

**The Annual Review of
Interdisciplinary Justice Research
Volume 9, 2020**

**Edited by
Steven Kohm, Kevin Walby,
Kelly Gorkoff, and Katharina Maier
The University of Winnipeg
Centre for Interdisciplinary Justice Studies (CIJS)
ISSN 1925-2420**

Introduction: Digitizing Justice

Kevin Walby, Kelly Gorkoff, Steven Kohm and Katharina Maier
The University of Winnipeg

More than two decades ago, Manuel Castells (1996: 464) wrote of the network society, enacted by light-speed digital information technologies, through which the pace of information flows begin to alter traditional notions of time and space. Digital networks are open structures, can expand without limit, and are the necessary instruments for a decentralized and global capitalist economy. Castells warned that this network society will increase individualization and exacerbate all forms of inequality. Castells was writing just as the internet was becoming all-pervasive, well before the rise of so-called “smart” phones and other “smart” devices. Since Castells’ writing on the network society, digitization has changed our world drastically, perhaps even more than Castells had anticipated. Online and digital initiatives are transforming criminal justice practices and processes too. However, criminology and criminal justice scholars have yet to fully grasp the many ways that digitization is changing crime, law, policing, prosecution, punishment, and social life more broadly.

Although research on the digital is scattered among criminology and criminal justice scholarship, we contend that online and digital initiatives should be a central focus in criminology and interdisciplinary justice studies. Looking at digital, virtual, and online practices is ideal for interdisciplinary justice studies because these topics implicate a range of fields, including philosophy, cultural studies, and numerous social sciences, from geography to politics and sociology. Digitization processes and practices comprise theoretical, methodological, and ethical dimensions that beg further scholarly analysis (Capurro 2017; Brown & Toze 2017; Kernaghan 2014; Hui 2012). This ninth issue of *The Annual Review of Interdisciplinary Justice Research (IJR)* will explore how the digital world is reshaping crime and crime control as well as the broader field of interdisciplinary justice studies.

Theorizations of the digital and the virtual have resulted in some of the most original and innovative works to be published in academia in the past three decades (e.g., Poster 2001, 1995; Bogard 1996; Virilio 1995; Baudrillard 1995). We are now living in the era of big data (Smith et al. 2017; Chan & Bennett Moses 2016; Mosco 2015) enabled by digitization and the diffusion of computer technology. Today, computers are used to find aggregate trends in large datasets in novel ways that were simply impossible a generation ago (Mosco 2019). Criminal justice organizations also collect more data about our lives than ever before, using new technologies and tapping into new data streams, fundamentally shifting organizational risk practices (Hannah-Moffat 2019). People also produce and surrender data about themselves in staggering ways due to their relationship with digital technology (Tahir et al. 2018; Zuboff 2019).

Surveillance is becoming less a matter of people watching people as Marx (1985, 1988) discussed, and more about intelligent machines monitoring data streams. For example, offenders released in the community are increasingly subject to wireless, remote electronic monitoring and surveillance (Nellis 1991). Wireless and mobile devices are also providing new access to courtrooms, as court deliberations are now webcast to a consuming public (McDonald et al. 2015). Jails are also viewed online in a voyeuristic fashion (Lynch 2004). At the same time, new digital workflows for receiving, analyzing, and presenting evidence in police and court processes have emerged. These types of developments and practices are now being taught in law schools (White et al. 2015).

