To Remove and Replace?
Examining Discourses in Support of and Opposition to Elite Efforts to Transform Community Housing into a Transcarceral Space

by

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Abstract

Through engaging with hegemonic and counter-hegemonic discourses surrounding the Province of Ontario's *Community Housing Renewal Strategy* (*CHRS*), this thesis examines the ways in which the criminalization and social assistance systems continue to be reimagined in ways that perpetuate inequality. The *CHRS* legislates the exclusion of criminalized individuals from accessing community housing. Drawing on Marxian punishment theory, the role of structural inequality as the foundation of such a policy is explored. A total of 150 documents comprise the final dataset; this includes newsprint media items, reports produced by non-governmental organizations, and Hansard transcripts. The analysis reveals a total of seven themes, which highlight how the *CHRS* is largely legitimized based on the principle of lesser eligibility. Through the hegemonic discourses, the recomposition and extension of the penal apparatus into the community housing sector is observed. Moreover, purveyors of counter-hegemonic discourses further illustrate this through highlighting the way in which the *CHRS* represents a state mechanism used to reproduce poverty and perpetuate its criminalization. In conclusion, future directions for research aiming to dismantle exclusive and punitive policies are suggested.

Keywords: prisoner re-entry; community housing; transcarceration; poverty; Marxism; abolitionism

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List of Acronyms

BC	British Columbia
CAEFS	Canadian Association of Elizabeth Fry Societies
CHRS	*Community Housing Renewal Strategy*
CSC	Correctional Service Canada
HSA	*Housing Services Act*
NGO(s)	Non-Governmental Organization(s)
NPIC	Non-Profit Industrial Complex
PVO(s)	Penal Voluntary Organization(s)
PVS	Penal Voluntary Sector
UK	United Kingdom
US	United States
VSO(s)	Voluntary Sector Organization(s)

Chapter 1.   Introduction

While there exists an extensive literature on the emergence and impacts of collateral consequences of imprisonment that continue to punish criminalized people by barring access to many life necessities following their release from prison in the United States (US) (e.g. Travis, 2002), there are few studies that explore the re-entry barriers faced by people exiting prisons and the discourses through which their exclusion is constituted in Canada (e.g. Munn and Bruckert, 2013). Contributing to this literature and drawing on Marxian punishment theory, this master's thesis explores the discourses in support of and in opposition to Ontario's *Community Housing Renewal Strategy* (*CHRS*)[1]. Particular interest is centred on its provisions allowing for the exclusion of criminalized people from community housing on the grounds of public safety in order to understand the ways in which the criminalization and social assistance systems continue to be reimagined in ways that perpetuate inequality. The purpose of this chapter is to locate the emergence of the *CHRS* within the contemporary context of neoliberalism and exclusion, as well as provide an overview of its measures. Following this, the research questions guiding this study are introduced and an overview of the remaining chapters is provided.

1.1.   The *CHRS* in context

Following the perceived failure of Keynesian policies in the 1970s, which were premised upon an active government in relation to the economy, neoliberalism emerged in Western nations. Neoliberalism calls for a globalized free market. This is primarily to be achieved

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[1] The *CHRS* is now in force and some of its various components have begun to be enacted while others are set to begin in the years to follow. In 2019-2020, The Canada-Ontario Community Housing Initiative, The Ontario Priorities Housing Initiative, and The Canada-Ontario Housing Benefit were launched as part of the *CHRS*.

through deregulation and privatization. In examining the rise of neoliberalism in Canada, it is necessary to acknowledge that provincial governments have been at the forefront of neoliberal restructuring; this is true for New Democrat, Progressive Conservative, and Liberal governments alike (Keil, 2002; Snider, 2012). In relation to Ontario specifically, provincial governments long saw Ontario as central to citizenship and nation-building. Following the Second World War, Ontario invested heavily in healthcare, education, housing, and provided a range of social services to immigrants, the unemployed, and the poor (Snider, 2012). With the election of Mike Harris as Premier of Ontario in 1995, the Progressive Conservative government launched what it called a 'Common-Sense Revolution'. Such a revolution ultimately entailed an extensive programme to redesign governance, cut public spending, empower businesses, as well as weaken unions and the public sector (Snider, 2012). It is unsurprising then that during his time in power, Harris was considered to be the symbol of neoliberal societal restructuring in Ontario (Keil, 2002).

Since the 1990s when then-premier Mike Harris came into power, marginalized populations in Ontario have been directly impacted by austerity attacks as a result of neoliberalization, ranging from cuts to social assistance to the rollback of minimum wage (Clarke, 2018). The Progressive Conservatives have a lengthy record of making cuts that target the most vulnerable populations in society. In the late 1990s, under the Mike Harris government, social assistance programs were cut by twenty one percent and minimum wage was not raised for eight years while he was in office (Clarke, 2018). It is necessary to note, however, that neoliberal restructuring has not been linear since the 1990s. Rather, while the Liberal government was in power (2003-2018), some positive gains for marginalized populations were made albeit in ways that did not fundamentally challenge neoliberalism, but rather sought to reduce its harm. This

includes increases to the minimum wage as well as a decrease in the rate of unemployment (Barber, 2018). Further, inclusionary zoning was mandated in an attempt to improve affordable housing (Crawley, 2018). With this in mind, while some positive gains were made, many of these were ultimately undone. Under the current Progressive Conservative government that took office in 2018, there has been a rollback of further planned minimum wage increases. Further, there has been a fifty percent cut to a previous social assistance rate increase made by the Liberals during their time in power.

With respect to austerity attacks that have direct implications for contributing to the current housing crisis, under the Mike Harris government, rent control was scrapped resulting in the flatlining of purpose-built rental housing (Clarke, 2018). Moreover, he cancelled the creation of 20,000 rent-geared-to-income housing units and downloaded the cost of social housing onto municipalities who are unequipped to maintain and support such costly programs (Clarke, 2018).

During this same time period of fiscal restraints in Ontario, funding for addiction and mental health support programs was cut, as was funding for community group homes (De Bono, 2019a). For decades now, governments across Canada have divested from mental health institutions that once housed some of the most vulnerable sectors of society in favour of cheaper community-based programs or no support at all. With the deinstitutionalization push in the 1970s, there was intended to be adequate housing and supportive resources in place in order to absorb these vulnerable populations. In Ontario, this never materialized and Mike Harris further cut back on support programs which ultimately resulted in an increase in the number of individuals experiencing homelessness (De Bono, 2019a). The combination of these many interlocking factors has ultimately resulted in a provincial housing crisis, which has had severe consequences for the most vulnerable groups in society.

In 2018, the *CHRS* was first introduced with the goal of addressing the failures of the community housing system in Ontario. Put forth under the current Doug Ford Progressive Conservative government, the *CHRS* has emerged at a time when the community housing circumstances are considered to have reached crisis level. As the number of individuals requiring community housing increases with rent prices continuing to rise and more people being pushed out of affording market prices, the lack of availability of adequate social housing has become increasingly problematic. Between 1991 and 2016, there was an increase from twelve percent to fifteen percent of households requiring assistance with securing housing in Ontario; this rate is above the national average (Statistics Canada, 2017). As of 2018, fifty-six percent of renters in Ontario were unable to afford the average market rent price for a two bedroom apartment (Government of Ontario, 2019).

Approximately sixty percent of the current community housing supply was created through funding agreements between governments and non-profits, cooperative housing, and private landlords (Government of Ontario, 2019). The remaining forty percent is public housing that is owned and managed by municipalities (Government of Ontario, 2019). The funding agreements, which have been in place for over thirty years, are coming to an end which means that a significant percentage of housing providers will no longer be required to provide affordable or subsidized housing upon the expiry of their agreement. As such, this has led to a loss of approximately 6,500 community housing units to date (Government of Ontario, 2019). By 2027, the number of affordable housing units at risk of being lost increases to 106,600 (Government of Ontario, 2019). Given the increase in individuals experiencing precarious housing combined with a deteriorating community housing stock, the *CHRS* was created in a stated attempt to address these issues.

As a whole, the *CHRS* identifies three primary problem areas with Ontario's current community housing system. First, there is a recognition that there is currently a lack of housing supply and that, of the housing that exists, much of it is old and requires major repairs (Ministry of Municipal Affairs and Housing, 2019). This issue is noted as particularly important to address given that many non-profit and cooperative housing providers are nearing the end of their program obligations. In this sense, many are claiming to face financial, amongst other, challenges to be able to continue to provide housing to marginalized populations (Ministry of Municipal Affairs and Housing, 2019). As part of the *CHRS*, non-profit and cooperative housing providers would be required to remain contractually involved in the delivery of community housing programs for an additional three years thus preserving much of the current community housing stock while more is created. Contributing to the further entrenchment of neoliberalism, the *CHRS* sets out to expand the involvement of the private sector to generate more affordable and mixed-income housing buildings.

Second, the system as a whole is said to have too many complex rules and 'red tape' that have been developed over decades. For example, the current rent-geared to income calculations are noted as being complicated and intrusive for tenants (Ministry of Municipal Affairs and Housing, 2019). Similarly, the current system is said to be inefficient as administration claims to spend the majority of their time filling out paperwork rather than actually assisting individuals. Citing these issues, the provincial government argues that housing providers are unable to manage their assets, build more housing, and provide services for tenants that may require supports. As such, the *CHRS* suggests that ministries need to better work together in order to coordinate supports and services across Ontario. There is also an imperative to get rid of the 'red

tape' which is said to particularly pose an issue in the building of new housing, as well as the overall efficiency in providing housing to those deemed to be most in need.

Lastly, issues regarding access and safety while living in community housing are identified. The waitlist is extremely long and is said to improperly prioritize those in the greatest need with housing that is best for them. According to the provincial government, criminalized individuals are often placed at the top of the priority list when families and 'law-abiding' individuals should be prioritized. The current community housing system is not coordinated with other housing access systems which is said to decrease its overall efficiency. Similarly, a lack of sense of safety and security for some tenants is noted. For example, certain tenants are listed as having expressed a concern for the amount of criminalized behaviour occurring in community housing. Particularly, issues with gangs, drug dealers, and sex workers are said to pose problems in regard to tenants' safety and security. In a stated attempt to address the lack of community safety, an additional measure — namely, excluding criminalized individuals from accessing community housing — is proposed.

Currently, *Housing Services Act* (*HSA*) (2011) establishes the legislative framework regarding social housing in Ontario. As it stands, there are forty-seven service managers charged to manage social housing programs across the province. Service managers assess household eligibility in order to determine who qualifies for assistance, as well as the priority level (Government of Ontario, 2019). Their decisions are based on provincial and local eligibility and priority rules as set out in the regulation. Once a household is deemed eligible, they are placed on a waiting list. Upon reaching the top of the waiting list, community housing providers can either offer a unit or refuse to offer a unit based on grounds specified in s.50 of Ontario Regulation 267/11 (Government of Ontario, 2019). An example of grounds for refusal includes reasonable

grounds to believe that the household will not pay their rent or based on their rental history. Currently, involvement in criminalized behaviour does not constitute reasonable grounds for service providers to deny tenancy where the household has been found eligible (Government of Ontario, 2019). However, managers do currently have the authority to evict an individual for involvement in criminalized behaviour; they simply are not able to prevent the individual from re-applying. Moreover, managers for rent-geared-to-income housing are empowered to establish local priority rules for their waitlists according to community needs (Talwar Kapoor & Aldridge, 2019a). As such, there are currently policies in place to prevent or restrict criminalized individuals from accessing community housing.

The provincial government's *CHRS* proposes amendments to this act as part of the larger community housing renewal initiative in a stated attempt to increase community housing safety for its residents (Government of Ontario, 2019). The proposed amendment would involve a reform to s.50 of Ontario Regulation 367/11 by adding to the circumstances under which service providers would have reasonable grounds to deny tenancy to an individual at the top of the waiting list[2] (Government of Ontario, 2019). This proposed amendment would provide service managers with the authority to refuse housing based on a previous eviction for a 'serious criminal offence' (Government of Ontario, 2019). It is unclear as to what 'serious criminal offence' actually refers to and whether or not this will be clarified or left to the discretion of service managers. Further, it is unclear whether or not service managers will have discretion in regard to who is or is not denied tenancy for involvement in given criminalized behaviour. Seeing as neoliberalism is premised upon increasing the concentration of wealth amongst the powerful while concurrently removing social services intended to support the less powerful,

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[2] The provincial government was accepting community input on this specific proposed amendment until July 1st, 2019 and no updates have been provided to date.

excluding criminalized individuals from accessing community housing allows the government to cut back on this particular service. Similarly, as the conditions of life of criminalized individuals decreases, the conditions for the lowest stratum of 'law-abiding' citizens is also able to decrease.

Given that neoliberalism is the current brand of capitalism that dominates Canadian society, it is vital to locate the creation of the *CHRS* within this socio-economic order that pushes more people to the margins in ways that allow for a greater concentration of wealth[3]. Corcoran (2014) contends that "neoliberalism has many variations, but these broadly converge on a political project which promulgates a freely operating economy as a guarantor of political and social liberty, and where government regulation represents an illegitimate interference in society" (p. 56). With the rise of neoliberalism, scholars have pointed to the infiltration of private interests into the public sphere (Corcoran, 2014; Hall, 2011). This point is of particular relevance when examining the political-economic context under which the *CHRS* emerged. The stated aims of the *CHRS* are to address the current lack of adequate community housing through maintaining contractual agreements between governments and non-profits, co-operative housing, and private investors. Similarly, the *CHRS* aims to further incorporate the private sector in the development of a new stock of affordable and mixed income housing buildings. In this regard, the *CHRS* follows the privatization and commodification associated with neoliberalism (Schwarzmantel, 2007). Harvey (2007) argues that under neoliberalism, privatization and deregulation combined with competition is deemed to increase efficiency. This is said to be achieved through increasing productivity, improving quality, and decreasing costs (Hall, 2011). Through maintaining and increasing the public-private partnership, the *CHRS* is framed as an important tool to cut the

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[3] For a more extensive discussion of neoliberalism and what it entails, see *Chapter 2: Literature Review* (p. 24).

costs associated with building and maintaining community housing in order to better the overall delivery of such programs.

To continue, another important aspect of neoliberalism is that the free mobility of capital between sectors and countries is viewed as pivotal (Harvey, 2007). Specifically, any barriers which impede such free movement require removal. This sentiment is prevalent in examining the discourses surrounding the *CHRS* as they claim that the failure of the current housing system is due to outdated rules and 'red tape'. Of particular relevance is the goal of the *CHRS* to eliminate building rules and by-pass environmental laws in order to allow for the free mobility of capital. This is deemed to be crucial to increase the efficiency and the quality of the delivery of community housing through enabling more housing to be built in a cheaper and quicker fashion. While the *CHRS* implements leniency for the powerful, authoritarianism is directed at the less powerful (Fine & Saad-Filho, 2017). Hall (2011) discusses 'managerial marketisation' in order to account for the liberalization of the economy with a concurrent surveillance and ambiguous target/control culture placed on the marginalized sectors of society. Through implementing means to evict criminalized individuals from community housing, as well as prevent the upward mobility of those residing in community housing, the *CHRS* legislates the surveillance and control of its tenants. As a whole, the *CHRS* is characterized by the 'splitting' that neoliberalism practices. That is, while progress is observed in relation to reforms benefitting the powerful in particular, there is also a simultaneous need to contain threats from below (Hall, 2011). Indeed, in the case of the *CHRS*, rather than observing a retraction of state involvement, there is a shift in regime toward an increasingly punitive and exclusionary approach. As a whole, the *CHRS* is a policy which benefits the powerful (including builders and speculators), under the guise of supporting the marginalized.

The *CHRS* represents one of the many austerity attacks faced by marginalized populations in Ontario. More specifically, it represents one of the many ways that criminalized individuals in particular experience collateral consequences of incarceration. This proposed amendment, if enacted, is likely to have detrimental implications for criminalized people, including former prisoners attempting to find housing subsequent to their release. Finding adequate housing is already one of the most difficult barriers for former prisoners to overcome (Gaetz & O'Grady, 2006; Kellen, 2014; Travis, 2005). Concurrently, it is one of the most important contributors to successful re-entry (Kellen, 2014; Petersilia, 2001). As such, this proposed reform has the potential to prevent prisoners from accessing safe and secure housing. With this in mind, this reform would do little, if anything, to contribute to 'crime' reduction and community safety. Rather, this amendment has the potential to perpetuate social exclusion and the stigma associated with criminalization. The consequences that would ensue should this amendment be implemented would be similar to those previously seen with other collateral consequences whereby the safety net intended to protect and help marginalized populations is retrenched (Kellen, 2014; Kellen, 2010). In this sense, the revolving door of provincial institutions would be expanded further as prisoners would face additional difficulties in securing housing upon release, which thus creates insecurity in their lives that make them vulnerable to recriminalization.

Research has long established the deleterious impact of incarceration at both the level of the individual and the community (see Clear, Rose, & Ryder, 2011; Poupart, 2004; Strimelle & Frigon, 2007; Webster & Doob, 2015). Regardless of this, in recent decades Canadian politicians have continued to advance "tough on crime" approaches whereby punishment is deemed to be

the ultimate solution to 'crime'[4]. This recent push for populist punitiveness[5] has resulted in an

increase in the number of individuals who must attempt to re-enter a society in which they feel

unwanted (Travis, 2005; Travis & Christiansen, 2006). In this sense, penal intensification is

occurring, albeit unevenly across jurisdictions. While the US has set the bar for populist

punitiveness, Canada has followed in its footsteps to a lesser degree through having higher

incarceration rates than many other states in the Western world (Munn, 2009). This penal

intensification can entail a quantitative increase in the rate of incarceration and community

supervision schemes and/or a qualitative harshening of imprisonment and community

supervision schemes. While the overall rate of incarceration has remained relatively stable for

some time in Canada (Webster & Doob, 2015), the number of individuals under the control of

community corrections has led to the widening of the penal net (Brown, 2019). In this regard, the

main driving force behind this penal intensification is observed via community-based

supervision.

While academic inquiry has considered the re-entry barriers experienced by individuals

released from federal institutions in Canada, less researched are the experiences of those leaving

provincial facilities. Provincial institutions generally house more individuals for shorter periods

of time than their federal counterparts, which translates into more pressure placed on provincial

post-release services and programs that are scarce to begin with (Gaetz & O'Grady, 2006;

Halsey, 2010; Malakieh, 2018; Ruddell & Winfree, 2006). Examples of such services and

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[4] Single quotations are used around 'crime' and related criminal justice concepts (such as 'criminal') in order to denote that 'crime' is a social construct with no ontological reality; a 'crime' as Hulsman (1986) notes is a behaviour which is criminalized in a given socio-political context.

