTER 6: CONCLUSION

The various analytical concepts used in this research helped make visible a moral economy of punishment in relation to Terri-Lynne McClintic's transfer to Okimaw Ohci, an Indigenous healing lodge, which sparked heated debate across the country from various stakeholder groups. Based on this research's findings, punishment varies in terms of how it and its purpose and principles (e.g. retributive vs. consequentialist approaches) are conceptualized; however, the hegemonic view of punishment is widely shared and justified using different combinations of emotions and values.

The citizenship regime typology in this research suggests that the visible hegemonic punishment discourses are largely driven by, and centered on, the use of the prison as an essential instrument of the criminal justice system in creating ideal citizens; instilling individual responsibility through forced exclusion. Therefore, I would argue that it is a singular moral economy of punishment that perpetuates penal policies and practices in Canada, which reinforce neoliberalism. While the desired outcomes of punishment may look different to certain stakeholders, the use of prisons as a fundamental instrument of punishment was never critically examined by the stakeholders, and the justifications for why prisons and punishment should continue to coexist are essentially identical. The role of the government is to house those that need to be excluded and ensure that the rest of society is safe, and the role of the prisoner is to accept their reality as a failed citizen in neoliberal society and to justify why they are deserving of rights, if any.

The hegemonic view of punishment favours rational choice and free will understandings of crime, therefore, supporting the use of "correctional" practices that punish and exclude. Notably, the most plentiful discourses and discourse communities, are rooted in hegemony,

while counter-hegemonic discourses were almost nonexistent in the data, barring a few framing and feeling rules condemning the engagement with hegemonic discourse by political actors.

The analysis of values and emotion show that these concepts are deeply linked with morality, which is also demonstrated through the use of framing and feeling rules by each citizenship regime in the various discourse communities that stakeholders engaged in. Such analysis provides a glimpse into exchanges within the social space about the respective norms and obligations of individuals and institutions with respect to punishment, penal policies and practices.

In addition to the findings that were made visible through these analytical tools, this research contributes to the concepts' literary uses from a criminological perspective of emotions, values, and morality. This research links the concept of the citizenship regime, which would typically be used in citizenship or economic studies (Tonkens, 2021; Jenson & Phillips, 2001), to criminological literature by examining the complex relationship between citizens of neoliberal societies (as spectators and participators) and punishment. It also adds to Hochschild's (1979) concepts of framing rules and feeling rules by bringing them to the area of punishment and imprisonment, where they have not been well-mobilized. In the realm of Canadian criminological literature, Hochschild's concepts have only recently been used in the study of the criminalization of HIV non-disclosure (Kilty & Orsini, 2019; Bogosavljevic & Kilty, 2020).

Situated within the frame of moral economy, this research also highlighted the internal deliberations about punishment, crime and victimization in Canada. By using the concept of citizenship regimes, which allowed for the data to be grouped into categories of emotions, values, and feeling and framing rules, various discourse communities were identified from the broader moral economy of punishment. Furthermore, mobilizing the concept of citizenship

regimes demonstrated how neoliberal economics and governance influences the realm of punishment, and is further reinforced by both the governed and the elite within the moral economy; a link which Siméant (2015) identified as a key element of a moral economic analysis. Through this lens, the moral economy of punishment that citizens participate in is both reinforced, and influenced by, neoliberal governance and economics. These discourses can often come from the elite; however, the same types of discourses are also used by the governed, and can lead to actual policy changes if there is enough support from both groups, which can be seen through this case study and this research's findings. Thus, the moral economy of punishment is reinforced through neoliberal hegemony.

These findings, as a whole, reaffirm much of the literature outlined in Chapter 2, and contribute to a more complex understanding of Canadian discourses on punishment and penal governance. In addition to those contributions, these findings suggest that the various stakeholders' (political actors, victims, government actors, members of the public) discourses, with the exception of the media, extend beyond the boundaries of one specific stakeholder group.

With respect to the media as a stakeholder, this research does not show any explicit evidence that would suggest the media is as active in the moral economy of punishment as existing literature might show. Rather, the media can be seen as a platform for the discourses that were analyzed instead of a direct contributor. While the journalists and reporters wrote stories about McClintic's transfer and interviewed other stakeholders (e.g. Rodney Stafford, MPs), they did not actively circulate framing rules or feeling rules or engage in discourse communities. However, the media's peripheral role in the data could be seen as a finding in and of itself, given that it runs contrary to the media being widely understood as a key arbiter in crime and punishment through various reporting tactics. It can also be argued that while the media did not

participate in the moral economy of punishment the same way that Rodney Stafford (for example) did, they remain a key stakeholder through their national platforms and access to other stakeholders.