Online sources of information are changing the ways people understand and interact with the state and the criminal justice system (Roche, Pickett, & Gertz 2016). Online practices enable new kinds of digital agency (Karaian 2014, 2012; Long 2012). There are newfangled types of justice emerging, including cybersecurity vigilantes (Silva 2018; also see Wood, Rose, & Thompson 2019) who seek to expose wrongdoing and facilitate justice in non-traditional ways or in ways that usually work outside of the formal criminal justice system. For example, voluntary non-government groups such as Creep Catchers are now established in dozens of countries. Group members pose as online youth and try to catch people engaged in

online/internet sex crimes. Sometimes cyber vigilantes operate at the nexus of policing and the entertainment industry in ways that can alter police practices and justice outcomes (Kohm 2009). Public police struggle to keep up with these shifting digital and online practices (Dupont 2017; Karaian & Van Meyl 2015; Karaian 2014). Police may face barriers to investigating heinous online crimes because of legal decisions that become precedent and subsequently shape how interactions on the internet are regulated. As a result, the governance of crime in online and digital realms can foster complicated relationships between public police, telecommunications and tech companies, private citizens, and NGOs (Jewkes 2010; Yar 2013). It is also important to note that although technologies are changing, these processes remain normative and moralized (Gurusami 2019; Werth 2017).

There are also novel kinds of online and digital crimes, addictions and disorders (Shin et al. 2018), and new networks being created by online forums (Dupont et al. 2017; Prinsen, de Haan, & Leander 2015). Extreme forms of online pornography and violent videogames constitute “cultural zones of exception” allowing viewers/players to enact violent impulses largely constrained by the civilizing process (Atkinson & Rodgers 2016). Violent videogames such as the *Grand Theft Auto* franchise depict the pleasures of transgression, inviting players to creatively experience an online world of crime and disorder (Rowlands, Ratnabalasuriar, & Noel 2016). Networked and online gaming platforms connect game players worldwide and offer opportunities to enact fantasies of violence and transgression while providing opportunities for criminal exploitation and victimization — both virtual and real (Rowlands, Ratnabalasuriar, & Noel 2016). These virtual and online game spaces can also provide opportunities for resistive and countervisual representations of issues of race, crime, and social justice (Mazurek & Gray 2017). The social effects of representations of crime in digital and online media are the subject of considerable scholarly debate in fields such as experimental psychology. However, contributions on digital crimes and forms of justice from scholars working in the field of interdisciplinary justice studies are just beginning to emerge.

These shifts in crime and crime control are part of the broader digitization of the relationship between citizens and governments (Atif & Chou 2018; Prins et al. 2011; Papacharissi 2004). New forms of surveillance are emerging (Monahan 2016; Monahan and Mokos 2013), but new forms of digital citizenship are being established (Meares 2017; Jones and Mitchell 2016). With the onset of digitization in the 1990s, it was claimed that digital and internet initiatives might decrease hierarchy and inequality, though now it seems as likely that racial, gender, and other inequalities are exacerbated by this technological turn (Kim et al. 2018; Barbosa et al. 2018; Micheletti and Stolle 2008). Haiven, Brophy, and Anderson (2019) claim that legacies of empire, imperialism, and colonialism are found in new digital technologies like algorithmic processes, which reproduce and deepen inequality and oppression. Access to information is being digitized in the form of proactive disclosure, but open government initiatives online have been critiqued as flawed (Tkacz 2012). Access to justice can become hidden “behind a wall of technicity” (Johnson 2016: 28) as a result. What has been referred to as the “digital divide” (Huffman 2018) may well be reproduced in the criminal justice system.

What this means is there is strong justification to explore the forms and effects of digital injustice (Couldry et al. 2013) that new technologies create in Canadian society. There is also a need to explore how theories of justice apply to these new digital and online innovations and changes (Christians 2016; Ashworth & Free 2006). This issue of *The Annual Review of Interdisciplinary Justice Research* charts a path to interdisciplinary justice research on the digital and virtual, by bringing together a collective of papers that explore the intersection between crime, justice, law, and the digital from different disciplinary and theoretical perspectives.