[5] Populist punitiveness is derived from the belief that criminalized individuals are favoured at the expense of victims and the 'law abiding' public (Garland, 2001; Pratt, 2007). Specifically, penal populism constitutes the privileging of public penal expectations in policy development thus leading to commonsensical and anti-intellectual implementations based on emotion and public opinion rather than research (Pratt & Clark, 2005).

programs include addictions and mental health support, anger management programs, and employment support services. In relation to federal prisoners in Canada, research has found that employment and finance, obtaining adequate housing, managing stigma, and navigating the 'criminal' identity are some of the most prevalent re-entry barriers experienced (see Munn & Bruckert, 2013; Shantz & Frigon, 2010). While many of the collateral consequences of incarceration and ensuing re-entry barriers experienced by federal and provincial prisoners likely overlap, the services and supports provided for federal prisoners significantly exceed those available to provincial prisoners. With this in mind, research is needed to understand the re-entry barriers faced by those released from provincial institutions (either on remand or sentenced) in order to identify the challenges they face, as well as the services and support they require. Not only is this research important for individuals trying to establish themselves in the community, but it is further valuable for the community as successful re-entry promotes community wellbeing and safety through the diminishment of recriminalization.

1.2. Focus of the study

Under the guise of promoting community safety and wellbeing, the *CHRS* and its provisions to exclude criminalized people from access to community housing is being legitimized by Ontario's provincial government as a necessary 'crime control' tool. Such legitimization persists in the face of opposition parliamentarians and other actors who have noted its potential consequences, including those documented in the literature on post-incarceration policies premised on exclusion. Such struggles are important to examine as they reveal opportunities to challenge elite efforts to disempower people in ways that allow them to further concentrate their power. Drawing on Marxian punishment theory, this thesis examines the

following research questions: How do hegemonic discourses[6] promote the *CHRS* and reproduce

punitive logics and practices? How do counter-hegemonic discourses[7] challenge the *CHRS* and

punitive logics and practices? Using a thematic analysis, this thesis critically assesses the

hegemonic and counter-hegemonic discourses surrounding the *CHRS* as contained in a total of

150 news media items, non-governmental association reports, and Hansard transcripts. In so

doing, the analysis illustrates how inequalities in society are reproduced in policy and law, as

well as how the social assistance sector is increasingly being envisaged as a mechanism of social

control as neoliberal capitalism becomes further entrenched in Canada. Specifically, my

examination of the discourses surrounding the *CHRS* highlights how community housing is

being envisaged as a transcarceral space with criminalization serving as a marker for exclusion

from social assistance. Ultimately, this works to enshrine 'criminals' as a permanent underclass

vulnerable to housing insecurity and future imprisonment.

1.3. Chapter overview

The balance of this thesis is organized in five parts. In *Chapter 2: Literature review*, I

review the way in which prisoner re-entry, 'reintegration', and 'resettlement' are currently

conceptualized in the literature. I also contextualize the impact of populist punitiveness and

neoliberalism on the deepening of the collateral consequences of incarceration and ensuing re-

entry barriers experienced by prisoners upon release.

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[6] As per Gramsci (1971), in order to produce and reproduce a system premised on inequality, there is a need for both repression and an active construction of 'common-sense' consciousness. In order to construct such a 'common-sense' consciousness, conflict over competing views of reality occur; with this in mind, those who are more powerful are better equipped to have their versions of reality become the dominant ones. As such, a discourse becomes hegemonic when it serves as a mechanism through which the transmission of dominant ideologies and thus the reproduction of hegemony occurs.

[7] Counter-hegemonic discourses refer to where discourses are mobilized to challenge/undermine systems of social power and inequality.

Chapter 3: Theoretical framework, discusses the expansion of carceral control and the related criminalization of poverty drawing on Marxian punishment work. From here, I contextualize how the theoretical insights advanced by Marxian punishment scholars can be applied to making sense of developments in Canadian penality, including in Ontario.

In *Chapter 4: Methodological approach*, I outline the thematic analysis approach used to analyze newsprint media items, non-governmental association reports, and Hansard transcripts discussing the *CHRS*. Moreover, I outline why such a method was used for understanding the way in which the *CHRS* is justified and challenged.

In *Chapter 5: Findings and discussion*, I examine the discourses used to justify and legitimize, as well as challenge and denounce the *CHRS*. Through investigating how the *CHRS* is presented as a necessary tool to ensure community safety through reducing 'crime', I identify the way in which prisoners are conceptualized as 'non-deserving' citizens and how in turn the denial of their basic human rights is justified. The legitimization and challenging of exclusionary tactics contained in the *CHRS* are also examined. Throughout this analysis, Marxian punishment theory is employed to unpack the underlying social, political, and economic inequality embedded within the discourses and reflective of society at large.

Chapter 6: Conclusion and future directions summarizes the main contributions that this project makes and reflects on the significance of these findings. Future directions for research on prisoner re-entry are proposed.

Chapter 2.   Literature review

The purpose of this literature review is to contextualize the impact that neoliberalization and "tough on crime" policies in Canada have had in relation to prisoner re-entry. The goal is to illustrate the ways in which these policies have led to a decrease in the available programs and services to assist prisoners with community re-entry, which in some jurisdictions is the result of increases in the use of imprisonment. Within a Canadian context, where incarceration rates have remained stable, the declining community resources can be largely attributed to fiscal restraints emerging under neoliberal capitalism. As a result, prisoners face a multitude of interlocking re-entry barriers caused by their incarceration. With minimal, if any, state support, as well as the expansion of carceral into the community via transcarceration, upon re-entry prisoners are forced into marginalized roles within society.

This literature review begins by exploring the concepts of prisoner re-entry, 'reintegration', and 'resettlement'. Next, the impact of populist punitiveness in the context of neoliberalism will be outlined in order to illustrate the effect that they have had within and beyond the Canadian penal system. Following this, the various collateral consequences that result from incarceration will be presented and discussed in relation to how they directly translate into re-entry barriers for prisoners as they attempt to leave the prison and re-enter the community. Transcarceration literature will also be discussed in order to situate how community supervision release schemes have become more risk management oriented and punitive. Finally, the role of the Penal Voluntary Sector (PVS), also referred to as the Non-Profit Industrial Complex (NPIC), as a feeble attempt to compensate for the inability of prisons/jails to provide prisoners with the necessary re-entry supports and services will then be examined.

The vast majority of individuals currently held within prison walls will eventually return to the community. While much literature focuses on prison experiences and recidivism (see Cochran, 2014; Mears, 2012; Rydberg & Grommon, 2016), there is a dearth of scholarly literature examining the community conditions and availability of services facing newly released prisoners. This is particularly true within a Canadian context and in regard to those being released from provincial institutions. As mentioned previously, there is now an unprecedented number of incarcerated individuals returning to the community due to the overreliance on incarceration that first emerged in past decades (Malakieh, 2018). In this sense, prisoner re-entry is currently one of the major issues in the penal system, particularly for the PVS. It is necessary to understand the ways in which incarceration translates into a variety of collateral consequences as a result of the marginalization and oppression caused by the penal system which serve as re-entry barriers (Byrd, 2013; Maruna & Immarigeon, 2004; Mathiesen, 2015; Poupart, 2004; Strimelle & Frigon, 2007). While some academic inquiry has considered what barriers exist for prisoners leaving institutions, current literature on the topic focuses on the prisoner's responsibility in successfully re-entering without considering the role of the state, the PVS, and the community at large (see Griffiths, Dandurand, & Murdoch, 2007; Maruna & Immarigeon, 2004). Moreover, while some literature has provided a description of the re-entry barriers experienced by prisoners (see Brown, 2004; Gaetz & O'Grady, 2006; Graffam, Shinkfield, Lavelle, & McPherson, 2004; Travis & Christiansen, 2006), the barriers are rarely analyzed as a function of a broader system of inequality. As currently understood in the literature, prisoner re-entry is presented as a process that could be positive with the incorporation of simple piecemeal reform (see Griffiths, Dandurand, & Murdoch, 2007; Shinkfield & Graffam, 2009). For example, several scholars suggest that providing prisoners with more, as well as better access to, programs

and services will help to facilitate successful re-entry (Anderson-Facile, 2009; Gaetz & O'Grady, 2006; Griffiths et al., 2007). Similarly, scholars have expressed a need for throughcare in the delivery of programs and services so as to ensure that upon community re-entry prisoners retain the supports they were receiving while incarcerated (Gaetz & O'Grady, 2006; Visher & Travis, 2003). This is particularly problematic as reform movements, such as those seen to date with prisoner re-entry, serve to legitimize and reproduce the penal system, rather than challenge its fundamental structures of oppression and marginalization (Mathiesen, 2000). This thesis seeks to bridge this gap by analyzing re-entry barriers as a direct result of a broader system of inequality as enshrined in law, policy, and practice.

2.1. On prisoner 'reintegration', 'resettlement', and re-entry

Prior to exploring what re-entry barriers prisoners face upon release, it is necessary to consider the way in which prisoner re-entry has been conceptualized by the literature. In its broadest sense, prisoner re-entry can be understood as the process through which an individual transitions from life within an institution to life back in the community (Caputo-Levine, 2018; Gaetz & O'Grady, 2006; Maruna & Immarigeon, 2004). While the literature differs greatly in its operationalization of prisoner re-entry, the definition provided above is encompassed within all understandings. Much literature centred on prisoner re-entry provides definitions that lend legitimacy to populist punitiveness and the rhetoric of responsibilization. For example, Gaetz & O'Grady (2006) define re-entry in terms of the ability for an 'ex-convict' to 'reintegrate' into the community, obtain housing and employment, develop relationships and connections, participate as a citizen, and not reoffend. Caputo-Levine (2018) frames prisoner re-entry in terms of the process through which an individual makes the transition from life within prison to life in the

community. While these definitions acknowledge aspects of prisoner re-entry, they overlook the role of the state and the community in either assisting or hindering the re-entry process.

2.1.1. Prisoner 'reintegration'

Similar to prisoner re-entry, the term prisoner reintegration is focused on the process of transitioning from life within prison to life in the community. Prisoner reintegration refers to the adjustment that individuals face upon returning to the community as they attempt to live a 'crime-free life'. Necessary to acknowledge, however, is that much of the concern of state bodies and the PVS pertains to the observance of conditions, some of which may not really relate to individuals living a 'crime-free' life. For example, many individuals are released with stringent conditions such as abstaining from alcohol use or adhering to a curfew; there are many instances in which people are being controlled as well as criminalized and re-incarcerated for what would otherwise be non-'criminal' behaviour if they were not under some form of community supervision (Deshman & Myers, 2014). Martinez (2010) emphasizes that this term entails former prisoners engaging in productive post-release activities to assist themselves socially, mentally, and financially. In this sense, prisoner reintegration is centred on prisoners functioning as members of mainstream society, rather than engaging in criminalized behaviour and returning to prison (Moran, 2012). As seen with prisoner re-entry, the focus remains on the neoliberal trope of individualization whereby the prisoner is in charge of their reintegration. The difference is that prisoner reintegration is much more focused on desistance from criminalized behaviour as the former prisoner attempts to navigate from the identity of a 'criminal' to that of a 'productive citizen'. One of the issues with this term is that it makes little sense for individuals who never felt integrated into the community prior to their incarceration or for those who were integrated into 'non-prosocial' environments (Hucklesby & Hagley-Dickinson, 2013); the focus is on

normative middle class qualities. This includes obtaining an education and employment, owning a home, having a family, and the like.

2.1.2. Prisoner 'resettlement'

Prisoner resettlement expands on the concept of reintegration by capturing the process through which individuals come to make new social bonds and commitments which support a lifestyle less consistent with criminalized behaviour (Hucklesby & Hagley-Dickinson, 2013). Resettlement is largely more focused on post-release supervision and post-release services that former prisoners require in order to return to stable lives after imprisonment (Fraser & Grimshaw, 2004). It is much more oriented around policy decisions that foster prisoners' shift to 'prosocial lives' through access to assistance and support (Fraser & Grimshaw, 2004; Hucklesby & Hagley-Dickinson, 2013; Moore, 2011). However, like reintegration, the way this concept is often operationalized in the literature fails to account for the various social and economic environments in which prisoners find themselves upon release.

2.1.3. Prisoner re-entry

Prisoner re-entry must be understood beyond the prison and prisoner as it involves serious social, political, and economic consequences for prisoners, their families, and their communities (Petersilia, 2003). For the purpose of this thesis, Poupart (2004) offers an understanding of social integration which is useful in conceptualizing prisoner re-entry: a society's ability to foster social cohesion by ensuring that all those that constitute it occupy a recognized place within. Although this does not fully capture what prisoner re-entry entails, it is useful as it places the onus of integration not solely on the individual, but on the state and the community as a whole. It further recognizes that the new focus on punishment which

individualizes law-breaking has caused an overlook of the social factors contributing to prisoner re-entry barriers. This definition acknowledges that the state and community must make room for individuals within the social body.

Maruna and Immarigeon (2004) argue that re-entry is both an event and a process as it occurs upon release from incarceration and involves several ongoing and interlocking challenges and conflicts. While incarceration, release, and re-entry are often conceptualized as a linear process, Munn and Bruckert (2013) explain that although prisoners experience a newfound sense of liberty upon release they are also faced with a sense of constraint. As prisoners return to the community, they must attempt to re-acclimatize while battling the ongoing control that they face through stringent release conditions (Munn & Bruckert, 2013). Imprisonment deprives prisoners of their freedom and their ability to make choices; even upon being released into the community neither are fully restored and as a result prisoners struggle as neoliberal societies are characterized by regimes of government through freedom (Munn & Bruckert, 2013). In this regard, re-entry should be understood as a process that begins upon entering an institution and ends long after release (Gaetz & O'Grady, 2006; Griffiths et al., 2007; Maruna & Immarigeon, 2004). Furthermore, it is crucial to note that several sectors — namely family structure, employment, and housing — are stakeholders in the re-entry process (Anderson-Facile, 2009; Gaetz & O'Grady, 2006; Olusanya & Cancino, 2011). As discussed in this section, a variety of language exists in the literature in reference to re-entry. This language is largely reflective of the normative frame that much of the literature on this topic has. That is, the onus for successful re-entry is placed upon the individual overlooking other actors involved in the process. For the purpose of this thesis, these terms can be understood synonymously to the operationalization provided above for prisoner re-entry. In deconstructing the normative conceptualizations of

prisoner re-entry, it is possible to avoid perpetuating the neoliberal trope of individualization; this offers a point of entry for understanding how the hegemonic discourses surrounding the *CHRS* frames criminalized people as a threat to safety in the context of community housing and how the counter-hegemonic discourses problematize such a conception by noting the re-entry barriers posed by instituting measures allowing for the exclusion of people with criminal records from such accommodations..

2.2.   Populist punitiveness and the rise of neoliberalism

The manner in which criminalized behaviour is understood and managed varies according to context. Hulsman (1986) explains that 'crime' is often conceptualized as exceptional events that differ in a significant manner from events not labelled as 'criminal'; 'criminal conduct' is deemed to be the cause of 'crime'. As such, 'criminals' are understood as belonging to a special category of people thus justifying the reaction against criminalized acts. Hulsman (1986) further emphasizes that 'crime' in of itself has no true ontological reality; "crime is not the object but the product of criminal policy" (p.71). This point is well illustrated through the ongoing shifts in the way in which 'crime' and 'criminals' have been perceived and responded to over the past decades. Depending on the period, the conceptualization and in turn the responses to criminalized behaviour have shifted along with criminal policy.

In previous decades, the Canadian approach to criminalized behaviour was much less punitive, in both the qualitative and quantitative sense, than that in the United States and United Kingdom (UK). This was largely reflected in each respective imprisonment rate prior to 2006 (Haggerty, 2001; Hulsman, 1986; Pratt, 2002; Webster & Doob, 2015). During this time, individuals engaging in criminalized behaviour were understood as socially disadvantaged and in need of assistance; 'reintegration' was the paramount policy concern (Webster & Doob, 2015).

With this in mind, the use of imprisonment was to be minimized due to its destructive nature in terms of prisoner 'reintegration' (Webster & Doob, 2015). Prison was deemed to be debilitating, which rendered the use of community alternatives the favoured recourse. The 1980s saw a shift as this decade is characterized by the rise of neoliberalism and an economic recession that ultimately resulted in fewer resources for the penal sector in Canada (Duguid, 2000; Strimelle & Frigon, 2007). Concurrently, the shift to neoliberalism led to emphasis being placed on responsibilization and individuation (Poupart, 2004). Individuals being released from institutions were now expected to successfully re-enter society with little state assistance even though it was their incarceration that inflicted multiple consequences and ensuing barriers to manage upon re-entry. As 'public safety' became the forefront of priorities for policy makers, the rise of social control through risk management became central to the criminalization system (Poupart, 2004). Individualized risk and needs assessment became the tool through which decisions were made pertaining to when and under what conditions an individual might be released, as well as the treatment interventions and level of supervision required in order to maintain the individuals 'successful' return to the community (Cormier, 2009). In this sense, there was a shift from focusing on integration to reactive means of promoting 'community safety'.

Within the context of Ontario, programs and supports for discharge planning, as well as the use of parole and conditional release have seen a decline since the 1990s (Gaetz & O'Grady, 2006; Webster & Doob, 2015). While the decrease of resources was impactful at the federal level in terms of availability and access, the impact was further exacerbated at the provincial level as there were fewer programs and services to begin with and the population has continued to increase (Malakieh, 2018). Examples of these cuts include a decrease in program supports for discharge planning and conditional release programs, as well as the elimination of provincially

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funded halfway houses in Ontario (Gaetz & O'Grady, 2006). Moreover, resources are only

intended for the sentenced population, meaning that those on remand have no access to

resources. This is significant as in Ontario the remand-sentenced ratio is currently around

seventy percent, which means that the majority of the provincial population does not have access

to programs intended to assist with their re-entry (Gaetz & O'Grady, 2006; Malakieh, 2018).

Overall, this translates into a greater need for resources and less access to resources in

comparison to their federal counterparts. Issues of access to programs and services further

reinforce the neoliberal rhetoric as they force individuals to be responsible for themselves,

disregarding the role of incarceration and structural conditions in creating re-entry barriers.