For the remaining stakeholders, what the literature says about victims on punishment was evident in both political actor and public member discourses across the citizenship regimes. Conservative politicians used Tori Stafford's murder, and Rodney Stafford's opposition to the transfer, to further their penal governance agenda of punishment and exclusion based in free will and rational choice discourses (Mulrooney, 2017). Similarly, the various stakeholder groups expanded on victims' micro and macro-goals of punishment (Orth, 2003) by linking the roles and responsibilities of prisoners and the state/society to punishment goals shared more widely than just victim groups. Berns' (2009) institutionalisation of closure was also expanded by other stakeholder groups using a victim's story to justify harsher punishment for Terri-Lynne McClintic and the reversal of her transfer to Okimaw Ohci as a broader pursuit of justice for Tori Stafford.

This borrowing of experiences to advance political discourses in the moral economy can be seen most evidently as Rodney Stafford became the posterchild for calls for harsher punishment, penal policies and practices within Canada's moral economy of punishment. His suffering was both implicitly and explicitly used as justification for the proliferation of hegemonic punishment discourses in the broader moral economy. It was McClintic's transfer that stirred this unrest with the current state of punishment in Canada towards those convicted of egregious crimes.

Given this, this research also adds to the Canadian literature on punishment, penal policies and practices by looking at how the "typical" tough-on-crime discourses are debated and

reinforced in reformist and legal-hegemonic citizenship regimes. The citizenship regimes participated in the six discourse communities in ways that reinforced the prison, and the criminal justice system more broadly, as a neoliberal instrument of control that instills individual responsibility through exclusion. While some discourses may have avoided calling for harsh punishment or using dehumanizing language, it is evident that Terri-Lynne must be held responsible (Smith, 2005) and accept severe consequences for her actions (Bell, 2013). This was shown through government officials explaining how one must adhere to their correctional plan in order to cascade to lower security settings, or how healing lodges were explained to work in reducing offenders' risk to reoffend, as long as the correctional plan is adhered to. Despite CSC officials confirming that McClintic satisfied the conditions for transfer to Okimaw Ohci, this was not enough as the backlash from various punishment stakeholders ultimately prevailed. This is an illustration of the prison as providing a comfort blanket from the deviant criminal (Sim, 2009), the desire to reinforce the public moral sensibility when penal governance is seen as too private (Kerr, 2017), and the political significance of the prison as an instrument of reinforcing the moral order. The prison also ensures the physical security of communities, which is only successful if those inside it are believed to be the dangerous other (Bell, 2013; Berman, 2012). Within the broader moral economy of punishment at play in Canada, the prison in a neoliberal society is used to show that the state is doing something about crime, while having the public focus on those who are deemed a threat to the society's moral and physical welfare, rather than showing the state's failure to provide social security to its citizens (Tombs & Whyte, 2010; Bell, 2013). The moral economy of punishment is successful in making the broader public believe in the function and effectiveness of the prison in incapacitating the dangerous other.

This analysis of Terri-Lynne McClintic's transfer to Okimaw Ohci opens the door for further exploration of Canada's moral economy of punishment in a few ways. This research is limited and cannot be generalized to reflect the views of Canadian society as a whole as it does not have truly representative data of stakeholder groups of diverse backgrounds and views from across the country. Despite this limitation, this research leaves open other opportunities to further examine the tensions between Indigenous and neoliberal Western systems of justice and punishment. This topic was not explored in-depth in this research as there was not sufficient data to discuss how non-Indigenous groups view Indigenous practices of justice and punishment. The only conclusion that was able to be made was that the hegemonic, neoliberal approach to punishment in a Western criminal justice system does not view culturally-appropriate institutions for Indigenous prisoners with the same legitimacy as traditional prisons. However, given the long history of settler colonialism in Canada, there are various avenues to be explored in further research. Another line of inquiry could examine punishment discourses regarding female and male prisoners, especially in relation to sexual offending. This could also provide an opportunity to do a truly intersectional analysis of the moral economy of punishment in Canada.

In conclusion, the overarching theme of this research is that punishment discourses are largely driven by neoliberal politics of engagement. The citizen of a neoliberal society engages with and circulates discourses packed with emotions and values in ways that intend to further the hegemonic moral system in relation to punishment. In the case of Tori Stafford's brutal murder, Terri-Lynne McClintic's transfer was used as a vehicle to reinforce a moral economy centered on individualism and exclusionary practices.

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