Overview of *IJR* Issue 9

The volume opens with a research note by Sarah Esther Lageson. The author conceptualizes privacy loss as a collateral consequence of the existence and expansive use of digital criminal records. Lageson explains that in the age of digitization, digital records pertaining to a person’s criminal justice involvement are so easily accessible that

highly sensitive information can be found “inadvertently” via a simple Google search. Drawing on privacy theory, Lageson shows that privacy harms constitute a serious and far-reaching consequence of existing and emerging processes of digitization in the realm of punishment and criminal justice. Digitization, the author shows, has created new forms of privacy inequalities that constrain people’s everyday lives and choices in important and long-lasting ways, with marginalized groups being particularly affected.

Continuing on the theme of punishment, technology, and digitization, James Gacek’s contribution provides a detailed overview and analysis of the state of electronic monitoring in Canada and beyond. The article draws attention to the ways electronic monitoring functions as a strategy of governance and control in shaping and often hindering the lives of criminalized individuals, specifically their civic and economic participation in society. Gacek concludes that electronic monitoring is not a benign form of community-based supervision but rather should be conceived of as an “alternative form of incarceration.”

Shifting to digital forms of culture and the representation of crime and justice, Kevin Walby, Matthew Ferguson, and Justin Piché analyze digital displays in police museums as an example of the digital turn in museum curation. The article shows several entertainment-oriented images of digital displays that sanitize and simplify crime control and other images that naturalize the use of force and perpetuate myths of policing, downplaying harms associated with policing. The authors conceptualize these innovations as a way museums control knowledge and create categories of intelligibility that shape how museum goers understand the world. In the case of police museums, they claim digital displays are a form of camouflage that distracts or moves attention away from police controversies and violence. In addition to these representations as a form of distraction, using the concept of digital interpellation, they argue these displays force visitors to adopt a hegemonic subject position that boosts the ideology of police legitimacy and reinforces policing as a dominant social institution.

Also focused on the digital and visual culture, Christina Fawcett examines the concepts of suffering, retribution, punishment, and pain in a horror-themed video game. Analysis of the scenes in this video game reveals the extent to which meanings of justice and injustice are now communicated in digital and leisure platforms that reach broader audiences than formal criminal justice communications. Fawcett's analysis also reveals the extent to which identities are constituted in digital, visual, and participatory ways. Fawcett's analysis has implications for literatures on gaming, emotions, and justice.

Two contributions in this volume examine the digital within law and the legal process. Jane Bailey and Jacquelyn Burkell examine young people's perspectives on legal remedies for online attacks. The authors examine why young people are unlikely to use legal remedies for online bullying and harassment. Participants discussed difficulties pursuing legal remedies such as loss of control and increasing vulnerability experienced by victims. Instead, participants were most concerned with ways to minimize damage from hurtful/harmful messages including ignoring them, directly asking users to remove content, having mechanisms of communication in school systems, and holding platforms responsive to complaints. Participants were cautious in advocating for punishment of offenders, reinforcing the authors' conclusion that legal responses form only part of an effective response to online aggression and abuse and that existing legal remedies do not deal with the majority of concerns expressed by youth.

Alexandra Parada, Sandrine Prom Tep, Florence Millerand, Pierre Noreau, and Anne-Marie Santorineos examine how digital court records are processed, accessed, and used in contemporary Quebec. Demonstrating how legal and digital culture intersect, the authors explore how self-represented litigants interact with these digitized records and the implications for legal cases and access to justice. The authors also examine how lawyers and other legal workers interact with these digitized records. This work has implications for literature on access to information and access to justice in the digital world.

Lastly, two contributions examine aspects of justice and the digital in spaces and places beyond the formal criminal justice system.

Matthew S. Johnston, Ryan Coulling, and Jennifer M. Kilty engage in an analysis of competing discourses that arose on Twitter following the Jian Ghomeshi verdict as a way to contribute to progressive reform in sexual assault cases. They argue digital technologies such as Twitter shape our interpretation of time and space and show how the tweets accelerated democratic participation, are evidence of a diversity of voices, and how these digital responses (re)shaped social and political spaces. The authors focus on emotion as a way of knowing, and the digital as a forum to express emotion. They analyze the implicit knowledge that is revealed through emotion as a way to transform the criminal justice system and realize a more just and empathic understanding, and develop a more conciliatory and effective justice system.