The past decade has seen a shift away from 'rehabilitation' and 'reintegration', focusing

instead on the need for deterrence, denunciation, and incapacitation as a result of the

conservative rhetoric (Webster & Doob, 2015). This is further showcased through the carceral

expansion at the provincial level in Canada (see Piché, 2014). While prison capacity expansion is

largely justified and legitimized on the basis that it is necessary in order to ameliorate conditions

of confinement and provide prisoners with programs there is minimal, if any, evidence indicating

improvements upon building larger prisons (Piché, 2014). As such, the claims that carceral

expansion is intended to foster 'rehabilitative' and 'reintegrative' goals are largely unrealized in

practice, which yield outcomes consistent with neoliberalization and populist punitiveness.

While the argument that increasing the use of incarceration leads to decreased victimization is

appealing, it propels a public fear of 'crime' that discourages social inclusivity which in turn

increases residential isolation for prisoners attempting to re-enter the community (Clear et al.,

2011). This punitive rhetoric overlooks the social factors contributing to criminalized behaviour

and views 'criminality' as a matter of social control rather than social integration (Poupart,

2004). This punitiveness is not only reflected in incapacitation trends but further in the decrease of services available to prisoners. Of the programs that remain, they centre on risk management which promotes prevention through risk assessment, rather than integration (Poupart, 2004; Strimelle & Frigon, 2007; Webster & Doob, 2015). These programs serve as a means of instilling social conformity without actually successfully integrating individuals back into the community (Poupart, 2004). The broader ramification of this populist punitiveness is that the deleterious impact of incarceration is being expanded as more individuals enter prison walls and must attempt to independently re-enter a community in which they are often not welcomed. In this sense, not only do individuals experience multiple interlocking barriers from their time incarcerated, but these barriers are further entrenched in the community rendering their successful re-entry difficult. The rise of neoliberalism and populist punitiveness in Canada is precisely where post-incarceration policies, such as the *CHRS*, have emerged and been justified.

The emergence of neoliberalism can be traced back to the 1970s as a response to a revived capitalism in the midst of the "crisis" of Keynesian welfarism (Hall, 2011). Within literature examining neoliberalism/neoliberalization, it is greatly emphasized that neoliberalism does not entail one thing (Hall, 2011). Rather, given the various global geopolitical contexts in which it has emerged, its manifestation occurs in diverse and uneven ways. Regardless of this, neoliberal ideas, policies, and strategies have gained ground to a greater or lesser degree worldwide since the 1980s and share certain core features (Clarke, 2002). As per Harvey (2007), in theory "the neoliberal state should favour strong individual private property rights, the rule of law, and the institutions of freely functioning markets and free trade" (p. 64). Specifically, neoliberalism is most readily observed through policies involving deregulation and free trade, along with privatization, competition, spending reduction, profit maximization as well as

spending and production efficiency within government bodies (Clarke, 2002; Garland, 2001).

Within the Canadian context, McBride and Whiteside (2011) note that neoliberal policies have

emerged in the form of government downsizing, cutbacks in state spending, and a reduction in

the welfare state. Scholars contend that neoliberalism must be viewed as a conscious political

project to further entrench the power of the powerful and to protect the powerful from the less

powerful (Brown, 2011; Fine & Saad-Filho, 2017; Schwarzmantel, 2007).

      While neoliberalism is often said to be characterized by deregulation, Peck (2003)

contends that it is more accurately characterized by re-regulation. In relation to social and penal

policy specifically, neoliberalism is observed through restructuring and rescaling, whereby the

welfare state is subject to retraction and punitiveness, while the penal system and other

repressive state entities like immigration detention are expanded (Piché & Larsen, 2010). In

practice, it is evident that the neoliberal state embraces a 'laissez-faire' attitude at the top thus

increasing the life chances of the holders of economic and cultural capital, while at the bottom, it

is very authoritarian as it seeks to control the behaviours the lower classes (Wacquant, 2009).

      Focusing specifically on Canada, the neoliberal ethos is furthering the disparity between

the most affluent and the most impoverished despite having a thriving economy (Hogeveen &

Woolford, 2006). Near the turn of the century, statistics produced by the Canadian Council on

Social Development reveal this ever growing divide in the context of neoliberalization where

between 1984 and 1999 the average net worth of the country's poorest families dropped by fifty-

one percent, while the wealthiest increased nearly forty-three percent (Lee & Engler, 2000). As

per the Canadian Income Survey, although there have been slight increases in the average net

worth of the country's poorest families over the past decade, overall their net worth has remained

relatively stable since the previous decline (see Statistics Canada, 2019). Similarly, between

1991 and 2016 the percentage of households requiring assistance in Ontario increased from twelve to fifteen percent (Statistics Canada, 2017). This "new marginality", as Wacquant (2006) suggests, has manifested during a prosperous economic period which continues to largely benefit the wealthy. Hogeveen and Woolford (2006) contend that this is the result of a knowledge-based and globalized economy, which ultimately translates into a polarized workforce characterized by an increase in education/technically trained employment opportunities and a decrease in unskilled labour jobs. In this regard, Canada's economy continues to prosper, but fewer people profit from it, and poverty becomes more invasive and prevalent (Hogeveen & Woolford, 2006). Similarly, the number of individuals requiring state assistance increases, however, the neoliberal ethos of the state embeds an unwillingness to provide support and assistance to those in need (Chunn & Menzies, 2006; Hogeveen, 2006). In this regard, the "liberal boot" described by Ratner (1984) — whereby responsibilization, risk/self-management, politics of fear, and social exclusion are at the forefront of policies — continues to become a more and more familiar reality.

2.3. The collateral consequences of incarceration

In removing individuals from their communities and placing them in institutions, it is critical to acknowledge the various consequences that ensue. Incarceration perpetuates harm and violence through the infliction of pain caused primarily by deprivation and exclusion (Piché, 2012). Munn and Bruckert (2013) offer a metaphor that vividly illustrates this point: upon being incarcerated, some of the puzzle pieces that formed an individual's pre-carceral life are removed and replaced with differently shaped pieces. This highlights that there exists a tangible difference between an individual's pre- and post-carceral situation. The structural realities of prison conditions subject those within its walls to direct and indirect consequences (Brown, 2004;

Griffiths et al., 2007; Shantz & Frigon, 2010). The direct consequences refer to the pains of

imprisonment and the indirect consequences to the collateral consequences which result from

incarceration (Maruna & Immarigeon, 2004). These repercussions are multiple and intersecting

(Strimelle & Frigon, 2007), and are justified by populist punitiveness (Buckler & Travis, 2003;

Mathiesen, 1990; Piché, 2012); 'public safety' is put at the forefront of priorities. In this sense,

pains of imprisonment and collateral consequences are intended to "prevent potential re-

offenders", however, they also restrict the ability for ex-prisoners to pursue legitimate

opportunities upon release (Ruddell & Winfree, 2006; Strimelle & Frigon, 2007). Regardless of

the ongoing detrimental consequences caused by incarceration, there continues to be a logic of

the usefulness of incapacitation in terms of possible 'crime prevention'. As seen with the *CHRS*,

this logic and control mechanism is now permeating in a variety of sectors including social

assistance housing. The deleterious effects of this logic are many and interlocking; as explored

below, these consequences range from direct to indirect and impact an individual in many

regards such as their social capital, health, and economic capital.

2.3.1. Direct and indirect symbolic consequences

Upon being placed in an institution it becomes immediately apparent to the individual

that they are no longer apart of the general population. The social exclusion that results from

incapacitation extends beyond physical exclusion to symbolic exclusion; prisoners acquire

stigma which invisibly marks them as the 'other' (Hannem & Bruckert, 2012; Munn & Bruckert,

2013; Poupart, 2004; Shantz & Frigon, 2010; Strimelle & Frigon, 2007). The literature on this

topic often relies on John Braithwaite's concept of disintegrative shaming in order to frame this

process. The stigma associated with the prisoner label results from degradation ceremonies

whereby the individual's master status is replaced with that of 'offender'/prisoner (Hannem &

Bruckert, 2012; Munn & Bruckert, 2013). The individual comes to understand that they are both physically and metaphorically 'othered' from the 'good citizen' reinforcing their self-perception as inherently bad (Munn & Bruckert, 2013; Poupart, 2004). Prisoners experience tension between stereotypical social identities ascribed to them and their personal self-conception, which ultimately leaves them with fractured identities (Munn & Bruckert, 2013). In this regard, prison robs individuals of their identity and in turn of their sense of belonging (Munn & Bruckert, 2013; Poupart, 2004). The prisoner label is engrained into their bodies and thoughts becoming a permanent part of their identity even once they leave the institution's confines (Shantz & Frigon, 2010; Strimelle & Frigon, 2007). They conceptualize their identity through the lens of being a prisoner first and foremost, which is a permanent consequence that impedes their ability to 'reintegrate' into the community.

Although focused on individuals who have been criminalized for sexual harm they have perpetrated, Robbers (2009) echoes these ideas and further found that the use of informal and formal preventative restrictions serve as an additional barrier to successful re-entry. Agamben (1998) and Spencer (2009) further this argument noting that these people are conceived as 'non-citizens' or bare life — *the homo sacer* — and that this is what justifies the violence and forms of abjection that is inflicted on them in Western societies. Homo sacer describes a life without form or value, stripped of political and legal rights accorded to the 'normal citizen' (Spencer, 2009). Although related to a specific category of criminalized persons, this idea provides a useful understanding of those convicted of any 'offence' as they also experience 'othering' and social control upon their return to the community. As such, the social exclusion experienced by prisoners as they re-enter society can be attributed to them being perceived as 'non-citizens'.

Few identities receive more attention than those of prisoners who are constantly presented as immoral, threatening, and risky (Munn & Bruckert, 2013). Cousins (1987) adds to this arguing that upon release prisoners become focal points in the media as they are presented as dangerous to the public. It is in part due to this that upon returning to the community, prisoners experience fragmented identities as they attempt to navigate the 'criminal' identity ascribed to them and their personal identity (Munn, 2009; Munn & Bruckert, 2013). Munn and Bruckert (2013) elaborate that ex-prisoners speak of themselves using language that implies that they are subjects; the language that they employ reinforces the populist punitive rhetoric. The prisoners experience a sense of disaffiliation as their respected status in prison does not equate to their lack of status in the community. Essentially, upon being 'othered', prisoners must attempt to reconstruct their identities in a way that conforms with the dominant ideology (Poupart, 2004). This permeating sense of being 'the other' is further reflected in the ongoing self-monitoring and self-censoring that prisoners engage in (Shantz & Frigon, 2010). The stigma that is ascribed to prisoners pushes them into a new social category which is characterized by their stigmatic attribute (Gunnison & Helfgott, 2011; Poupart, 2004; Visher & Travis, 2011). Seeing as this stigma results from disintegrative shaming, Hannem and Petrunik (2007) argue that it further has a negative impact as it may increase the risk of recriminalization. The social exclusion perpetuated by incarceration is irreversible and inflicts constant pain on prisoners and their families as they are overwhelmingly aware of their stigmatic attribute.

2.3.2. Social consequences

As seen with the symbolic consequences, the impact that incarceration has at the social level is both the result of physical and symbolic exclusion. Due to their exclusion, serious social damage is caused to prisoners, their families, and their communities (Gunnison & Helfgott,

2011; Hagan & Dinovitzer, 1999; Petersilia, 2003). Given their physical isolation while incarcerated, prisoners' relationships become strained as they are unable to spend quality time with those close to them under normal circumstances (Griffiths et al., 2007; Munn & Bruckert, 2013). Not only does the disconnect that prisoners and their families experience make it difficult to maintain relationships, but in some cases the prisoner's conviction causes family members and others to distance themselves. As such, prisoners lose their support system (Hagan & Dinovitzer, 1999; Munn & Bruckert, 2013; Shantz & Frigon, 2010) and in turn their sense of belonging both within their families and their communities at large (Brown, 2004; Petersilia, 2003).

Given that incarceration swiftly and irreparably alters the social networks and structures to which prisoners and their families belong, damage to their cultural capital is a paramount concern (Hagan & Dinovitzer, 1999; Maruna & Immarigeon, 2004; Poupart, 2004). In severing the prisoner's networks and 'othering' them, their cultural capital is irreversibly damaged (Hagan & Dinovitzer, 1999; Maruna & Immarigeon, 2004; Munn & Bruckert, 2013; Poupart, 2004). This translates into a loss of relationships, social contacts, and reputation which in turn results in a loss of support systems. This loss of cultural capital further impacts the prisoner's family as they receive courtesy stigma[8] as a result of their relation (Munn & Bruckert, 2013). In this regard, the consequences pertaining to cultural capital quite evidently have a ripple effect as they impact multiple facets of the prisoner's life such as their ability to secure employment, find housing, and their ability to maintain relationships and networks (Munn & Bruckert, 2013; Poupart, 2004). Their families and communities further face negative implications, such as social isolation and a decrease in social supports, by extension.

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[8] Courtesy stigma refers to when stigma and its negative implications are extended to those close to a stigmatized individual as a result of their relationship (Munn & Bruckert, 2013).

Upon returning to the community, prisoners seek to correspond with dominant ideals through reconstructing their identity in order to be viewed as acceptable by society (Mills & Codd, 2008; Shantz & Frigon, 2010). However, Mills and Codd (2008) note that those who lack family support struggle to fit this ideal as they have difficulties obtaining housing and employment. Furthermore, those without family support are two to six times more likely to 'reoffend' in the first year after their release; the variation is based on the presence and intensity of the relationships as well as the presence or absence of other supports (Ditchfield, 1994). This highlights the importance of cultural capital for prisoners to successfully re-enter the community. Community relationships can be viewed as a kind of currency for the prisoners as they are assets that support their wellbeing both while incarcerated and upon release (Wolff & Draine, 2004). Prison seriously impedes prisoners' abilities to maintain their outside relationships and networks ultimately decreasing their social capital. These invisible punishments (see Travis, 2002) have become a tool of social exclusion by perpetuating a permanent diminution in the cultural capital of the criminalized person, their family, and their community. Through preventing criminalized individuals from accessing community housing, these invisible punishments are now being extended into this sphere of social assistance deepening the social exclusion they face. This is particularly impactful given that community housing is often the only option for individuals leaving institutions as they are excluded from market renting for reasons such as stigma and cost.

2.3.3. Health consequences

Given the nocuous consequences of incarceration, it is unsurprising that prisoners also experience health and mental health issues as a result of their prison time. Prisoners experience worse physical health and mental health than their non-incarcerated counterparts (Altamura, Lattanzi, Pomerani, & Seno, 2015; Munn & Bruckert, 2013; Shantz & Frigon, 2010; Strimelle &

Frigon, 2007). In relation to physical health, prisoners have limited access to health care. Concurrently, the prison population has higher rates of infectious diseases than does the general population (Correctional Service of Canada, 2003; Munn & Bruckert, 2013). Based on the higher rates of health issues and the poor access to adequate health care services, it has been established that prison has detrimental effects on an individual's body which ultimately causes prisoners to age faster than individuals who do not experience incarceration (Munn & Bruckert, 2013; Shantz & Frigon, 2010). Moreover, while many individuals entering institutions present with mental health difficulties upon their arrival, the prison environment exacerbates these struggles (Brown, 2004; Shantz & Frigon, 2010; Strimelle & Frigon, 2007). Incarceration increases, and in some cases causes, psychological distress and depression (Petersilia, 2001). This point is powerfully illustrated by the fact that the suicide rate in prison is significantly higher than in the general population (Altamura et al., 2015). Although extensive literature has established the additional support that individuals with mental health difficulties require, prisons remain unequipped to sufficiently support this population (Griffiths et al., 2007; Munn & Bruckert, 2013; Shantz & Frigon, 2010; Strimelle & Frigon, 2007). Indeed, while incarcerated these individuals experience a worsened state of mental health without having the necessary supports to manage it. The prison environment not only results in prisoners developing mental health issues, but it further worsens mental and physical health problems that prisoners enter the institution with. Physical and physiological wellbeing are undoubtedly related to one's ability to obtain and maintain employment which is necessary to be able to afford the cost of living. Moreover, employment is something that is particularly valued in society in terms of indicating individual success. As such, the negative impact that incarceration has on an individual's health also infiltrates many other aspects of their life including their ability to obtain employment and housing.

2.3.4. Economic consequences

As a result of the combination of physical and symbolic exclusion, loss of cultural capital, as well as physical and mental health issues many prisoners face substantial economic hardship. Most obvious, during their incarceration prisoners are unable to maintain their community employment (Cook, Kang, Braga, Ludwig, & O'Brien, 2014; Gaetz & O'Grady, 2006; Maruna & Immarigeon, 2004). This causes financial strain for the prisoners and their families as regardless of their income loss they still retain financial responsibilities. This further means that upon their release prisoners often have no finances to use to find housing and rebuild their livelihood (Griffiths et al., 2007; Petersilia, 2003). Another economic consequence that is crucial to discuss is the decreased access to social service assistance that results from a conviction (Poupart, 2004). While this topic requires further inquiry within a Canadian context, there has been some academic consideration. Of particular importance, in Ontario welfare is revoked from individuals upon being incarcerated; they may reapply for social assistance upon their release (see Policy Directive 6.12- Persons Detained in Custody). Due to their limited finances and lack of access to social service assistance, prisoners lose this safety net which is intended to protect and help individuals. For this reason, many prisoners experience homelessness upon release and ultimately return to prison. Kellen (2014) argues that incarceration increases the likelihood of experiencing homelessness upon release and reciprocally homelessness increases the likelihood of incarceration.

Expanding the scope, it is of use to consider the literature regarding the collateral consequences of incarceration focused on the US in order to supplement the limited knowledge within a Canadian context. While there are distinct differences between the US and Canadian penal systems, such as the overall qualitative and quantitative punitiveness of each respective

system, it is still possible to use the US information in order to draw comparisons, as well as demonstrate where Canadian jurisdiction may end up in regard to denying basic rights and benefits to those criminalized. Criminalized persons being denied certain rights and benefits of citizenship is neither a new concept nor one that is limited in terms of geographic location (Travis, 2002). The scope of the rights being withheld has seen changes overtime; previously the focus was largely on political consequences such as prisoners being denied their voting rights[9] and the ability to enter legal contracts such as marriage (Mauer, 2002). However, more recently the consequences have extended to remove support systems for marginalized groups (Ruddell & Winfree, 2006; Travis, 2002). These consequences include criminalized individuals being denied community housing and welfare benefits (Rubinstein & Mukamal, 2002; Travis, 2002), denied access to food stamps (Rubinstein & Mukamal, 2002), denied the mobility necessary in order to access certain jobs or be with family (Ruddell & Winfree, 2006; Travis, 2002), denied child support and/or parental rights (Travis, 2002), as well as being denied the ability to obtain education (Ruddell & Winfree, 2006; Travis, 2002). Each of these consequences has a significant implication in damaging the individual's social safety net. As such, these consequences serve to perpetuate the prisoner's debt to society, making their punishment ongoing (Rubinstein & Mukamal, 2002). These consequences have been referred to as internal exile as they have become instruments of social exclusion through reinforcing the 'us' versus 'them' rhetoric.

