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Introduction: Pandemic Justice

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It goes without saying that the past year has been one of tremendous social, cultural, economic, and political upheaval resulting from the global public health emergency brought on by the COVID-19 pandemic. At the time of publication of this volume, it has been more than a year since the novel coronavirus causing COVID-19 was first detected in Wuhan, China. Since that time, the global social, economic, and political order has undergone a series of shocks that continue to reverberate today through the social institutions and everyday practices of life in every corner of the world. These shocks and the accompanying upheaval have profoundly impacted much of what we do as interdisciplinary scholars of justice. Following a winter and spring characterized by a devastating first wave of infections and widespread societal shutdowns in many jurisdictions, the summer of 2020 was marked by a series of intense protests — and counter protests — about racial injustice originating in the wake of the police killing of George Floyd on May 25, 2020, in the United States. That event and others following, provided new impetus for the Black Lives Matter movement globally, accompanied by calls to defund the police, and even divestment of universities from research and education partnerships with the police (Hannem & Schneider, 2020). These protests reverberated around the world and the backlash by far right and white supremacist organizations set an ugly and violent tone for the 2020 US Presidential election, culminating in a violent siege of the United States Capitol Building during a sitting of Congress on January 6, 2021. The anxieties that accompany risk and uncertainty (Wilkinson, 2001) are palpable here in Canada as well, and many people have experienced a sense of impending doom during the pandemic (also see Tschanz and Hernandez, this issue). In short, to describe the events of the past year as upheaval seems hardly strong enough.

Like many, the work and routines of the Centre for Interdisciplinary Justice Studies (CIJS) at The University of Winnipeg were disrupted and altered by these profound events. After more than a decade of hosting an annual spring interdisciplinary justice conference, we were forced to cancel our event, “Mobilizing Justice,” planned for May 2020. This also put Volume 10 of *The Annual Review of Interdisciplinary Justice Research* (IJR) into doubt since normally each volume built from the momentum and theme of the annual conference. However, we believed strongly that the mission of our journal was more important than ever, and we further felt it was essential to provide a venue for scholarly reflection and analysis of the profound changes that were unfolding around us. We moved to alter course and issued a call for papers in April 2020 calling for notes, reflections, and research articles on aspects of justice in pandemic times. The result of this call was a diverse and important series of papers engaging with an array of scholarly and practical concerns impacting justice in these extraordinary times.

“Pandemic Justice: Policing, Confinement, and Law in the Coronavirus Era” (IJR Volume 10, Spring 2021) provides an important scholarly record of the profound impacts of the COVID-19 pandemic as it relates to global and local issues of justice, as well as the work we do in academia. The novel coronavirus pandemic has changed patterns of interaction, institutional procedures, and everyday habits and practices of people and groups in Canada and around the world. Ideas of contagion and virulence (Abeysinghe & White, 2011) are central in news discourse and daily conversation in 2020–2021. In these uncertain times, many taken-for-granted ideas about social value and social order have been upended. COVID-19 capitalism has starkly revealed not only the brutal systemic priorities of our global economic system — profit-making over life-making — but also the relationship between capital and the capitalist state form (Bhattacharya & Dale, 2020). Most often experienced as separate, welfare and repressive agents of the state are currently jumbled together in unprecedented ways. Governments are imposing a wide range of emergency measures, many of which place strict conditions on the movement and behaviours of citizens and non-citizens. These measures have produced new social control practices and intensified

existing ones. In some cases, the effects of these changes are unpredictable and unknown. In other cases, they are tragically predictable, as the unequal distribution of life and death mirrors existing social hierarchies. Pandemics raise the possibility of mass extinction, revealing the fragility of human life (Lynteris, 2020) and also the folly of capitalist development. Yet people have adapted using new technologies, and the quest for justice continues (Asadullah and Tomporowski, this issue). This moment provides valuable opportunities to study the nature of power in contemporary society and to re-think the status quo.

“Pandemic Justice” explores issues related to policing, imprisonment, and other forms of criminal and non-criminal regulation in the age of pandemic governance. Intersections between public health and criminalization are ramping up as we are witnessing extended surveillance and governance powers being granted to public health and other government agencies (see McClelland and Luscombe, this volume). New forms of surveillance and social control are being implemented (Thomas, 2014) to track people and the conveyance of the virus. Our movements, bodies, and our data are being coded as risk and threat in novel ways, while secrecy is being entrenched and extended. Novel forms of medicalization are emerging that intersect with law and criminal justice (Degerman, 2020) in ways that need to be explored. All of these processes are stratified as well as racialized and gendered. As with prior public health panics (see, for example, Muzzatti, 2005), much of the anxiety of this moment is generated by media representations of policing, imprisonment, or other forms of pandemic regulation. Popular cultural texts referencing disaster and apocalypse are gaining new cultural meaning in the context of the pandemic. Public health personnel have been catapulted into notoriety, delivering daily news conferences and driving public discussions and opinion on matters related to community and safety (Lynteris, 2016). Pandemic governance also shapes and constrains the way we teach and conduct research about justice issues (see Gacek, this volume), and it shapes and constrains the way aspects of the legal process unfold (see Bertrand, Ireland, Jochelson and Kerr-Donohue, this volume). With several apparently effective vaccines now available worldwide, new forms of mobility restriction,