Kemi Salawu Anazodo, Nicole C. Jones Young, and Rosemary Ricciardelli extend the theme of this issue in a novel and creative way. The authors draw on institutional theory and theories of positive deviance to analyze the way technology intercedes in socially responsible hiring practices. While access to information about criminal histories online can present challenges to individuals in the employment market, Anazodo and colleagues argue that technology can also be used in positive ways to achieve justice for groups typically disadvantaged in the employment market, such as released prisoners. Their provocative discussion culminates in a conceptual model for future research in this area.

It is our hope that this thematic issue of the *Annual Review of Interdisciplinary Justice Research* moves scholarship on crime, law, justice, and the digital forward in new and creative ways. The papers in this issue of *IJR* embody a diversity of perspectives and disciplinary positions that promise to open up new theoretical, methodological, and empirical insights into both digitization and justice. We invite readers to imagine new ways of approaching issues related to crime, digital, and the virtual in the 21st century and we present this issue of *IJR* as a critical step in that direction.

References

- Ashworth, L., & Free, C. (2006). Marketing Dataveillance and Digital Privacy: Using Theories of Justice to Understand Consumers' Online Privacy Concerns. *Journal of Business Ethics*, 67(2), 107–123.
- Atif, Y., & Chou, C. (2018). Digital Citizenship: Innovations in Education, Practice, and Pedagogy. *Journal of Educational Technology & Society*, 21(1), 152–154.
- Atkinson, R., & Rodgers, T. (2016). Pleasure Zones and Murder Boxes: Online Pornography and Violent Video Games as Cultural Zones of Exception. *British Journal of Criminology*, 56(6), 1291–1307.
- Barbosa Neves, B., Fonseca, J. S., Amaro, F., & Pasqualotti, A. (2018). Social Capital and Internet Use in an Age-comparative Perspective with a Focus on Later Life. *Plos ONE*, 13(2), 1–27.
- Baudrillard, J. (1995). The Virtual Illusion: Or the Automatic Writing of the World. *Theory, Culture & Society*, 12(4), 97–107.
- Bogard, W. (1996). *The Simulation of Surveillance: Hypercontrol in Telematic Societies*. Cambridge: Cambridge University Press.
- Brown, D., & Toze, S. (2017). Information Governance in Digitized Public Administration. *Canadian Public Administration*, 60(4), 581–604.
- Capurro, R. (2017). Digitization as an Ethical Challenge. *AI & Society*, 32(2), 277–283.
- Castells, M. (1996). *The Rise of the Network Society*. Oxford: Blackwell.
- Chan, J., & Bennett Moses, L. (2016). Is Big Data challenging Criminology? *Theoretical Criminology*, 20(1), 21–39.

Christians, C. G. (2016). Social Justice and Internet Technology. *New Media & Society*, 18(11), 2760–2773.

Couldry, N., Gray, M. L., & Gillespie, T. (2013). Culture Digitally: Digital In/Justice. *Journal of Broadcasting & Electronic Media*, 57(4), 608–617.

Dupont, B. (2017). Bots, Cops and Corporations: On the Limits of Enforcement and the Promise of Polycentric Regulation as a way to Control Large-scale Cybercrime. *Crime, Law and Social Change*, 67(1), 97–116.

Dupont, B., Côté, A.-M., Boutin, J.-I & Fernandez, J. (2017). Recruitment Patterns and Transactional Features of “the Most Dangerous Cybercrime Forum in the World.” *American Behavioral Scientist*, 61(11), 1219–1243.

Gurusami, S. (2019). The Carceral Web We Weave: Carceral Citizens’ Experiences of Digital Punishment and Solidarity. *Punishment & Society*, 21(4), 435–453.

Haiven, M., Brophy B., & Anderson, B. (2019). Debt’s Digital Empire: An Introduction. RiVAL www.publicseminar.org The New School - March 20.