Research has established that being homeless increases the likelihood of being incarcerated and that incarceration reciprocally increases the risk and the duration of homelessness; this phenomenon is known as the 'revolving door syndrome' (Gaetz & O'Grady, 2006; Gunnison & Helfgott, 2011; Kellen, 2010). This finding is further echoed in policy as

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[9] Canada's voting rights for prisoners were restored in 2002 via a Supreme Court of Canada decision: *Sauvé v. Canada*.

prisoners are required to secure suitable living arrangements prior to their release (Hamilton, Kigerl, & Hays, 2015). A publication from the John Howard Society found that nearly forty-five percent of their sample were homeless or at risk of homelessness upon release (Kellen, 2010). Crucial to note is that prisoners who experience homelessness upon release have greater re-entry needs as a result of their homelessness and the ensuing consequences (Gaetz & O'Grady, 2006; Kellen, 2010). This brings forth the extent to which homelessness impacts an individual's ability to successfully re-enter the community as it impedes several facets of their life — namely obtaining employment, fostering relationships, and supporting their own wellbeing.

Research has established that the two most prominent structural factors contributing to successful re-entry are housing and employment (Bucklen & Zajac, 2009; Hall, Wooten, & Lundgren, 2016; Lebel, 2017). Regardless of this, housing continues to be one of the most difficult things for former prisoners to secure (Fritz, Walters, & Krajewski, 2010). This is largely attributed to a lack of safe and affordable housing for criminalized individuals as a result of the associated stigma. Overall, there is a lack of affordable housing and criminalized individuals are often excluded from the public and private market (Fritz et al., 2010; Lebel, 2017). As such, the majority of prisoners will have multiple address changes in the first few years subsequent to their release if they are even able to obtain housing. While on the surface this may seem trivial, a lack of secure housing greatly impacts an individual's cultural capital. In not having a permanent address, it is difficult for prisoners to find employment (Fritz et al., 2010; Hamilton et al., 2015). Moreover, many prisoners are forced to reside in impoverished communities which have a lack of employment opportunities to begin with (Hamilton et al., 2015). This reveals the ongoing cycle of consequences which perpetuate re-entry barriers for prisoners.

Petersilia (2003, p. 19) states that "a criminal conviction — no matter how trivial or how long ago it occurred — scars one for life". Suspicion is an unfortunate consequence that results from the stigma associated with criminalization. This suspicion often leads to an unstated wish to continuously punish those who have completed a term of incarceration and returned to the community (Fritz et al., 2010). This perpetual punishment is most vividly reflected in post-incarceration policies; these are policy efforts developed with the intention to prevent future criminalized behaviours so as to protect the public (Hall et al., 2016). Rather, these policies serve to prevent criminalized populations from accessing things such as social assistance and community housing. In this sense, post-incarceration policies are punitive and perpetuate re-entry barriers. Not only do these policies fail to help prisoners with re-entry, but they further block them from accessing basic citizenship rights all while failing to uphold their goal of promoting public safety (Hall et al., 2016). As a result of having a 'criminal' label, prisoners are excluded from conventional opportunities. Lebel (2017) suggests that the exclusion of criminalized individuals is due to the principle of less eligibility. Essentially, this is the doctrine that current and former prisoners ought to receive no goods or services in excess of those provided to individuals who have not been criminalized (Lebel, 2017). More precisely, criminalized persons are perceived as belonging to the least deserving population to receive benefits or services of any kind; this is where post-incarceration policies emerge and are legitimized as acceptable. This is of particular relevance to Ontario given the many recent developments, including the *CHRS*, which legitimize these exclusionary tactics on the basis of criminalized individuals being undeserving of basic rights. In this sense, there is a need to academically engage with the surrounding rhetoric in order to understand the emergence and legitimization of these policies.

2.4.   The barriers to prisoner re-entry

While some re-entry barriers may be the result of the individual's past experiences, the majority of re-entry barriers are more directly the result of the collateral consequences of incarceration and the ensuing difficult transition back into the community (Graffam et al., 2004; Shinkfield & Graffam, 2009). This demonstrates that institutions' dichotomous mandate of control and 'rehabilitation' is not actually reflected in practice whereby control is upheld to the detriment of 'rehabilitative' and 'reintegrative' goals (Hannem & Petrunik, 2007; Strimelle & Frigon, 2007). Many of the factors that negatively impact the re-entry process stem from the operation of the criminalization system (Halsey, 2010). In this sense, it seems logical that the state should play a role in mitigating the consequences that its institutions inflict on individuals in an attempt to help them bridge the pre- and post-carceral differences they experience. Due to the consequences of imprisonment, supports and services are necessary for re-entry as prisoners are not equipped to be able to successfully re-enter independently (Burnet, 2013). While it is important to highlight the crucial role that supports and services have in encouraging prisoner re-entry, it is also necessary to acknowledge that many of the consequences resulting from imprisonment can never be fully erased (Burnet, 2013; Strimelle & Frigon, 2007). Acknowledging that the majority of 'criminality' is the result of wider social issues that require structural changes and proper intervention, services are a necessary focus of inquiry as they facilitate an easier integration into the community (Graffam et al., 2004). However, individuals having harmed should not be removed from their community to begin with; rather, individual and structural transformation can take place within the community thus avoiding the consequences of imprisonment altogether (Piché, 2014; Poupart, 2004). Prisoner re-entry is more than a policy issue as it is apparent that the debilitating effects extend beyond prison walls to

include crucial social, economic, and wellbeing consequences for prisoners, their families, and their communities (Petersilia, 2003). Ideally, it is necessary to consider how the broader penal system serves to debilitate, rather than 'rehabilitate' those within its control (Mathiesen, 1990).

Of the policies and practices currently in place that address community re-entry the focus centres mostly on risk management (Munn & Bruckert, 2013; Travis, 2005). In this regard, and as is discussed further below, programs and services are intended to be preventative in nature rather than 'reintegrative'. This is reflected in the fact that the success of these services is measured in terms of decreasing recidivism (Halsey, 2010; Poupart, 2004; Travis, 2005). While recidivism may be a component of successful re-entry, solely using this measure fails to account for a variety of other factors that are fundamental to successful community re-entry. Furthermore, in evaluating success based on non-recidivism, these programs continue to reinforce the notion of prisoners as bad and inherently different than the rest of society. This is due to the failure of such measures to consider the need for securing housing or obtaining employment for example (Munn & Bruckert, 2013). This in of itself contributes to the 'othering' and fragmented identities that permeates the re-entry experiences of prisoners.

The services that are in place are focused on the individual working on themselves physically, mentally, and psychologically. The goal is to adjust the individual's attitudes, behaviours, and presentations of the self in order to adhere to the dominant ideal (Munn & Bruckert, 2013; Travis, 2005). More specifically, these programs aim to create an individual who appears to conform with the middle class ideal regardless of whether or not they feel as though they belong. Prison authorities aim to create self-managing citizens who are capable of forging a new life upon release according to the norms while holding them in institutions that deprive them off all physical liberty and their ability to make choices (Munn & Bruckert, 2013; Rose, 2000).

These programs and services speak of inclusion and 'reintegration', however, they solely reflect compliance and self-regulation (Munn & Bruckert, 2013). The way that these programs are structured serves to create 'good citizens' by encouraging public order and the elimination of 'criminality' (Poupart, 2004; Rose, 2000). Essentially, these programs function so as to create an illusion of a caring system with little practical assistance regarding re-entry. They really just create individuals who appear to comply with the neoliberal ideal. That is, conforming with the middle-class population. Graffam and colleagues (2004) echo this stating that prisoners express a sense of powerlessness in relation to their success post-release as they lack the support and services that they require.

Another problematic aspect of the current services in place is a lack of external coherence. There is a lack of collaboration between the criminalization system, social services, health services, and other agencies which creates a disconnect in the administration of these services (Gaetz & O'Grady, 2006; Griffiths et al., 2007). Similarly, there is a disconnect in the delivery of services within institutions and in the community. This renders services less useful as there is a lack of continuity of care which means that prisoners may or may not have access to the various services that they require and if they do receive services there are often delays (Griffiths et al., 2007). Moreover, as a result of the lack of collaboration between services, prisoners struggle to access services, which means that they often leave institutions without any connection to support services, assistance from government agencies, or community organizations (Griffiths et al., 2007). This lack of support perpetuates re-entry barriers.

Much literature has established that in order to facilitate successful re-entry it is necessary to have a continuation and coordination of services beginning inside institutions and following into the community (Cook et al., 2014; Griffiths et al., 2007; Visher & Travis, 2011).

Gaetz and O'Grady (2006) argue that successful re-entry involves three primary components: discharge planning, in-prison support programs, and post-release supports. The quality of discharge planning is particularly important to successful re-entry as it serves as the transitional support between in-prison and post-prison supports (Gaetz & O'Grady, 2006). Given that incarceration increases the risk of recidivism, re-entry should be a primary concern as people enter facilities (Griffiths et al., 2007). This reinforces the necessity of working towards successful re-entry as soon as an individual enters an institution and following through upon their release; it further presents the necessity of using community alternatives to begin with so as to avoid the consequences and barriers resulting from incarceration.

While there are evidently some programs currently in place that may be beneficial in some regards, the only way for an individual to reap those potential benefits is through accessing these services. In Canada, housing programs provided by the John Howard Society and the Elizabeth Fry Society are examples of services that assist in facilitating successful prisoner re-entry. Similarly, programming to assist prisoners with mental health and substance use issues also serves to promote their successful re-entry (Gaetz & O'Grady, 2006). With this in mind, it is paramount to elaborate on the challenges regarding access to programs and services both within institutions and upon release (Strimelle & Frigon, 2007). In the Canadian context, there is an overall dearth of programs and services in place for prisoners both in institutions and in the community (Griffiths et al., 2007; Lattimore, Steffey, & Visher, 2010). Within Ontario specifically, there has been a decrease in program supports for discharge planning and fewer conditional release programs since the 1990s (Gaetz & O'Grady, 2006). As previously mentioned, while this has detrimental impacts at both the federal and provincial levels, this problem is amplified in regard to provincial institutions as sentence length tends to dictate access

to and the types of available programs and services (Gunnison & Helfgott, 2011). The impact of this is showcased in the difficulty that provincial facilities have in providing 'rehabilitative' and 'reintegrative' services (Malakieh, 2018). The combination of fewer resources and poor access to them, as well as an overall lack of awareness of available services, makes the provincial prison population an important group to include in academic inquiry.

2.5. Transcarceration and prisoner re-entry

When envisioning power, control, and punishment, the prison is overwhelmingly the image that comes to mind. This is also reflected in academic inquiry whereby there is much focus on incarceration with considerably less placed on other spheres (Simon, 2007) where the logics of punishment are at work (Hannah-Moffat and Lynch, 2012). This is a significant failure particularly as it concerns community sanctions, which are the most common form of punishment in many jurisdictions, and their real consequences as they relate to accessing the basic necessities of life (Brown, 2019; Robinson, 2016). As is seen with the demographic of incarcerated individuals, those who are generally under community supervision of sorts also tend to be from the most marginalized and excluded segments of society (Brown, 2019). The alleged decarceration/deinstitutionalization push in the 1980s and 1990s resulted in the diffusion of penal power into the community with a concurrent net widening in relation to social control (Maidment, 2005). Since this time, social control has become a system of government intervention which extends past exclusive strategies such as incarceration, to include a range of inclusive controls such as probation and parole. In expanding social control, the identification of and response to 'problem populations' was rendered easier (Johnson, 1996). This was achieved through a shift in families and communities as the primary sources of discipline to it being the task of a variety of government institutions.

As noted by Cohen (1985), social control is either sponsored directly by the state or by more autonomous agents. Similarly, the goal of social control may be as specific as individual punishment/treatment or as broad as 'public safety' and 'crime control'. Expanding on this idea, Carlen (2003) discusses the term 'antisocial control' as encompassing a range of malign institutional practices/policies that favour a set of citizens over another resulting in the subversion of equal-opportunities and in turn limitation of one's individual action. The benefit of using these concepts is that they recognize the diffuse nature of control and power that characterizes contemporary penality. This is precisely where the body of literature examining transcarceration emerges. Without explicitly naming it, Foucault (1975) elaborates the concept of transcarceral in making reference to the existence of various social control strategies shared by a variety of social institutions. The transcarceral model recognizes the fluid nature of power and the ability for it to be dispersed across multiple sources and in turn have multiple applications of control (Brown, 2019; Johnson, 1996). Lowman and colleagues (1987) use the term transcarceration in order to recognize community supervision as a transfusion of social control through an interlinked network of institutions and practices rather than viewing it as an alternative; in doing so, the many interlocking harms experienced by those under community supervision are recognized, rather than viewing it as a 'slap on the wrist' (Brown, 2019). Indeed, transcarceration recognizes community sanctions as a widening of the penal net.

In order to create transcarceral spaces in the community, a combination of 'criminal justice' policies and surveillance is put in place to monitor non-carceral public spaces. In doing this, what were once public spaces are reconstituted into spaces that have meanings that overlap with the carceral (Kilty & DeVellis, 2010). These spaces, labelled as "grey spaces" by Kilty and DeVellis (2010), are characterized by a combination of elements of both freedom and 'criminal

justice' restrictions. Indeed, these spaces are inherently contradictory in nature as they foster

both inclusionary and exclusionary tactics concurrently (Johnson, 1996). In this sense,

transcarceration emerges in the cross-institutional arrangements between the criminalization and

social assistance systems; the individuals who are the "clients" of the criminalization system are

shuffled from one part of the apparatus to another (Maidment, 2005). As such, rather than the

criminalization system being understood as its own individual agency, it is apparent that it is in

fact a consolidation of subsystems (Kilty & DeVellis, 2010; Lowman et al., 1987). In combining

various sectors under the state's responsibility in order to form the transcarceral, the disciplinary

power of the state is ultimately increased.

In order to fully decipher the rise of transcarceration, Wacquant (2009) deploys Pierre

Bourdieu's (1994) concept of the 'bureaucratic field'. In doing so, the state is understood "not as

a monolithic and coordinated ensemble, but as a splintered space of forces vying over the

definition and distribution of public goods" (Wacquant, 2009, p. 289). In conceptualizing the

state in this manner, it is possible to view its various components as enmeshed, rather than

dichotomous in regard to their mandates. Bourdieu (1998) distinguishes between the Left hand

and the Right hand of the state where the former is charged with the "social functions" such as

housing and welfare, while the latter ensures economic discipline through fiscal restraints and

financial deregulation. Wacquant (2009) further elaborates this model by incorporating the

police, the courts, and the prison as fundamental components of the Right hand of the state. This

inclusion allows for penal policies to be brought to the forefront of analysis. This is crucial in

understanding the shift from the social to the penal wing of the state explaining the "colonization

of the welfare sector by the panoptic and punitive logic characteristics of the postrehabilitation

penal bureaucracy" (Wacquant, 2009, p. 289-290). This precisely exposes the shift to a

government of insecurity associated with neoliberalism whereby the state relies on punishment and exclusion even in spheres traditionally associated with inclusion and providing basic necessities to those in need.

More recently, greater attention has been given to the relationship between the carceral and other forms of social control as they relate to fiscal efficiency. This is particularly evident in regard to the shift from a welfarist to a managerial and risk management focus in 'rehabilitation' (Brown, 2019; Johnson, 1996). Miller (2014) conceptualizes prisoner re-entry as a hybrid institution between the welfare state and the criminalization system; upon the devolution of re-entry programs and services from within prisons/jails into the community, the state brought in community actors to fulfill their previous duties. This restructuring took place during a time of austerity and retrenchment that was also notable in other areas of social welfare policy (Miller, 2014). Upon making this change, the line between punishment and welfare became blurred. Ultimately, this resulted in an extension of the state's reach into the 'private' lives of those under its supervision (Kilty & DeVellis, 2010; Miller, 2014). This carceral devolution, whereby a variety of interrelated policies transfer carceral authority into the community, ultimately shifted the focus of re-entry programming. Unable to change the stigma associated with 'criminality' or address exclusionary tactics, these programs aimed to change the individuals themselves to render them able to make rational and informed decisions within the increasingly limited choices available to them. As such, the re-entry services came to be people processing institutions used to make 'productive citizens' (Miller, 2014). In this sense, it is logical that the targeted population was overwhelmingly the most marginalized sectors of society because as Wacquant (2009) suggests, the prison and its related apparatus were created to manage poverty and continues to function in this manner. Even with the incorporation of community actors in

providing re-entry services, the prison governance strategies seeped into the non-profit sector as they require state funding in order to operate (Kilty & DeVellis, 2010), an issue that will be unpacked in the section that follows.

2.6. The role of the Penal Voluntary Sector in prisoner re-entry

Although Correctional Service Canada (CSC) and their provincial-territorial counterparts play a direct role in both the containment and 'rehabilitation' of prisoners, a private voluntary sector supplements their 'rehabilitative' and 'reintegrative' efforts. The PVS has incorporated penal reform advocate charities in addition to the traditional 'rehabilitation' and 'reintegration' services provided by institutions. The goal in doing so is to facilitate change from within the system by involving stakeholders that centre on 'rehabilitation' and 'resettlement', rather than containment (Corcoran, 2008, 2010). Essentially, the PVS works in conjunction with the state through the incorporation of non-profit agencies in providing public services. In this regard, the PVS plays a fundamental role in prisons and the 'resettlement' of prisoners by providing programs that are framed as more efficient and diverse (Bryans, Martin, & Walker, 2002; Corcoran, 2008). As such, the voluntary sector organizations (VSOs) attempt to mitigate some of the micro and macro consequences of incarceration (Tomczak, 2016). The foundation of the PVS stems from a lens of reform whereby the goal is to have a system that encourages responsibilized individuals who are actively involved in their own 'rehabilitation' (Corcoran, 2010). The political discourse surrounding VSOs emphasizes their ability to regenerate communities and address social exclusion (Corcoran, 2010). The achievement of this is to be done through a bottom-up approach to service development in order for services to reflect the individuals requiring them, rather than criminalization system imperatives (Bryans et al., 2002; Corcoran,

2010). In this sense, the PVS is supposed to promote prisoner 'rehabilitation' and 'reintegration' by having a system in place that truly reflects their needs.