surveillance, and control are being rolled out or proposed, all while questions about fair and equitable distribution of these scarce resources are playing out daily. Social science inquiry is needed to examine all dimensions of our pandemic age (Marabello & Parisi, 2020), from death and dying, to suffering and stigma, to justice. All facets of our current pandemic age beg deeper scholarly engagement. This volume of the IJR provides an initial scholarly foray into these issues.

Overview of IJR Volume 10

“Pandemic Justice” contains twelve original reflections, commentaries, and research articles about aspects of justice in the age of the COVID-19 pandemic. The volume opens with a reflection by Katharina Maier, Rebecca Hume, and Bronwyn Dobchuk-Land about the use of the concept of “crisis” within criminological scholarship. The COVID-19 pandemic provides an ideal setting in which to critically assess the popular and scholarly uses of “crisis,” but it is not the only instance in which the concept has been invoked. Maier et al. explore the potential of the concept within criminology, and call for greater clarity about its definition. Far from being an objective state, crisis is a way of structuring and foreclosing what can be known or said about the social and natural world. While invoking the concept of crisis may represent a critical juncture in the way we understand issues leading to social change, it can also shift focus to immediate conditions, thereby masking broader injustices stemming from longstanding historical processes such as colonialism. The COVID-19 pandemic provides an important impetus to further explicate and theorize crisis within criminology and interdisciplinary justice studies.

The second essay in this volume by Michelle I. Bertrand, David Ireland, Richard Jochelson, and Kathleen Kerr-Donohue comments on the prospects for the jury trial in Canada during and after pandemic times. The authors sound a note of caution as they suggest the pandemic may further accelerate momentum toward the decline of jury trials in the Canadian legal system. Rather than adapting new technologies to facilitate jury trials during the COVID-19 public health emergency, Canadian jurisdictions have instead placed

pressure on participants to accept judge-alone proceedings, or face considerable delay in having their cases heard by a jury. The authors reflect on issues of procedural and substantive justice that may result from the potential disappearance of the jury trial in Canada.

The contribution by Christopher J. Schneider explores news media coverage of policing in pandemic times using organizational studies scholar John Van Maanen's concept of "assholes" — those who challenge police authority and the official definition of the situation. The "asshole" provides a way of theorizing the nature of police-citizen interactions during pandemic times. Schneider undertakes a qualitative analysis of news media reports about these types of police-citizen encounters. One finding is that police discretion appears to have increased during pandemic times, leading to substantive questions about justice. Moreover, pandemic times have provided an impetus for the overall expansion of police powers beyond matters of crime control and into areas of basic biological function. Schneider argues that his findings provide renewed empirical support for the establishment of stronger legal limits to police discretion.

Muhammad Asadullah and Barbara Tomporowski examine practices of restorative justice during the pandemic. The authors assess how agencies in Saskatchewan, British Columbia, and the United States are adapting during the spread of COVID-19 and using videoconferencing to connect victims and offenders and to hold virtual circles. They argue that online platforms may offer opportunities to implement restorative justice during this time of physical distancing and restrictions on meeting and mobility. The authors also argue virtual processes entail challenges regarding access to justice and questions about authentic communication. Asadullah and Tomporowski conclude with recommendations for federal and provincial governments and community-based restorative justice organizations operating in the pandemic age.

In a similar inquiry, Megan Katherine Capp examines access to justice in the pandemic age. Capp explores some new developments regarding access to justice initiatives, and argues that new digital and online technology should be used to enhance access to justice.

However, the author contends the use of new technology may also inadvertently create new injustices and newfangled barriers to justice. Capp therefore argues that technology in courts and justice settings must be used carefully and wisely. The author suggests that any new developments in this domain must ensure that equitable access to justice is a key priority.

Anaïs Tschanz and Lucie Hernandez examine the parallels between COVID-19 lockdowns and the experience of being imprisoned. Drawing from the lockdown experience in France, they use the idea of carceral imaginary to explore the corporeal and emotional dimensions of restricted mobility. Through an analysis of comments made on an online social network, the authors assess the ways that the lockdown experience was construed as a form of carceral existence. The authors suggest that social representations relating to prison received more attention and perhaps emphatic understanding during the pandemic, at least for some time. However, Tschanz and Hernandez also show that distinctions between lockdowners and prisoners are still made, using common stereotypes for referring to people behind bars. The authors conclude by reflecting on enduring stereotypes regarding criminalized persons.