Hannah-Moffat, K. (2019). Algorithmic Risk Governance: Big Data Analytics, Race and Information Activism in Criminal Justice Debates. *Theoretical Criminology*, 23(4), 453–470.

Huffman, S. (2018). The Digital Divide Revisited: What is Next? *Education*, 138(3), 239–246.

Hui, Y. (2012). What is a Digital Object? *Metaphilosophy*, 43(4), 380–395.

Jewkes, Y. (2010). Public Policing and Internet Crime. In Jewkes, Y. and Yar, M. (eds.). *Handbook of Internet Crime*. Cullompton: Willan, pp. 245–265.

- Johnson, J. (2016). The Question of Information Justice. *Communications of the ACM*, 59(3), 27–29.
- Jones, L. M., & Mitchell, K. J. (2016). Defining and Measuring Youth Digital Citizenship. *New Media & Society*, 18(9), 2063–2079.
- Karaian, L. (2012). Lolita Speaks: ‘Sexting’, Teenage Girls and the Law. *Crime Media Culture*, 8(1), 57–73.
- Karaian, L. (2014). Policing ‘Sexting’: Responsibilization, Respectability and Sexual Subjectivity in Child Protection/Crime Prevention Responses to Teenagers’ Digital Sexual Expression. *Theoretical Criminology*, 18(3), 282–299.
- Karaian, L. and Van Meyl, K. (2015). Reframing Risqué/Risky: Queer Temporalities, Teenage Sexting, and Freedom of Expression. *Laws*, 4(1), 18-36.
- Kernaghan, K. (2014). Digital Dilemmas: Values, Ethics and Information Technology. *Canadian Public Administration*, 57(2), 295–317.
- Kim, D., Russworm, T. M., Vaughan, C., Adair, C., Paredes, V., & Cowan, T. L. (2018). Race, Gender, and the Technological Turn: A Roundtable on Digitizing Revolution. *Frontiers: A Journal of Women Studies*, 39(1), 149–177.
- Kohm, S. (2009). Naming, Shaming and Criminal Justice: Mass-Mediated Humiliation as Entertainment and Punishment. *Crime Media Culture*, 5(2), 188–205.
- Long, N. (2012). Utopian Sociality. Online. *The Cambridge Journal of Anthropology*, 30(1), 80–94.
- Lynch, M. (2004). Punishing Images: Jail Cam and the Changing Penal Enterprise. *Punishment and Society*, 6(3), 255–270.
- Marx, G.T. (1985). The Surveillance Society: The Thread of 1984-style Techniques. *The Futurist*, 6, 21–26.

Marx, G.T. (1988). *Undercover*. Berkeley, CA: University of California Press.

Mazurek, J., & Gray, K. (2017). Visualizing Blackness – Racializing Gaming: Social Inequalities in Virtual Gaming Communities. In Brown, M., and Carrabine, E. (eds.). *Routledge International Handbook of Visual Criminology*. New York: Routledge, pp. 362–375.

McDonald, L. W., Tait, D., Gelb, K., Rossner, M., & McKimmie, B. M. (2015). Digital Evidence in the Jury Room: The Impact of Mobile Technology on the Jury. *Current Issues in Criminal Justice*, 27(2), 179–194.

Mearns, T. (2017). Policing and Procedural Justice: Shaping Citizens' Identities to Increase Democratic Participation. *Northwestern University Law Review*, 111(6), 1525–1536.

Micheletti, M., & Stolle, D. (2008). Fashioning Social Justice Through Political Consumerism, Capitalism, and the Internet. *Cultural Studies*, 22(5), 749–769.

Monahan, T. (2016). Built to Lie: Investigating Technologies of Deception, Surveillance, and Control. *The Information Society*, 32(4), 229–240.

Monahan, T., & Mokos, J. (2013). Crowdsourcing Urban Surveillance: The Development of Homeland Security Markets for Environmental Sensor Networks. *Geoforum* 49, 279–288.