The Canadian PVS has played an increasingly important role in providing social services since the 1990s (Tomczak, 2016). Perhaps the two most prolific entities involved in penal reform in this context are the John Howard Society entities and the Canadian Association of Elizabeth Fry Societies member organizations. The Canadian history of the John Howard Society began in 1867 in Toronto when a group of church workers aimed to bring spiritual help into their local jail ("History - The John Howard Society of Canada", 2020). Known as The Prisoners Aid Society at this time, it became inactive in 1915 due to a lack of interest. In 1929, the association was reactivated as the Citizens Service Association, which provided re-entry support for prisoners through helping them with housing, clothing, and employment ("History - The John Howard Society of Canada", 2020). In 1931, British Columbia (BC) formed a group and called it The John Howard Society which prompted the renaming of the Toronto association and the subsequent emergence of other associations in various Canadian provinces. Aiding prisoners with 'rehabilitation' and 'reintegration', The John Howard Society of Canada ratified a constitution in 1962 ("History - The John Howard Society of Canada", 2020). Similarly, The first Canadian Elizabeth Fry Society was established in BC in 1939. In 1969, the Canadian Association of Elizabeth Fry Societies (CAEFS) emerged; it was formally incorporated as a voluntary non-profit organization in 1978 ("Canadian Association of Elizabeth Fry Society", 2018). In recent decades, CAEFS has sought to assist criminalized women through increasing awareness of the decarceration of women and increasing community-based alternatives for them.

This shift arose out of the failed implementation of *Creating Choices*[10]. While intended to usher

in notable improvements in relation to the incarceration of women in Canada, including greater

access to community-based programming and services, this was not at all reflected in practice.

As noted by Pate (2008), subsequent to the alleged implementation of *Creating Choices*, more

women than ever have been incarcerated in Canadian federal prisons. The promised community

programs and services were never fully implemented and made readily available to federally

sentenced women. Similarly, women who are diagnosed with mental illness are now more likely

to be placed in prisons rather than psychiatric facilities. With the failed implementation of

Creating Choices, CAEFS shifted to adopt a prison abolitionist posture (Pate, 2008).

      The increased involvement of PVOs is the result of the depletion of federal public

services through fiscal restraints, welfare state retrenchment, as well as privatization efforts

(Tomczak, 2016). Important to acknowledge is the fundamental role that PVOs play in regard to

the development, delivery, and ongoing sustainability of community housing (O'Driscoll, 2019).

Within Ontario specifically, the cuts made by the Harris government in the 1990s ultimately

shifted all responsibility onto non-profit, co-operative, and municipal agencies to sustain

community housing (De Bono, 2019a). Given that criminalized individuals are often unable to

acquire housing in the private market, public housing is a crucial safety net for their successful

re-entry. In this sense, it is necessary to discuss the role of the PVS in providing re-entry

services, such as public housing, for individuals leaving the confines of prison walls. Indeed,

academic inquiry regarding the PVS is limited (Tomczak, 2016); this is even more true in

relation to the relationship between the PVS and community housing.

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[10] *Creating Choices*, also known as the 1990 Report of the Task Force on Federally Sentenced Women, was deemed to be the pinnacle of penal reform at the time it was released. It involved the participation of feminist reformers in the evolution of a 'women-centred' vision of punishment (Hannah-Moffat, 2001).

While the involvement of the PVS appears on the surface to solve many of the consequences of incarceration, in application there remain several problematic areas. In relation to implementation, VSOs are only being implemented insofar as they facilitate official 'crime reduction' agendas (Bryans et al., 2002; Corcoran, 2010); this is explained by the pressure faced by PVOs to adhere to the agenda of CSC or their provincial-territorial counterparts as they operate within a non-profit market in which they must compete for government and private funding (Woolford & Hogeveen, 2014). In turn, this translates into a decrease in the ability for the PVS to maintain its activist voice which ultimately results in a delivery of services similar to that of prison authorities, rather than being true to their PVS mandates. For example, the John Howard Society providing halfway houses as a means of "supporting" prisoner re-entry when, essentially, they are perpetuating community-based incarceration. As a result of marketizing penal service delivery and the privatization of public services, the entire PVS has been shaped to a neoliberal and post-welfare agenda in order to meet the demands of the penal market place which ultimately threatens its critical voice (Tomczak, 2016). Given this, PVOs are becoming enmeshed with the day-to-day operation of the criminalization system in that they are only implemented as they fit the mandates of prison authorities, rather than supplementing the services as they were initially designed (Tomczak, 2016). In practice, the PVS meets and connects with the criminalization system where their goals overlap (Bryans et al., 2002). This is strongly reflected in the fact that while non-state actors are expected to meet certain obligations, they are not given any autonomy or authority in order to do so (Corcoran, 2010). As a result of

being coopted by the state, PVOs ultimately support the punishment system, thus making them part of the NPIC[11] (Sokolov, 2014).

While in theory the PVS has the potential to positively assist prisoners with 'rehabilitation' and 'reintegration' given its unique distance from punishment, this is not reflected in practice (Bryans et al., 2002; Corcoran, 2010). If this were to be found true then the PVS would occupy a paramount role in desistance from crime as it would foster the necessary connections and services required by prisoners (Tomczak, 2016). However, it is necessary to acknowledge that the neoliberal rhetoric that infiltrates the foundation of the PVS ultimately overrides its 'reintegrative' premise. These organizations are creating programs and services which ultimately place responsibility on the individuals they purport to serve, ignoring the role of the state and incarceration in creating these barriers. This is showcased through the reliance on risk assessment tools to measure outcomes that aim to create freely choosing individuals who are responsibilized in realizing their own 'rehabilitation' (Bryans et al., 2002). Indeed, much emphasis is placed on the individual pursuing employment, obtaining housing, and the like with little to no recognition of the impact that criminalization has had on these areas. Moreover, the inclusion of PVOs is through the delivery of services that rely on evidence based-performance and market tested services (Corcoran, 2008, 2010). The fact that these services are evidence-based raises two primary concerns. First, this implies that the measure of success for these programs will be based on a narrow and measurable variable — namely, recidivism (Corcoran, 2008). Second, this further means that these programs are being developed to best meet everyone's needs. This means that these services are "one-size-fits-all", which realistically

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[11] The NPIC is defined as "a set of symbiotic relationships that link political and financial technologies of state and owning class control with surveillance over public political ideology, including and especially emergent progressive and leftist social movements" (Smith, 2017, p. 8).

translates into no one individual truly having all their needs met. This is a tactic used in order to increase managerial efficiency to the detriment of service delivery which is consistent with the emergence of the neoliberal era. As such, the PVS is ultimately used as a means of creating competition in the delivery of services so as to mitigate economic costs (Corcoran, 2010). This idea is further reflected in that the PVS is not concerned with who is delivering the services just that there are services being delivered.

Another concern arising from the use of PVOs is that their charitable activities may, directly and indirectly, result in the control and exclusion of those they aim to assist. The label of charity conveys a powerful legitimizing function that has the potential for state agents to misuse for uncharitable and exclusionary ends, including leaving in place a flawed socio-economic structure (Tomczak, 2016). This can be observed in the role the PVS plays in providing public housing and the related housing crisis which has ensued as a result. Although the PVS is arguably an improvement given its focus on 'rehabilitation' and 'reintegration', obvious caveats exist (Bryans et al., 2002). Similarly, many prisoners remain untouched by this assistance.

2.7. Conclusion

In sum, amongst the studies that document the challenges and barriers to prisoner re-entry, Canadian scholarship is limited and tends to focus on the community supervision experiences of federal prisoners (Kinner & Milloy, 2011) or specific sub-populations such as individuals criminalized for sexual harm (Ruddell & Winfree, 2006; Spencer, 2009). Similarly, while much academic inquiry has examined prisoner re-entry and collateral consequences, minimal focus has been placed on the justifications behind exclusionary policies, including those related to community housing. Canadian literature examining the PVS is also limited, especially regarding its role in providing community housing. As such, this thesis seeks to address these

literature gaps by examining how the criminalization system perpetuates exclusionary tactics and further entrenches the current socio-economic order of neoliberal capitalism that deepens inequality. Specifically, this study critically assesses the hegemonic and counter-hegemonic discourses surrounding the *CHRS* being proposed by the Ontario provincial government that would allow for the exclusion of criminalized people from community housing. The implications that this has regarding current social exclusion trends under neoliberal capitalism in Ontario are also revealed.

Chapter 3.   Theoretical framework

Having reviewed contemporary literature examining prisoner re-entry, it is apparent that obtaining adequate housing is necessary to diminish the impact of other re-entry barriers. In this sense, the proposed amendment in the *CHRS* to exclude criminalized individuals from accessing community housing is a paramount concern for individuals re-entering the community. This is particularly true for those leaving provincial jails, as they face heightened difficulties obtaining housing as a result of the transient nature of these institutions. As such, this thesis seeks to critically assess the hegemonic and counter-hegemonic discourses surrounding the proposed amendment in order to understand the shifts and continuities in how citizenship and access to rights are being envisaged, which have implications for practice that will require further inquiry. Using Marxian punishment theory, particularly the principle of lesser eligibility, the hegemonic and counter-hegemonic discourses concerning the *CHRS* are analyzed. Particular attention is paid to the role of social structure as a means of legitimizing such a proposal.

3.1.   Radical criminology

Radical criminology first emerged as a school of thought in the 1970s in an attempt to challenge the more traditional individual-level and group-based explanations of 'crime' that dominated (Lynch & Michalowski, 2006). More traditional explanations focus on individual factors that are deemed to cause one's involvement in criminalized behaviour without taking into account any external factors that may be at play. Unlike these more traditional criminological approaches which largely serve to rationalize, organize, and legitimize the practices of state control through supporting the punishment model, radical criminology is rooted in the social struggles of those who are typically subordinated by state intervention aimed at surveillance,

control, and normalization (De Giorgi, 2014). As such, radical criminology is not entrenched in the realm of state power, but rather seeks to question it, which plays a role in the language radical criminologists employ. This includes refraining from using definitions created by the institutions that produce power and knowledge (De Giorgi, 2014). Their entire orientation is prefaced on undermining state power and its related structures founded on inequality.

Two fundamental distinctions can be made between traditional criminology and radical criminology. First, radical criminologists take issue with the underlying principles of what Kuhn (1970) terms "normal science". Essentially, radical criminologists argue that the study of human life, particularly as it relates to criminalized behaviour and individuals, cannot be objective; this is deemed true regardless of whether the aim of research is to establish individual factors contributing to involvement in criminalized behaviour or whether it seeks to establish the role of contemporary capitalism and the distribution of power in influencing definitions of and reactions to 'crime' (Schwendinger & Schwendinger, 2014). Second, in terms of content, radical criminologists assert that 'crime' cannot be understood in terms of individual defect or community disorganization. Rather, they contend that "crime is a sociologically situated phenomenon and that patterns of crime and punishment in a society reflect its social-structural characteristics" (Lynch & Michalowski, 2006, p. 4). As such, in order to understand the behaviour of and responses to criminalized individuals it is necessary to understand the broader related economic, political, cultural, and historical forces that shape them (Quinney & Shelden, 2017). In this sense, given that Canadian society is rooted in the social-structural features of capitalism, in order to understand responses to criminalized individuals one must analyze the role of the capitalist structure in defining and responding to criminalized behaviour.

3.2. Marxian punishment theory

Having reviewed the characteristics of radical criminology, it is necessary to further explore the principles of Marxian punishment theory. Marxism is grounded in the idea that "history — characterized by human society and ongoing struggle — serves as an indicator of how unequal power relations consistent with class-based societies infiltrate areas such as law, work, and community" (Lynch & Michalowski, 2006, p. 6). In its most general form, Marxism suggests that the rich and the poor, the powerful and the less powerful, exist in a relationship (Beirne & Messerschmidt, 2015; Lynch & Michalowski, 2006; Marx, 1867; Marx & Engels, 1848). This relationship is characterized by the powerful working to maintain their advantage, while the less powerful attempt to resist their marginalization and gain power to mitigate the imbalance (Marx, 1867; Marx & Engels, 1848). In this sense, class struggles are an ongoing social process within any social formation.

Marxian theorists argue that "society has a definite structure and organization, as well as a central dynamic, which pattern social practices in specific describable ways, and which connect together areas of social life — most famously 'politics' and 'economics'" (Garland, 1990, p. 85). Indeed, economic activity, which results from the mode of production, is central in organizing social structure. In this regard, the economy is conceptualized as the key locus of power in any society (Garland, 1990). Given that the powerful derive their wealth from the exploitation of the less powerful, class division is a necessary component of productive relations; this division in the economic base is also reproduced in all other sectors of social life. As such, those who dominate in the realm of the economy will thus be able to assert their power on various sectors of social life. The economic level is understood as the base upon which the superstructure of political and ideological relations are built.

As a theoretical framework, Marxian criminology is primarily interested in providing a lens through which to critique the role that inequality and exploitation play in various components of our criminalization system such as 'crime', law, and punishment (Lynch & Michalowski, 2006). Notably, the institutions of the state are recognized as playing a crucial "role in organizing ruling-class power, in subduing political opposition, and in promoting social policies which further the perceived interests of the dominant class" (Garland, 1990, p. 87). Specifically, this framework views ideas related to 'justice' as necessary tools used by the state to mask from marginalized populations the nature of their oppression, as well as its source (Beirne & Messerschmidt, 2015). As such, although the state presents itself as a neutral arbitrator, it is a tool that is used by capitalist classes to control and contain marginalized groups. More specifically, the law and penal apparatus serve as crucial components of the state apparatus as they reflect bourgeois ideology and act as a repressive apparatus against subordinated classes (Beirne & Messerschmidt, 2015). While 'criminality' is undoubtedly present throughout various social classes, the 'criminal justice' apparatus primarily targets individuals whose social class, poverty, or some aspect of their marginality contributes to their involvement in criminalized behaviour (Rusche, 1978). In this regard, the state uses the criminalization system and its corollaries (e.g. social assistance system, community housing sector, mental health sector, etc.) to produce deviance through the development of and changes to deviant definitions, 'problem populations', and control systems (Spitzer, 1975).

Marxian punishment scholars are interested in exploring the economic and political determinants of penal policy, the role of penal institutions in maintaining class divisions, as well as how penality symbolically and materially reproduces state power (Garland, 1990). As per De Giorgi (2018), the current neo-Marxism known as the political economy of punishment

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"hypothesizes the existence of a structural connection — from both a historical and a contemporary perspective — between the evolution of capitalist systems of production and the transformations taking place in the field of punishment and social control" (p. 2). In this sense, Marxian punishment theorists emphasize that in order to understand the evolution of the penal system, it is necessary to deconstruct the specific dominant ideological apparatuses that serve to legitimate the state's power to punish. While the penal apparatus serves the social function of 'crime control', it is critical to consider the latent functions of punishment through situating different penal technologies within the broader historical transformations of capitalist societies (De Giorgi, 2018). As such, while institutions of social control serve the dominant ideological function of governing/'crime control', they further serve to conceal the structural contradictions implicit in capitalist order through reinforcing the existing social order and its underlying structures of inequality. Rusche and Kirchheimer (1939, 2003) explain that "every system of production tends to discover punishments which correspond to its productive relationships" (p. 5). Given this, it is necessary to consider the origin, use or avoidance of specific modes of punishment, and the intensity of penal practices in the context of the social, economic, and fiscal forces that shape them.

Rusche (1978) proposes that the history of punishment is characterized by three distinct epochs: penance and monetary fines, corporal punishment, and prison sentences. Each of these periods is directly connected to society's needs during that time. In examining punishment through this lens, Kirchheimer and Rusche (2017) posit that as unemployment increases and is not absorbed by social welfare mechanisms then consequently criminalization increases. This idea is further reflected in statistical inquiries regarding the relationship between crime rates and economic fluctuations which demonstrate the degree to which 'crime' is a purely social construct

(Beirne & Messerschmidt, 2015; Kirchheimer & Rusche, 2017). Building on their early work, Melossi (2014) suggests that the central idea underlying the prison sentence epoch is the principle of lesser eligibility. The principle of lesser eligibility stipulates that:

> The standard of living in prisons (as well as for those dependent upon the welfare apparatus) must be lower than that of the lowest stratum of the working class, so that, given the alternative, people will opt to work under these conditions and punishment will serve as a deterrent. (Melossi, 2014, p. 268)

This principle is also discussed by Sieh (1989) who further emphasizes that the public will not accept criminalized individuals receiving a level of privilege above the lowest class in society. Particularly important to note is that punishments must impose upon criminalized individuals worse conditions of life than those deemed to be the 'deserving poor' (De Giorgi, 2018). Those who are considered to be 'deserving' are those who opt to conform to society's norms regardless of their marginalized position in society. In this sense, this principle is directly tied to the economic conditions of the epoch.

On the other hand, Garland (1990) discusses that other neo-Marxist authors, such as Pashukanis (2002), Hay (1975), and Ignatieff (1978), have moved past an economic-reductionist approach in order to account for the role of punishment in political and ideological class struggles, as well as the maintenance of state power or ruling class hegemony. Such accounts provide a more nuanced understanding of the role of penality in the negotiation of ruling-class hegemony and the maintenance of stable social order (Garland, 1990). Particularly, Pashukanis (2002) argues that punishment must be understood as a bourgeois invention which utilizes bourgeois conceptions of the person and of value which arise from the capitalist mode of production and serve to reproduce bourgeois mentality in the process of punishing. Indeed, he

draws attention to the link between the cultural form resulting from the sphere of production that comes to be reinforced and reproduced in punishment. Moreover, there is a recognition of the way in which the legal system on the one hand "serves and protects" everyone while concurrently contributing to a system of inequality whereby one class exploits the other (Garland, 1990; Pashukanis, 2002). In this sense, punishment is understood to be an "ideological system, and, like all ideology, it convey[s] a 'set of ideas designed to vindicate or disguise class interests'" (Garland, 1990, p. 120).