The contribution by James Gacek offers reflection on the ethical considerations of in-prison research during the pandemic. Gacek raises the question of necessity — Do we even need prison research during the pandemic? — and then proceeds to explore three specific challenges qualitative researchers may be faced with in conducting prison research during pandemic times. Those are: negotiating research access; issues around recruitment; and considerations regarding consent and confidentiality. Gacek notes that while prison researchers have also been tasked to consider the ethical implications of their research, the COVID-19 pandemic has created a number of new issues and challenges that he urges scholars to consider prior to conducting any research inside prison institutions.

Alexander McClelland and Alex Luscombe introduce readers to their ongoing work of the Policing the Pandemic Mapping Project (PPMP), a Canadian justice initiative that provides a “live archive” on COVID-19 law enforcement practices across Canada. The authors

explain that the PPMP constitutes a form of counter-mapping and data-activism and go on to provide readers with an overview of the policing, regulation, and criminalization of individuals who have violated COVID-19 public health regulations, based on their work of tracking law enforcement practices across the country. In so doing, the authors show how police, and in some provinces even private security, have been positioned as central actors in this public health crisis. The authors conclude by suggesting avenues for future research focused on issues such as the efficacy of monetary fines and the criminalization of marginalized and racialized groups.

Courtney Joshua and Kevin Walby examine claims made by Canadian media, government agencies, and citizen groups about the social and individual risks of the COVID-19 pandemic. Engaging with the sociology of risk, they analyze media framing and claims-making in the Western provinces of Canada during the first three months of the pandemic. They examine how discourses emanating from community regulation, policing, social media use, and government communications encode notions of risk, contagion, and disease related to COVID-19. Analyzing 257 articles from several news outlets, they show that early media reporting on COVID-19 in Western Canada reproduced a logic of risk in which individuals are portrayed as the site and source of the contagion. The authors argue that media reporting on COVID-19 has not questioned capitalism or globalization with much depth, instead focusing on individual transmission and responsabilizing citizens.

Emmanuelle Bernheim examines how Quebec's mental health system has fought to include a human rights approach to assessment and psychiatric care in hospitals, group homes, and assisted living environments to overcome prevailing coercive approaches. In Quebec, the public health emergency provisions have interrupted that progress. Bernheim suggests that since the declaration of the public emergency, 77% of the 10,000 tickets related to COVID-19 issued between April 1, 2020, and June 15, 2020, in Canada were given in Quebec, particularly to homeless people, but also to people with mental illness who were sometimes known by the police. The emergency provisions allow for far-reaching interpretations of risk, thereby empowering judicial assessments to bypass the human rights

focus of assessments so hard fought for over the years, using instead the application of discriminatory treatment under the guise of public health.

R. Joshua Scannell's research note employs the idea of "the carceral surround" to make sense of how the twenty-first century lived experience of a world composed of ubiquitous and mobile media is mediated by carceral power. Characterizing the New York Police Department as operating with impunity, Scannell shows how a messy mix of racist and physically violent enforcement of socially distancing ordinances occurred at the height of the pandemic. He reveals the stark difference between policing Black and Latinx neighbourhoods and wealthier ones, and discusses how these events were mediated in video form and consumed. He discusses the normalization of these non-normal events, and uses remediation and premediation to explain the refashioning of the mediatized structure of carceral violence and how the logic of policing is distributed by in the digital. He concludes by highlighting how the COVID-19 pandemic has exacerbated the existing racialized dynamics of policing in New York City, extending the carceral surround deeper into the everyday logics of urban life.

Sophie Lachapelle and Angela May evoke necropolitics to understand death as an ordinary feature of life among certain groups and how some people are marked for death to allow others to live. In their argument, they show how during the COVID-19 pandemic the unhoused in Kingston, Ontario, are made to be proximal to death because of their structural position where they experience numerous forms of neoliberal violence including homelessness. This violence is found at the blurred and ambivalent space between care and carcerality as manifested in the creation of Social Isolation Centres designed to shelter people awaiting test results or for those who tested positive but did not have access to housing.

It is our hope that this thematic issue of the *Annual Review of Interdisciplinary Justice Research* on "Pandemic Justice" moves interdisciplinary scholarship on crime, law, and justice in COVID times forward in new and creative ways. The papers in this volume of the IJR embody a diversity of perspectives and disciplinary positions

that promise to open up new theoretical, methodological, and empirical insights into justice in the midst of a global pandemic. While the public health emergency is far from over at the time of publication, we now have a much greater appreciation of a range of issues of justice in pandemic times as they played out through policing, confinement, and other aspects of social control during these tumultuous times. It may be a trite observation to say that things will never be the same after this period of human history, and it is certainly too soon to make such a sweeping declaration. However, it is clear that research agendas and social movements have been profoundly altered by the events of the past year, and it is far from certain what the social world and academia will look like when the WHO and other public health authorities announce the official end of the pandemic. This volume of the IJR provides a scholarly record of these as yet unfolding changes, and it is our hope that it may be a resource for scholars and activists even as we move inevitably toward a post-pandemic future.

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