Mosco, V. (2015). *To the Cloud: Big Data in a Turbulent World*. London: Routledge.

Mosco, V. (2019). *Becoming Digital: Toward a Post-Internet Society*. Bingley: Emerald Publishing Limited.

Nellis, M. (1991). The Electronic Monitoring of Offenders in England and Wales: Recent Developments and Future Prospects. *British Journal of Criminology*, 31(2), 165–185.

Papacharissi, Z. (2004). Democracy Online: Civility, Politeness, and the Democratic Potential of Online Political Discussion Groups. *New Media & Society*, 6(2), 259-283.

Poster, M. (2001). *What's the Matter with the Internet?* Minneapolis: University of Minnesota Press.

Poster, M. (1995). Postmodern Virtualities. *Body & Society*, 1(3-4), 79-95.

Prins, C., Broeders, D., Griffioen, H., Keizer, A., & Keymolen, E. (2011). Digitizing the Citizen and Government. In *iGovernment* (pp. 21-45). Amsterdam: Amsterdam University Press.

Prinsen, F., Haan, M. d. & Leander, K. M. (2015). Networked Identity: How Immigrant Youth Employ Online Identity Resources. *YOUNG*, 23(1), 19-38.

Roche, S., Pickett, J., & Gertz, M. (2016). The Scary World of Online News? Internet News Exposure and Public Attitudes Toward Crime and Justice. *Journal of Quantitative Criminology*, 32(2), 215-236.

Rowlands, T., Ratnabalasuriar, S., & Noel, K. (2016). Video Gaming, Crime, and Popular Culture. *Oxford Research Encyclopedia of Criminology and Criminal Justice*. Published online, DOI: 10.1093/acrefore/9780190264079.013.51.

Shin, Y., Kim, J., Kim, M., Kyeong, S., Jung, Y., Eom, H., & Kim, E. (2018). Development of an Effective Virtual Environment in Eliciting Craving in Adolescents and Young Adults with Internet Gaming Disorder. *Plos ONE*, 13(3), 1-13.

Silva, K. K. e. (2018). Vigilantism and Cooperative Criminal Justice: Is There a Place for Cybersecurity Vigilantes in Cybercrime Fighting? *International Review of Law, Computers & Technology*, 32(1), 21-36.

Smith, G., Bennett Moses, L and Chan, J. (2017). The Challenges of Doing Criminology in the Big Data Era: Towards a Digital and Data-driven Approach. *British Journal of Criminology*, 57(2), 259–274.

Tahir, H., Tahir, R., & McDonald-Maier, K. (2018). On the Security of Consumer Wearable Devices in the Internet of Things. *Plos ONE*, 13(4), 1–21.

Tkacz, N. (2012). From Open Source to Open Government: A Critique of Open Politics. *Ephemera: Theory & Politics in Orga*

Virilio, P. (1995). Speed and Information: Cyberspace Alarm! *Ctheory*, 8–27.

Werth, R. (2017). Individualizing Risk: Moral Judgment, Professional Knowledge and Affect in Parole Evaluations. *British Journal of Criminology*, 57(4), 808–827.

White, H., Bordo, M., & Chen, S. (2015). Digitizing and Preserving Law School Recordings: A Duke Law Case Study. *New Review of Academic Librarianship*, 21(2), 232–240.

Wood, M., Rose, E., & Thompson, C. (2019). Viral Justice? Online Justice-seeking, Intimate Partner Violence and Affective Contagion. *Theoretical Criminology*, 23(3), 375–393.

Yar, M. (2013). The Policing of Internet Sex Offences: Pluralised Governance Versus Hierarchies of Standing. *Policing & Society*, 23(4), 482–497.

Zuboff, S. (2019). *The Age of Surveillance Capitalism: The Fight for a Human Future at the New Frontier Of Power*. New York: Public Affairs.