While the goal of punishment is quite complex, varying over time and place, no society explicitly sets out to have a punishment system that further encourages peoples' participation in criminalized behaviours (Rusche, 1978). As such, deterrence is a main goal of punishment. Mathiesen (2006) posits that the notion of the effect of punishment in relation to individual and general prevention constitutes a prevailing paradigm in society. Specifically, the idea that punishment serves to deter is so engrained in capitalist societies that it is presented as commonsensical. All actions and events, even those that are contradictory, are used as evidence in support of punishment serving a deterrent effect (Mathiesen, 2006). Following the logic of deterrence, and the principle of lesser eligibility, conditions of confinement cannot exceed the life circumstances of the lowest social class to ensure that incarceration is not appealing under any circumstance (Rusche, 1978). The difficulty that arises in maintaining a deterrent factor is that many of the individuals who are criminalized are faced with overwhelming social pressures and are marginalized. Given that the lower class relies primarily on their individual labour as a commodity, the economy greatly influences their ability to obtain 'legitimate employment' and as a result impacts the likelihood of their involvement in criminalized behaviour (Michalowski & Carlson, 1999; Rusche, 1978). Kirchheimer and Rusche (2017) echo that an unfavourable

economic stance has a direct impact on 'criminality' and criminalization. In this regard, society's interest in 'rehabilitating' individuals and its investment in maintaining the deterrent function of punishment via conditions of confinement are contradictory in nature (Kirchheimer & Rusche, 2017). As such, the principle of lesser eligibility represents a structural limit within which any penal change is restricted (De Giorgi, 2018). This is reflected in 'rehabilitation' programs as they are premised on the principle of lesser eligibility whereby they reinforce the deterrent objective of punishment, thus rendering 'rehabilitation' an illusion in prison (Kirchheimer & Rusche, 2017). This can be attributed to the restrictions surrounding programs in institutions as incarcerated individuals cannot be provided more resources or assistance than any other segment of society would receive otherwise. This illustrates why historical conjunctures in which there is a large surplus labour population are periods in which increased penal severity against the less powerful is observed. Currently, as neoliberalism continues to deepen the inequality between the powerful and the less powerful all while retrenching the social safety net intended to assist marginalized populations, the 'privileges' allotted to criminalized individuals become fewer.

As has been discussed in this chapter, Marxian punishment scholarship emphasizes the importance of considering the political-economic context when analyzing issues related to law and punishment. The twentieth century brought about the most recent political economic shift in Canada, as well as many other countries, with the rise of neoliberalism (see *Chapter 1: Introduction and Chapter 2: Literature Review*). Indeed, Western societies in the end of the twentieth century are largely characterized by:

> The abandonment of the Fordist-industrial model of economic development, a radical
> restructuring of the Keynesian welfare state, the globalization of production and
> consumption, and the consolidation of a neoliberal regime of social governance based on

massive privatizations, ongoing labour market deregulation, and the commodification of

civic life (De Giorgi, 2018, p. 11) .

As a result of the fragmentation of wage labour with the concurrent destabilization of ethno-

racial hierarchies, marginalized populations were inundated with a wave of social insecurity

masked as rising criminal insecurity (Wacquant, 2001). While the public and political focus was

largely prefaced on 'crime', the new punitive politics of poverty which is a foundational tenant

of neoliberalism was overlooked (Chunn & Menzies, 2006; Lynch, 2000). Furthermore, during

this period welfare was diminished and, in some jurisdictions, replaced with workfare, while the

illusion of 'rehabilitation' was replaced with retribution. The combination of these two changes

served to invisibilize 'problem populations' by removing them from social assistance programs

and holding them behind bars (Wacquant, 2009; Wacquant, 2001). In Ontario, trends illustrate

that since 1995 there has been significant welfare retrenchment (see Tweddle & Aldridge, 2018)

alongside the further entrenchment of punitiveness. In this sense, it becomes apparent that the

criminalization system has become an expansive instrumental tool for managing social insecurity

and containing the social disorders created at the bottom of the class structure by neoliberal

policies of economic deregulation and social assistance retrenchment.

In regard to theorizing the role of hegemonic discourses, Marxian punishment scholars

contend that it is necessary to analyze the justifications and means used to garner support for

penal policies (Piché, 2014). Specifically, Thomas Mathiesen (1974, 1980, 2004, 1990, 2015)

suggests that it is critical to examine the finishing tendency of the state; a tendency whereby state

actors seek to reinforce the need for prisons while concurrently rendering counternarratives (and

those who express critiques) as illegitimate. As per critical criminological scholars, the

examination of hegemonic discourses can be used in order to gain insight as to how the prison

idea is being reproduced (Piché, 2014). This involves an analysis of the hegemonic discourses presented in support of punishment and the penal apparatus, as well as any counternarratives. Through analyzing both these supporting and negating components of the prison idea, it is possible for research to be mobilized to inform action aimed at dismantling the dominant place that penal apparatus currently occupies in a given society.

3.3. Applicability of Marxian punishment theory

Having discussed the foundational tenants of Marxian punishment theory, it is necessary to outline the reasons for choosing this framework. First and foremost, the macro focus of this theory is precisely the reason for using it as it allows for broader social, political, and economic forces shaping social welfare and imprisonment to be taken into account. Russell (2002) argues that Marxism provides a unique opportunity for phenomena to be comprehensively and contextually accounted for as a result of its inclusion of historical and societal context. More specifically, this framework provides the opportunity for macro-social dynamics and 'criminal justice' developments to be explored (Lacey, 2010) such as those related to the *CHRS*. The principle of lesser eligibility in particular is a powerful concept that greatly influences the policies and operations of both the criminalization system and the social assistance sector. Furthermore, regardless of its apparent value, this framework has rarely been discussed in any detail or in relation to social services as an extension of the criminalization system through the concept of social panopticism (Russell, 2002; Sieh, 1989; Wacquant, 2009). As such, this framework provides a unique lens of inquiry for assessing barriers to prisoner re-entry in relation to social assistance services such as community housing.

To continue, while certain authors such as Sparks (1980) and Cowling (2008) take issue with the overwhelmingly qualitative orientation of this theory, it is important to recognize that

this theory does not provide a lens through which to assess the magnitude of punishment. Rather, this framework provides the opportunity for criminalization to be considered as a salient social, political, and economic issue. Where the majority of traditional theories are unable to explain the oppression and inequality that infiltrates many facets of society, Marxian punishment theory allows for a clear link to be made between social injustice and criminalization (Lynch & Michalowski, 2006). The benefit of using this framework is that it extends beyond legal definitions of 'crime' through emphasizing class and racial disparities in the creation of law and 'justice' (Russell, 2002). This theory proved most useful for my project as it allows me to assess the hegemonic and counter-hegemonic discourses surrounding the *CHRS* as they relate to neoliberalism and the merge of the social assistance apparatus with the penal apparatus.

It is also important to acknowledge that much of the academic inquiry upon which this theory was developed is based on the social, political, and economic contexts in the US and Europe. Evidently, each country — even each state/province — has variations in terms of capitalism and unique features of political economy. As Lacey (2010, p. 782) points out, "the structure of the political system affects the capacity to build coalitions capable of providing stable support for long-term investment in institutions such as the welfare state […]". In this sense, it is necessary to acknowledge the differences between geographic locations as they relate to economic and political contexts. While I agree that there are important social, political, and economic differences (e.g. the political structure, the health care system, etc.) between Canadian, US, and European contexts, the theoretical concepts provided are still relevant and of use in fostering a point of inquiry. Moreover, as Ratner and McMullan (1983) observed long ago, although the degree of hegemonic crisis differs between the US and Canada, neoliberalism and its associated consequences have been prevalent in each respective country. Notably, in their

broadest sense the emergence of central features are observed in each respective country; for example, increased austerity programs and lower living standards for the poor and working classes, elaborate exclusionary policies directed at minorities, as well as articulate ideological forms of a new moral consensus of order, discipline, and individualism (Ratner & McMullan, 1983). These trends continue today (see, for example, Hogeveen & Woolford, 2006). It is clear that each of these countries is characterized by the dismantling of the social state and the strengthening of the penal state; these two transformations are intimately linked and each result from the prevalence of neoliberal ideology (Wacquant, 2001). As such, this framework is ideal as it provides a lens to critique the linkages between the state, penal apparatus, social assistance apparatus, the economy, and ideology in relation to social control, which remains a central feature of Western capitalism and criminalization systems.

Chapter 4.   Methodological approach

This chapter presents the methodological decisions made during the course of this research project and provides rationales for the methods chosen. The purpose of this project is to examine the hegemonic and counter-hegemonic discourses surrounding the *CHRS* and the related proposed amendment to the *HSA* that aims to exclude criminalized individuals from accessing community housing. This project deploys Marxian punishment theory in order to account for the structural and functional linkages that exist between the social assistance and penal sectors, as well as the role that inequality plays in developing penal/social assistance policy and related apparatuses. Given that Marxian punishment scholars understand discourses as being mutually constitutive of the capitalist social structure, using a thematic analysis proved useful in unpacking the manifest and latent meanings contained in the hegemonic and counter-hegemonic discourses pertaining to the *CHRS*. Specifically, this provided a lens through which to understand how each respective discourse served to either further entrench or challenge the current punitive logics and practices that prevail under neoliberal capitalism. As such, this thesis seeks to answer the following questions:

1. How do hegemonic discourses promote the *CHRS* and reproduce punitive logics and practices?

2. How do counter-hegemonic discourses challenge the *CHRS* and punitive logics and practices?

By identifying and deconstructing this narrative, I am equipped to situate the hegemonic discourses within a broader social, political, and economic context. This is particularly valuable as it provides a basis through which to counter such a narrative using counter-hegemonic "replacement discourses" to challenge current arrangements and enact alternatives (Henry, 1994) that highlight the internal logic flaws upon which the justifications contained in the hegemonic

discourses are based. This section begins by outlining the epistemological stance upon which this project is developed. Next, I outline the methodological approach I used to conduct this research, as well as its related limitations. Specifically, I discuss the data collection process, along with the thematic analysis used in order to make sense of my data; the way in which the thematic analysis is inspired by Marxian discourse analysis is discussed. Finally, the ethical considerations pertaining to this research are presented.

4.1. Epistemological considerations

This project is informed by a critical paradigm. Critical research extends beyond providing descriptions of 'what is' in order to capture 'what could be' (Glesne, 2010). More specifically, rather than solely describing a phenomenon critical research aims to expose and undermine systems of oppression. The goal of critical research is to detect and unmask beliefs and practices that impede on human freedom and justice (Glesne, 2010). It is through critiques of historical and structural conditions of oppression that critical research aims to transform these conditions of oppression. As such, research constitutes a political act because its purpose is to challenge and transform value systems (Glesne, 2010). Generally, critical research is focused on issues of power and domination.

The critical paradigm takes on a historical realist ontology. This ontology understands life to be a virtual reality shaped by outside forces that crystalize over time; reality is moulded and shaped by various forces and eventually, this reality hardens when we stop moulding it (Guba & Lincoln, 1994). More traditional paradigms believe that this reality cannot be changed, however, under the critical paradigm this is precisely the goal of research: transforming the stagnant reality (Guba & Lincoln, 1994). As such, critical research is charged with revealing distorting ideologies and the mechanisms keeping them in place with the goal of making reality

more equitable (Guba & Lincoln, 1994). Critical researchers believe that with the right techniques it is possible to uncover a true reality and this tangible reality is what they seek to change. It is important to state that this paradigm acknowledges that one's 'categories' or individual experiences do influence their reality (Glesne, 2010); however, they still believe that there is one tangible reality and that research should work to transform this reality.

My research questions are directly shaped by the critical paradigm as they focus on how broader structures of inequality legitimate penal policy and apparatus, which further perpetuates marginality. Moreover, my research questions aim to expose the *CHRS*, particularly the amendment to the *HSA*, as extending the penal apparatus and as a tool to be used to further delineate 'deserving citizens' from criminalized 'others'. As such, this project aims to establish and deconstruct the oppressive reality of the penal and social housing systems. Moreover, the theoretical framework used in this project further contributes to understanding the oppressive nature of Western neoliberal capitalist society to reveal the inequality upon which it relies.

4.2. Positionality

Position of the researcher refers to voice and whether or not voice should be reflected in research. Voice ultimately entails who is presented as the knowledge holder in research. hooks (1998) discusses voice in terms of who has the authoritative voice; that is, who is granted legitimacy to speak and produce knowledge. Alcoff (2009) reiterates this notion of voice and authority, stipulating that when engaging with oppressed and marginalized individuals the researcher should talk with, not for their participants. This idea also resonates with hooks (1998) who argues that privileged individuals can write about the experiences of the non-privileged, however, they must not present the material as authoritative on their behalf. Given that I do not have lived experience of criminalization or housing precarity, I have focused my analysis on

hegemonic and counter-hegemonic discourses, as well as social structure to supplement the analysis of those with lived experience on the material impacts of the policy change.

Consistent with the critical perspective, I am not concerned with objectivity throughout the research process. Rather, the critical paradigm posits that being objective hinders the quality of research as it means that you are being ideological and contributing to the maintenance of an unjust system (Hulsman, 1986). Given the affiliation to critical research, as well as the employment of Marxian punishment theory, politics are an inherent and important part of this project. Seeing as this project is subjective in nature, it was crucial that I acknowledge that the social categories to which I belong undoubtedly influence my views. As such, reflexivity was important for me to keep in mind throughout my research process. Reflexivity refers to an ongoing process whereby the researcher must acknowledge how their specific position may influence their research and the related decisions (Chenail, 2012; Taylor & Bogdan, 1998; Tracy, 2010). As a critical researcher, I engaged in positional reflexivity in order to acknowledge how the categories to which I belong may have influenced what I did and did not see.

As a young white woman, it was crucial for me to acknowledge my privilege and the influence that this may have in terms of what I took away from the data. Moreover, as a result of my privilege, I have never had any direct experience with the penal system; this was also important for me to reflect on throughout my research process as I aimed to understand structures of oppression. Similarly, my decision to select the topic of prisoner re-entry, as well as my choice of theoretical framework, were undoubtedly shaped by my interests and views. Although this is not a weakness as per the critical paradigm, it was important to be a reflexive practitioner whereby I critically considered the various choices I made throughout the research process. Not only did I have to be mindful and reflexive in terms of my research decisions, but

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also in relation to the language I employed; this is reflected in my decision not to employ terms such as 'criminal', 'offender', and other related state speech. Language is extremely powerful and, as Hulsman (1986) suggests, if one aims to challenge the system then one must be careful not to employ the language they use.

4.3. Data collection

In relation to empirical data, there are two general ways to conceptualize the relationship between material and reality: specimen versus factist (Alasuutari, 1995). The specimen perspective views discourse as creating reality; the data is viewed as a direct sample of reality itself rather than as a means through which the researcher is able to access reality (Alasuutari, 1995). Given that the data is understood as a portion of reality, there is no concern about truth or authenticity. On the other hand, the factist perspective views data as being a component of reality that allows the researcher to understand or know about reality (Alasuutari, 1995). That is, through pieces of data the researcher is able to infer what reality is. Given the critical paradigm upon which this project is built, the data collected for the purpose of this thesis was understood through a factist perspective. More specifically, given the social construction of the data used for this project, I was able to make inferences about the structural reality reflected within.

In order to answer the research questions previously listed, I collected relevant newsprint media items published in a variety of Ontario newspapers, documents produced by non-profits and community associations, as well as Hansard transcripts of debates in the Ontario provincial legislature. Using specific online newsprint media databases, including Canadian Newsstand, Canadian Major Dailies, and PressReader, I searched keywords such as "Community Housing Renewal Strategy", "Housing Services Act", "Housing AND Criminals" to filter out non-related media content. I used the same approach on non-profit websites to locate relevant reports, as well

as on the provincial government website to locate Hansard transcripts. In this sense, I used a purposive sampling technique in order to only incorporate documents that explicitly discuss social assistance housing and the exclusion of criminalized individuals in Ontario.

My final dataset included documents produced between 2017-2019; documents produced prior to 2017 were excluded as they focused on the Affordable Housing Strategy, which is outside the scope of this thesis. A total of 150 documents comprise the final count for the dataset, including 46 Hansard transcripts and 104 newsprint records. Within the newsprint category, a total of 83 were news media publications and 13 were documents produced by non-governmental organizations (NGOs), while the remaining 8 were government documents. The newsprint media were drawn from a variety of outlets listed in *Table 1*.

Table 1

Newsprint Media Outlet Breakdown

Newsprint Media Sources	Number of Articles
The Toronto Star	20
The Toronto Sun	14
The Ottawa Citizen	8
The Globe and Mail	8
CBC News	6
The Windsor Star	6
The Lawyer's Daily	3
Insauga	3
The Canadian Press	2
National Post	1
The Hamilton Spectator	1
The Post Millennial	1
Global News	1
TVO.org	1
The Kingston Whig-Standard	1
Law Times	1
The St. Catharines Standard	1
Manitoulin Expositer	1
LSN	1
Toronto Storeys	1
The Oshawa Express	1

Given my use of three unique sources, it is necessary to elaborate on the reasons for doing so. Doyle (2006) argues that "systems of meaning about crime and punishment develop in complex interplay between various cultural representations of crime […] and with the pronouncements of other key authorities on crime, such as police and politicians" (p. 876). In this regard, the media as well as other sources of authority on issues related to 'crime' and punishment work in conjuncture with one another in order to constitute social reality and particular configurations for social relations (Ericson, 1991). In Western capitalist democracies in particular, the media is undoubtedly bound with other institutions in the social structure as they reciprocally constitute one another. Specifically, the media and law are:

> Intertextually related in constituting the realities of crime, justice, and social order. They work jointly to prefer particular meanings and to promote certain political causes. They collectively constitute justice by turning accounts of what is into stories of what ought to be, fusing facts with normative commitments, values, beliefs, and myths. (Ericson, 1991, p. 223)

Indeed, the media as well as formal political discourse (such as that contained in Hansard transcripts) are mutually constitutive in that they work alongside one another in order to legitimize dominant ideology and maintain hegemony.

Given that publicity is instrumental in evoking change, particularly legal reform, the media serves as a tool to foster legitimacy for reform decisions (Ericson, 1991). Importantly, the media rarely focuses on structural causes to social issues so as to avoid encouraging radical restructuring. Rather, the focus tends to be on organizational inefficiency and mismanagement which leads the natural response to centre on improved standards and greater efficiency (Ericson,

1991). This ultimately results in changes requiring greater government resources that serve to reinforce punitive and exclusionary state apparatuses. Although the media do not solely produce items that directly serve the state, through relying on normative frames the media serves to propel a consensus at the level of public culture and control culture is perpetuated. That being said, the media do occupy a central role in social control as they work in conjunction with the legal system in order to produce definitions of deviance (Doyle, 2006) which reinforce the penal system (Ericson, 1991; Ericson, Baranek, & Chan, 1987, 1989). In contemporary times, where knowledge is viewed as a principle of social hierarchy, the media is valued as a commodity of cultural capital (Ericson, 1991). Given the value of media as a source of knowledge, as well as its role in mutually constituting discourses surrounding punishment (alongside official political debates), it was necessary for me to use both news media items and Hansard transcripts in order to inform my analysis of the hegemonic and counter-hegemonic discourses surrounding the *CHRS*. Further, my decision to supplement my data through the inclusion of NGO reports was to ensure that other important entities participating in the debates that advanced counter-hegemonic discourses surrounding the *CHRS* were included.

Within the newsprint media selected for the study, there are an array of news items. As such, it is important to discuss the implications that this has in relation to the data analysis. Doyle (2006) and Ericson (1991) contend that while many researchers tend to reduce the media to a monolithic institution with a unitary effect on audience, it is crucial to consider the context in which various media is produced as well as recognize the audience as diverse. In this sense, while the media certainly plays a role in propelling dominant ideologies, it cannot simply be reduced to the role of an ideological state apparatus (Doyle, 2006). Rather, it is important to acknowledge the specific context of production from which various news items emerge in order

to better take into account the related impact that these may have on their audience. In this regard, *Table 2* presents the various news items contained in the newsprint media publications category of my final dataset in order to account for the context of their production. While the media occupy an important role in reproducing dominant ideology through establishing consensus, they also provide opportunity for ideas challenging such consensus in order to maintain their popularity and influence (Doyle, 2006; Ericson, 1991). As such, the discourses contained in the various news items cannot succinctly be placed into the category of hegemonic or counter-hegemonic discourses. Rather, there is room for nuance depending on the context of production of each given item.

Given that official government sources serve as the chief sources of much political news, particularly news related to policy, the range of debate contained in news media is constrained by hegemonic ideals and values (Page, 1996). In examining news articles/reports, while they are presented with a veneer of truth, academic inquiry has found that they are not "value free" and actually serve to advance hegemonic ideals and value (Altheide, 1997; Page, 1996). Through presenting a selected issue as undesirable and relevant, news reports then present a way in which such an issue can be resolved. Oftentimes such a resolution calls for government intervention (Page, 1996). In relation to editorials, such a source is used by the media to overtly take a stand on relevant issues. Editorials are commentary/opinion pieces which are written by employees of the news media outlet in which said editorial is published. The stand that they present corresponds directly to the political views of the outlet and remains consistent over time (Page, 1996). To this end, academic inquiry has found evidence to suggest that the predominant political views contained in news articles/reports to correspond to the political stands overtly expressed in editorials (Page, 1996). Lastly, op-eds are used by news media sources in order to at

least have a semblance of diversity in regard to the opinions and comments they present. Op-eds are commentary/opinion pieces which are generally written by individuals who are not paid or employed by the media source and are intended to present the alternate side of the debate discussed in editorials. However, authors such as Page (1996) note that in practice, op-eds are oftentimes constructed so as to further the media source's own beliefs. This is achieved through limiting the guest authors included, as well as the arguments/viewpoints presented. In this sense, while there are important differences between various newsprint media items, they are all mainstream and tend to propel hegemonic values.

Table 2

 Newsprint Media Item Breakdown

News Articles/Reports	Editorials	Op-eds
64	13	6

4.4. Thematic analysis

To obtain an in-depth understanding of the meanings underlying the *CHRS* hegemonic and counter hegemonic discourses, a qualitative approach — namely thematic analysis — proved to be best suited to this project. Thematic analysis first emerged as a method of inquiry based on the assumption that material items produced in society can provide information about society itself (Hesse-Biber & Leavy, 2011). More precisely, this method of analysis posits that because materials produced in society reflect macro-social processes, it is possible to understand social phenomena through the analysis of these objects. Critical scholars argue that textual data is an ideal source through which to understand social power given that individuals are influenced by their culture's and society's power-knowledge relations (Hesse-Biber & Leavy, 2011). As such, a thematic analysis of newsprint media, non-profit and community organization documents, as

well as Hansard transcripts proved to be an ideal method through which to examine the power relations at work within these texts.

The thematic analysis approach itself involves the systematic coding of textual data in order to identify, describe, and make meaning of the explicit and implicit messages contained therein (Clarke & Braun, 2017; Elo & Kyngäs, 2007; Guest, MacQueen, & Namey, 2012; Lune & Berg, 2017). This method of analysis is particularly useful for identifying, analyzing, and interpreting patterns of meaning (i.e. themes) within data (Clarke & Braun, 2017). This is because thematic analyses move beyond counting words/phrases to identifying and describing manifest (i.e. surface content) and latent content (i.e. interpretation of the underlying meaning of content) (Guest et al., 2012; Potter & Levine-Donnerstein, 1999). Specifically, deductive thematic analyses move from the general to the specific in that general codes are abstracted from the research questions/theoretical framework to then form more general understandings/meanings (Clarke & Braun, 2017; Graneheim, Lindgren, & Lundman, 2017; Guest et al., 2012). In this regard, the analysis is explicitly analyst driven rendering it particularly useful for obtaining a detailed analysis of a specific aspect of the data (Braun & Clarke, 2006).

For the purpose of this project, a deductive thematic analysis was employed to explore themes, concepts, and ideologies conveyed in the *CHRS* hegemonic and counter-hegemonic discourses. Specifically, this project sought to uncover the broader political, economic, and social inequality underlying the proposed amendment to the *HSA* and communicated in discourses justifying/opposing the proposal in various newsprint media sources and Hansard transcripts. This was an appropriate method of analysis as it allowed me to describe and interpret meanings through a systematic and in-depth reading of the data. Moreover, Hesse-Biber and Leavy (2011) note that thematic analyses are particularly useful in research aiming to affect

policy or social change. Given the critical paradigm with which this project aligns, as well as the nature of the Marxian punishment theory deployed, this method of analysis provided an ideal opportunity for revealing the oppressive nature of the *CHRS* and the broader social inequality upon which it is justified.

Given that ideologies differ from simple idea or opinion, my thematic analysis was informed by aspects of Marxian discourse analysis. Marxian discourse analysis broadly entails analyzing the role of language in the formation and transformation of capitalist societies (Beetz, Herzog, & Maesse, 2018). Given that discourses are produced in and under certain material conditions, it is necessary to take into account their context of production. Jessop and Sum (2018) contend that ideologies differ from other ideas given that they serve the interests of power and domination. Similarly, ideologies have a social function in that they contribute to the stabilization of certain conditions/relations of domination. Seeing as interests can only be articulated through language, it is a crucial focal point in academic inquiry. This is particularly true for inquiry centred on political struggle (Jessop & Sum, 2018).

In using aspects of Marxian discourses analysis, I was able to account for the role of ideas in processes of social reproduction. This was important seeing as ideas affect material reality in significant ways. Further, ideas are reciprocally influenced by social conditions (Herzog, 2018). Given that this thesis does not simply aim to identify opinions surrounding the *CHRS*, my analysis was inspired by Marxian discourse analysis in order to account for the ideology embedded in the hegemonic and counter-hegemonic discourses. This provided the opportunity for ideology in the discourses surrounding the *CHRS* to be analyzed as it relates to social and material reality, and the processes of social reproduction. Specifically, this provided

the opportunity to assess the way in which structures, hegemonic discourses, and the *CHRS* are mutually constitutive in reproducing punitive logics and practices.

4.5. Coding

As previously noted, deductive thematic analysis is a research method used to interpret textual data through a systematic process of coding (Assarroudi, Heshmati Nabavi, Reza Armat, Ebadi, & Vaismoradi, 2018). Given the nature of my data, a theory-driven approach to coding was best suited to reveal in-depth meanings contained within the data (Ritchie, Lewis, McNaughton Nicholls, & Ormston, 2014). A deductive, or theory-driven, approach to coding allows for general codes to be created based on research questions and theoretical framework (Braun & Clarke, 2006; Guest et al., 2012). These codes are used to develop a coding rubric which is then used to sort the data into. Necessary to note, however, is that this method is flexible in that new codes/themes that may appear in the data are added as they emerge (Clarke & Braun, 2017). An important benefit in using a deductive, albeit iterative approach, is that it allows the researcher to identify emergent themes that are significant to the producer of the text (Elo & Kyngäs, 2007; Hsieh & Shannon, 2005; Lune & Berg, 2017; Morgan, 1993). In this sense, data are coded in a conceptual manner, meaning that an item may be placed into multiple categories if deemed relevant which provides insight as to potential interactions between categories (Krippendorff, 2004). As such, this approach is well-suited for the purpose of this project as it allowed me to directly uncover the various ways in which the *CHRS* is being legitimized as well as challenged. I was then able to draw on these descriptive themes and bring them to an interpretive level using a Marxian punishment lens to make sense of their embedded meanings.

Using an open coding approach, my analysis involved several readings of each text included in my dataset. The first reading involved an initial scan of the various newsprint media articles and Hansard transcripts selected so as to ensure that they were relevant. Relevancy was established if the article discussed the *CHRS* or social housing in some capacity. Upon finding a relevant article, I saved it and stored it in NVivo 12, which is a qualitative research software that I used for coding. This preliminary reading allowed me to distinguish between hegemonic discourses that promote the *CHRS* and reproduce punitive logics and practices versus counter-hegemonic discourses that challenge the strategy and punitive logics and practices that are prevalent in my dataset. This provided me with a starting point for the coding that occurred in my subsequent readings. Using my research questions, as well as the insight provided by the preliminary reading of the data as a starting point, I developed a mixed coding grid (*see Appendix A*) in NVivo containing some pre-established themes used in subsequent rounds of reading. Given the interpretive nature of thematic analysis, rigour was an important concern; in developing a coherent coding rubric, rigour and in turn reliability were increased (Guest et al., 2012). My second round of reading involved a meticulous line-by-line reading of each article/transcript to identify specific themes contained within the hegemonic and counter-hegemonic discourses. When coding, I took care to identify both manifest and latent codes meaning that both literal, as well as symbolic and structural themes, were identified. I used an iterative approach to coding whereby if a theme not previously noted appeared, I went back through all my data to ensure that this theme was not missed in earlier readings, which ensured consistency and rigour throughout my coding process. In a separate research journal, I noted any similarities or links between themes, as well as how these themes may be interpreted using a Marxian punishment lens. My third reading was dedicated to creating broader thematic

categories based on commonalities between the specific themes previously identified. These broad categories served as my "nodes" in NVivo. Using my theoretical framework, I was able to abstract meaning from the themes that emerged from my data, allowing me to group together specific themes to create broader categories.

4.6. Ethical considerations

Given my use of publicly accessible data, this project did not require ethics approval from the Social Science and Humanities Research Ethics Board at the University of Ottawa. While traditionally ethical considerations do not extend beyond the procedural process of receiving ethics approval, the critical paradigm upon which this project is founded posits that ethical considerations should be an ongoing process (Fujii, 2012). Dzidic and Bishop (2017) refer to this ongoing process as 'virtue ethics', which demands reflexivity and responsiveness throughout all stages of research and even after. The concept of 'virtue ethics' is particularly relevant for this project as I aim to deconstruct narratives perpetuating the marginalization of criminalized individuals and undermine the systems that contribute to their oppression. This study is intended to serve as a starting point and a point of discussion regarding the shifts and continuities in how citizenship and access to rights, such as housing, are being envisaged. The potential practical implications that this may have for prisoner re-entry are also considered.

4.7. Limitations and justifications

As with any methodological decision, thematic analyses and qualitative research generally are not without limitations. Arguably, one of the most prevalent limitations of qualitative methods is their inability to establish causal relationships or generalizable findings (Lune & Berg, 2017). While more traditional approaches to research recognize this as

problematic, for the purpose of this project the goal was not to be able to generalize the hegemonic and counter-hegemonic discourses surrounding the *CHRS*. Rather, the aim was to deconstruct the hegemonic discourses to understand the structural inequality which contributed to their use and how they shape a vision of who should have access to community housing. In this sense, the qualitative approach that this research undertook is useful as it allows for establishing and interpreting patterns contained in the data (Lune & Berg, 2017; Morgan, 1993). Further, the ontological and epistemological underpinnings of this project render the inability for the methods to establish causal relationships or generalizable findings irrelevant. Ultimately, a thematic analysis proved to be the most advantageous method for identifying and describing patterns of meaning contained within the textual data that relate back to my research questions and goals.

Another important issue, which I have briefly discussed, relates to rigour and reliability. Given the interpretive nature of qualitative research and thematic analysis in particular, I undertook several steps to ensure that consistency was paramount during the data analysis and write up phase of this project so as to improve rigour and reliability. These steps have been previously mentioned throughout this chapter, however, I will take this opportunity to consolidate them here. Given that I was the only individual coding the data, I took care to mitigate my personal biases through engaging in positional reflexivity (*see Section 4.2 Positionality*). I also used a research journal throughout the process to be aware of and reflect upon my personal biases. My choice of topic naturally stemmed from personal interest. As such, I approached this topic with certain preconceptions. Particularly, as a criminology student, I have spent several years learning about the criminalization system and the many ways in which it fails those it claims to serve. For this reason, my views surrounding the criminalization system and

criminalized individuals tend to be more critical than those of the general public. Moreover, given the position of privilege from which I come from, I have never experienced criminalization or precarious housing. I took care to be mindful of this when engaging with my data. Similarly, as a means of increasing intracoder reliability, a coding rubric was developed in order to increase consistency in coding; this further ensured that my personal biases did not impede my coding. I also took care to use an iterative approach to coding and underwent several detailed readings of my data to ensure that no inconsistencies appeared (*see Section 4.5 Coding*).

In sum, informed by a Marxian punishment lens, this project undertook a critical engagement with newsprint media, documents produced by NGOs, as well as Hansard transcripts. Through a thematic analysis, key codes and themes were abstracted as they related to the justification and legitimization, as well as the challenging and denunciation of the *CHRS*. In the following chapter, these themes are described and deconstructed in terms of the underlying social, political, and economic inequality embedded within the discourses, which is reflective of society at large.

Chapter 5.   Findings and discussion

As noted elsewhere in this thesis, the current Government of Ontario's *Community Housing Renewal Strategy* (*CHRS*) includes an amendment to the *Housing Services Act* (*HSA)* that allows for the exclusion of criminalized individuals from accessing community housing. Informed by Marxian punishment theory, the analysis of newsprint media items, NGO reports, and Hansard transcripts below explores how hegemonic discourses promote the *CHRS* and reproduce punitive logics and practices, as well as how counter-hegemonic discourses challenge the *CHRS* and punitive logics and practices. In examining the discourses concerning this post-incarceration policy, the analysis also sheds light on how structural inequality is embedded and challenged. Insight is also gained into the role of the criminalization system in further entrenching the current socio-economic order of neoliberal capitalism that perpetuates inequality, along with the role of social structure in legitimizing exclusionary tactics such as the *CHRS*. My analysis reveals a total of seven themes which highlight how the *CHRS* is legitimized as a necessary 'crime reduction' strategy and challenged based on the anticipated incongruence between the alleged goals and actual outcomes it would foster. The balance of this chapter examines these themes, which are as follows: community safety, utilitarianism, and the politics of fear; conceptualizing a 'real' versus 'comfortable' crisis; social housing as an economic, moral, and social imperative; social structure and citizenship conditions; conceptualizing housing as a right versus privilege; excluding the criminalized; the revolving door of poverty and imprisonment.

5.1. Global presentation of the findings

Prior to unpacking the seven themes noted above, it is necessary to provide an overview of the main arguments presented in the various news media sources, NGO reports, and Hansard transcripts to account for their context of production and the implications that this may have in relation to furthering or challenging hegemonic discourses. While all the news media sources included in this analysis are mainstream and neoliberal, their political affiliation remains an important object of consideration. First, in regard to the news media sources that tend to be conservative (e.g. Postmedia News, The Toronto Sun, etc.) the main focus tends to be on the way in which the previous governments have neglected community housing for years which has resulted in a serious crisis. The main imperative to address such a crisis is through 'putting families and people first' and improving community safety. The editorials in particular focus on sensational 'crime' in order to frame 'criminals' as occupying and controlling community housing with impunity. The news reports also focus on sensational 'crime' committed in community housing (particularly murder and gun shootings) and the 'good'/ideal victims who reside in community housing that have been or are at risk of being harmed. Ultimately, the conservative news sources are supportive of the *CHRS* and its provision to evict 'criminals' who are considered to be the source of insecurity rather than the lack of resources that exist for residents in community housing.

Second, news media sources that tend to be centrist but in support of conservative politics (this includes some Postmedia News outlets like The Ottawa Citizen) discuss that within community housing there is a need for more services, however, due to fiscal restraints this is not an option. The news reports in particular focus on the families who require housing and are unable to obtain it due to a lack of community housing stock. There is also a discussion as to

who should be responsible for providing community housing with an argument made that it is not a private responsibility and as such should not occupy private land. The editorials further this idea focusing on the fact that shelters and community housing are occupying prime real estate space. They also argue that community housing draws in 'crime' and violence. Overall, they make a call for more police as well as mental illness and addictions services in order to address the issue of 'crime' in community housing.

Third, news media sources that tend to be centrist, but leaving room for both conservative and liberal politics (including The Globe & Mail and other Bell-owned outlets) focus greatly on sensational 'crime' occurring in community housing and the impacts that this has on the 'law-abiding' tenants residing there. While my dataset contains no editorials in this group, the news reports focus on gangs, drug dealers, and sex workers as ruling community housing with impunity. While the news reports did present quotes from different political figures with different political party affiliations, ultimately there was a call for a need to evict 'criminals' in order to be able to increase the safety and security in community housing.

Last, news media sources that also tend to be centrist, but include discourses in support of liberal politics (such as The Toronto Star and CBC News), focus greatly on the need for more support services and programs for those residing in community housing. This category also did not have any editorials, however, the news reports discuss that there were more programs previously which assisted with community safety and wellbeing. The news reports present quotes from various stakeholders debating what the priorities are in terms of community housing. Overall, there is an emphasis on the need for strategies that promote social inclusivity and address the root causes of violence. There is an open questioning of the need to be able to evict 'criminals' as part of the *CHRS* and whether or not this will truly increase community safety.

Overall, it is apparent that media works alongside the political discourses contained in the Hansard transcripts to constitute the legitimization of the *CHRS*. Specifically, they work jointly to prefer particular meanings and promote certain political causes (Ericson, 1991). This is most readily observed through the conditions ascribed to citizens in order for them to be viewed as 'deserving'. In relying on sensational 'crime', the media conceptualizes 'criminals' as 'non-deserving' citizens and ultimately serves to reinforce the need to exclude criminalized individuals from community housing to foster community safety. As is suggested by Ericson (1991), the media overwhelmingly focuses on organizational inefficiency. This is observed in the hegemonic discourses surrounding the *CHRS* as the structural causes of social issues (e.g. poverty, access to housing, access to education, and the like) are sparse in the news media items. Given that there is a recognition of the significant lack of stock of community housing, with the demand greatly outweighing the supply, the news media items emphasize that criminalized individuals are taking resources away from 'law-abiding' individuals and families. Consistent with the principle of lesser eligibility, this makes it seem natural to ban criminalized individuals from accessing community housing. Indeed, the news media items discussing the *CHRS* largely work in conjuncture with the official political debates in order to propel control culture, as well as legitimize dominant ideology and maintain hegemony.

In relation to the NGO reports, they generally agree with the claim that legislative changes are needed in order to address the current failures of the community housing system. However, these reports discuss that there is a need to promote social inclusivity in order to increase community safety and wellbeing. There is an emphasis on the collateral consequences that may ensue should criminalized people be excluded from community housing. Further, they acknowledge that the current stock of community housing is detrimental to tenants' health and

wellbeing given the state of disrepair. As such, they welcome changes to increase the efficiency, as well as the supply of community housing, albeit they caution against the means through which the *CHRS* aims to do so.

In regard to the Hansard transcripts, the majority of the discourses contained within are counter-hegemonic as members of the NDP are most prevalent in the discussions. Of the discourses advanced by members of the Progressive Conservative Party, the focus is on the imperative to increase the stock of community housing through private contracts. There is also discussion about the need to ensure community safety through excluding criminalized individuals from community housing as is contained in the *CHRS*. In relation to discourses from members of the Liberal Party, there is much emphasis placed on the measures that the federal government has taken to address poverty and homelessness. They do recognize the current community housing crisis in terms of the demand significantly outweighing the supply. However, they claim that this is inevitable given fiscal restraints. The discourses in the Hansard transcripts from members of the NDP strongly advocate against the *CHRS* in favour of more inclusive programs. They discuss the way in which programs and services have continued to be cut and call for more proactive, rather than reactive, solutions to housing precarity. As such, they advocate for community-based solutions and are opposed to the *CHRS*.

5.2. Community housing as a transcarceral space

As neoliberalism has infiltrated various government sectors, the criminalization system has not been immune. With the continued entrenchment of neoliberalism in the criminalization system through various policies, the law and penal apparatus have increasingly become a tool of social control deployed against the marginalized sectors of society. In Canada, this is most readily observed through the mass incarceration of populations like Indigenous peoples

(Monchalin, 2017), as well as the almost exclusive targeting of the less affluent sectors of society by the criminalization system (Hogeveen and Woolford, 2006). This became a tactic used to invisibilize the social disorder created at the bottom of the social ladder as a result of economic re-regulation and social assistance retrenchment. As Wacquant (2009) suggests, the shift from the social to the penal wing of the state consequently led to a panoptic and punitive logic permeating the social assistance sector. In practice, these logics materialize through post-incarceration policies which overtly exclude criminalized individuals from accessing supports and services such as community housing. This idea is reiterated in transcarceration literature which discusses the fitting together of cross-institutional arrangements through front line workers participating in governance strategies. More precisely, through contractual relationships, front line workers in the medical and social work sectors are legally required to monitor individuals' compliance with their probation/parole orders. This in turn renders community spaces as transcarceral spaces as the scope of correctional-type governance strategies expands (Kilty & DeVellis, 2010).

The discourses surrounding the *CHRS* showcase the extent to which community housing is being deployed as a control mechanism against marginalized populations. This is observed in the explicit citizenship conditions set out, as well as the revocation of basic rights, should these conditions not be met. It further highlights how the PVS is being co-opted by the state as an extension of the penal apparatus through only implementing funding for services and programs that directly align with the state's agenda; the *CHRS* requires NGOs to remain contractually involved in the delivery of community housing for three more years. This quite evidently means that NGOs whose mandate is to facilitate prisoner re-entry through providing supports such as housing, will be unable to do so as the *CHRS* would prevent criminalized individuals from

accessing community housing regardless of who the provider is. Ultimately, this will result in the exclusion of criminalized individuals from the vast majority of shelter/housing options available to them.

Kilty and DeVillis (2010) discuss the shift in community spaces as becoming "grey spaces" upon being co-opted into extensions of carceral control. Frontline workers serve to facilitate the diffusion of decentralized control via surveillance, governance, and disciplinary strategies. Through the *CHRS*, it is apparent that community housing is becoming a grey washed space as housing service providers, along with security, surveil tenants and are able to discipline them via permanent exclusion should they be involved in criminalized behaviour. Indeed, the *CHRS* represents carceral devolution whereby it fits into a larger set of interrelated policies that transfer carceral authority from the state to community-based institutions and actors (Miller, 2014). Below, my analysis explores how such a proposal is being justified and challenged. Specifically, the way in which social structure founded on inequality serves to legitimize the exclusion of criminalized individuals from community housing under the *CHRS* is discussed.

5.3. "Not to punish, but to protect": Community safety, utilitarianism, and the politics of fear

Given that the criminalization system is largely premised on "promoting community safety", it is unsurprising that post-incarceration policies are presented as necessary 'crime control' tools to protect society. With this in mind, those espousing hegemonic discourses surrounding the *CHRS* greatly emphasize the extent to which community safety is at the forefront of priorities in regard to this policy decision. The documents analyzed overwhelmingly point to the need to exclude criminalized individuals from community housing in order to protect the community. Moreover, denying community housing to criminalized individuals is not

presented as punitive, but rather as a necessary protective mechanism. The individuals

articulating hegemonic discourses emphasize the need for community housing to be safe and

point to 'crime' as the cause of potential insecurity. Safety and security are framed as the

minimum that community housing should provide its tenants. This is evident in an editorial

published in The Toronto Sun, where the columnist argues "social housing exists for this

purpose. It doesn't have to be fancy. But it does have to be safe" (Towhey, 2019). Indeed, the

presence of criminalized individuals is presented as rendering it impossible for community

housing providers to meet this basic threshold. In this regard, through the hegemonic discourses,

it is apparent that community housing is being envisaged in such a way as to serve the dominant

ideological function of 'crime control', while also concealing the structural contradictions

implicit in capitalist social order through maintaining its underlying structures of inequality.

Regarding community safety, those advancing hegemonic discourses are quite overt in

elaborating the failure of current 'crime control' measures stating that the police are not

sufficient. Rather than considering that perhaps the mode of 'crime control' is not effective,

those espousing hegemonic discourses posit that there simply are not enough resources to

adequately control 'law breaking'. Ericson (1991) and Ericson et al. (1989) argue that newsprint

media in particular, serves to legitimize control culture through framing consensus responses to

issues of 'crime'. Specifically, rather than exposing the structural issues resulting in 'crime',

more resources in order to improve the quality of services related to 'crime control' are generally

presented. Indeed, the deterrent function of punishment, which is a prevailing paradigm in

capitalist society, is prevalent in the hegemonic discourses (Mathiesen, 2006). For instance, in an

editorial published in The Ottawa Citizen, Rideau-Vanier candidate Thierry Harris (2017) argues

that "it's traumatizing just to walk by, imagine living next to [a homeless shelter]". Community

housing is framed as a "war zone" in which 'criminals' have total control and power. The emphasis on the need to exclude certain individuals in order to uphold the safety of others brings forth the entrenchment of social exclusion, self/risk management, and the politics of fear in policies as captured in Ratner's (1984) concept of the 'liberal boot'. This concept brings attention to how reformist movements fail to promote actual change, but rather are stuck inside this 'liberal boot' which perpetuates the inhumane treatment of criminalized individuals.

5.3.1. Utilitarianism

The existence of the 'liberal boot' is further reflected in the utilitarian premise used to legitimized the *CHRS*. The use of utilitarianism as a means of justifying the exclusion of criminalized individuals from social assistance housing is twofold: first, it is argued that a few 'criminals' are putting the majority of 'law-abiding' tenants at risk; and second, it is said that in allowing the criminalized to reside in community housing their rights are being put before the rights of others. As such, the *CHRS* is framed as a necessary policy in order to ensure that the majority of tenants are protected. This is at work in a news report in The Toronto Sun in which a reporter states that "the TCHC cannot protect the majority of its residents from predatory visitors and tenants unless the province of Ontario makes changes" (Braun, 2018).

While the former deployment of the utilitarian argument is a matter of sheer numbers, the latter requires some unpacking. Using the principle of lesser eligibility, it is apparent that criminalized individuals are not to have rights that exceed those of the 'law-abiding'. The principle of lesser eligibility is very prevalent in the hegemonic discourses surrounding utilitarianism as arguments often discuss discontentment with any decisions that do not overtly favour people who observe the law. Another editorial written by Postmedia News and published in The Toronto Sun argues that "it's time to worry less about the rights of the criminals in social

housing and more about the rights of the law-abiding tenants who live there" (Postmedia News, 2018). Not only does this principle justify the prioritization of the 'law-abiding', but it further serves as a basis for justifying the denial of basic rights to individuals who have been criminalized. In another Toronto Sun editorial, it is said that "when criminals are allowed to live and move freely among the law-abiding tenants residing in TCHC housing, these properties become prisons for those innocent tenants" (Passifiume, 2019). Along the same line, allowing criminalized people to reside in community housing is framed as a waste of valuable resources that ought to be reserved for the 'deserving' poor. Once again, the principle of lesser eligibility explains the manner in which community housing is viewed as a commodity which certain individuals deserve to have priority to over others. While it is acknowledged that exclusionary tactics may have negative implications for those being excluded, it is presented as a necessary consequence in order to ensure that the wellbeing and safety of the majority is upheld.

5.3.2. The politics of fear

As a means of legitimizing their claim that exclusionary tactics are needed in order to ensure community safety, those espousing hegemonic discourses rely on the politics of fear. As discussed by Mallea (2010), the politics of fear refers to politicians manipulating support for exclusionary "tough on crime" policies by exploiting individuals' fear. Specifically, through giving the impression that there is a 'crime' epidemic the government is able to convince the public that more resources must be dedicated to 'crime control'. The media plays a notable role in misleading the public and heightening their fear through the saturation of coverage of sensational acts of violence (Mallea, 2010). Those expressing hegemonic discourses surrounding the *CHRS* present the 'crime problem' in community housing as completely out of control, requiring both urgent and serious intervention. There is much focus on senseless violence and the

targeting of 'ideal victims'[12]. For instance, a journalist for The Globe and Mail states in a news report that a resident "was stabbed to death in what police sources say may have been a game of Scrabble that came off the rails […]" (Lorinc, 2018). Those articulating hegemonic discourses focus on the few high-profile cases with ideal victims to frame the 'crime issue' and the correct response to be elicited by the criminalization system. This resonates with what Elias (1993) notes, whereby policy developments fail to truly meet the needs of victims and further deteriorate the position of criminalized individuals as they are developed based off of unrepresentative cases.

Community housing is presented as a host to senseless violence which harms innocent and vulnerable residents such as children, the elderly, and those living with mental health conditions. The focal point of those espousing hegemonic discourses is on 'crime' that is unprovoked and baseless, which thus frames exclusionary tactics as a necessary protection tool. Through presenting 'criminals' as irrational and the victims as innocent and simply caught in the crossfire, the media is able to create a sense of fear through implying that anyone could be a victim at any time. This use of framing, as discussed by Bosma, Mulder, and Pemberton (2018), whereby the victim and the 'offender' are characterized by the sole-feature of complete distinction serves to reinforce the politics of fear embedded in the majority of punitive post-incarceration policies. However, as is argued in much of the academic literature on ideal victims, this clear cut distinction between victims and criminalized individuals does not exist in reality (Bosma et al., 2018; Christie, 1986, 2018). Rather, as is suggested by Sloan Rainbow (2018), criminalized individuals often experience high levels of physical, sexual, emotional, and

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[12] As per Christie (1986), an 'ideal victim' refers to "a person or a category of individuals who — when harmed — are most readily given the complete and legitimate status of being a victim" (p. 12).

structural victimization before, during, and subsequent to their incarceration. Regardless of this, politicians purposefully frame ideal victims as being distinct from criminalized individuals to capitalize on the fear that ensues and legitimize exclusionary tactics deployed against the latter.

The newsprint media often discusses gangs, guns, and sex workers as causing serious harm within community housing. An opinion columnist for The Toronto Sun states in a piece that "the wannabe men who break our laws, sell drugs, traffic our most vulnerable for sex and rule over TCHC communities with impunity, succeed by terrorizing their neighbours. They are terrorists" (Towhey, 2019). As illustrated by this quote, not only is 'crime' framed as a serious issue, but the issue of impunity is also a salient theme. Much of the discourse focuses on the inability of community housing providers or police officers to catch and punish 'criminals' within their residence. Similarly, even on the off chance that an individual is caught, providers do not have the authority to permanently exclude them, which is also framed as a serious contributor to danger. For example, a reporter for The Globe and Mail states in a news story that "even after offenders had been evicted, housing authorities were powerless to deny them units when they reapplied" (Gray, 2019). Capitalizing on fear through the use of unequivocal language, much of the hegemonic discourses frame the current state of social housing as one where taxpayers are supporting 'criminal behaviour'. This is at work in a news story from The Toronto Sun in which a reporter states that "we're all subsidizing the street gangs that thrive in the city's community housing. Actually, it's worse than that — we're enabling these criminals" (Braun, 2018). As a result of the combination of alleged impunity and senseless violence, the *CHRS* is presented as a necessary exclusionary tactic in order to uphold community safety, which is to be accomplished by banning criminalized people from gaining access to community housing. This illustrates the push to further embed punitive logics into the social assistance

sector. It is apparent that the *CHRS* is largely being legitimized as a result of the shift from the social to the penal wing of the state. This informs the push for community housing providers to have the authority to use their discretion in order to refuse to re-house someone who was previously evicted for a 'serious criminal offence'.

While those espousing hegemonic discourses focus on reactive and punitive measures, those espousing counter-hegemonic discourses emphasize that the *CHRS* jeopardizes the safety of the excluded individuals, along with the community at large. By excluding one criminalized individual, the collateral impact results in the exclusion of their family as a whole. This point is discussed by Osmok (2019) in a report published by the John Howard Society of Ontario which states "the proposed amendment would unduly harm the innocent members of a household, including children and seniors, who may experience homelessness and increased risk of violent victimization" (p. 1). As is discussed by academic inquiry on the collateral consequences of incarceration, upon placing an individual in prison/jail there are many interlocking consequences and re-entry barriers that ensue; serious damage is caused to an individual's social and cultural capital (Gunnison & Helfgott, 2011; Hagan & Dinovitzer, 1999; Petersilia, 2001). Munn and Bruckert (2010) also note that as a result of curtesy stigma, the prisoner's family and the community at large also face collateral consequences. Further, in failing to support the re-entry of criminalized individuals their risk of recriminalization and victimization increases thus diminishing public safety (Griffiths et al., 2007; Malakieh, 2018).

Those articulating counter-hegemonic discourses also argue that in order to promote community safety and wellbeing more inclusive measures should be adopted. Moreover, the fact that the government continues to cut the very services that make communities safe and livable is highlighted by opponents such as NDP Deputy leader Sara Singh, who in a media statement

notes that "this government has relentlessly cut support for the very programs that make communities safe and community housing livable" (Jeffords, 2019). Rather than promoting exclusionary tactics, purveyors of counter-hegemonic discourses urge the government to invest in supports and services.

5.4. "It has become the norm in this province": Conceptualizing a 'real' versus 'comfortable' crisis

In examining both the hegemonic and counter-hegemonic discourses surrounding the *CHRS*, it is apparent that the current state of community housing has long reached a crisis level. The counter-hegemonic discourses discuss that as the federal and provincial governments have increasingly removed themselves from community housing and downloaded the responsibility onto municipalities and the private sector, the state of community housing has seen a devolution over the years (Morrison, 2019). They cite that this is due in large part to an inability for municipalities to maintain existing units and build new units to keep pace with the demand for social housing. The manner in which those espousing each respective discourse frames the crisis, however, is vastly different. Whereas those articulation hegemonic discourses focus exclusively on the amount of 'criminal behaviour' occurring in community housing, those communicating counter-hegemonic discourses discuss the deplorable state of disrepair that community housing is in, as well as the length of the waitlist to access a unit which constitute barriers to housing securing. While the former position themselves as being 'for the people' in terms of banning criminalized individuals to promote community safety and wellbeing, there is no recognition of the unlivable conditions that also pose a serious safety threat to residents. Consistent with neoliberalism, this difference of urgency for each respective crisis framing can be explained through the 'laissez-faire' posture adopted for property owners at the top and the authoritarian

posture directed to those at the bottom of the social ladder. Indeed, the state of disrepair which would require significant amounts of government funding is not viewed as an urgent issue by those advancing hegemonic discourses and it is dismissed due to alleged fiscal restraints. 'Crime' on the other hand is framed as the pinnacle of the housing crisis, thus making the main imperative for solving this to be through excluding those involved in criminalized behaviour.

5.4.1. Conceptualizing a 'real' crisis

Albeit the many issues with community housing identified by community members, those expressing hegemonic discourses almost exclusively discuss 'crime' as the true crisis. More specifically, in many instances they refer to the disproportionate police-reported victimization rate in community housing citing the inability to exclude the criminalized as the main contributor to this crisis. The issues of 'crime' and 'criminality' are presented as an epidemic that has gotten out of control. An excerpt from a Toronto Sun column advances this assertion:

> All the other troubles Levy (a newspaper reporter) has exposed in community
>
> housing — the rotting buildings, the grotesque waste of tax dollars, the utter lack of
>
> accountability, the endless bureaucratic bull——— pale beside the ongoing problem of
>
> violent crime. It's the one issue that could change the face of the entire city and the
>
> province needs to move on this now. (Braun, 2018)

On the rare occasions that those advancing hegemonic discourses do acknowledge other issues pertaining to community housing, these are dismissed and the emphasis is brought back to the need to solve the 'crime' crisis which is "out of control". Community housing is described as lawless and a warzone which is so unsafe that non-residents do not even feel comfortable entering the premises. This is evident in an op-ed published in the National Post and written by an Associate Professor of real estate management at Ryerson University, as well as a real estate

leader which states that "paramedics near downtown Toronto waited outside a high-rise building for the police to arrive while a man bled to death inside. The paramedics were "concerned for their own safety"" (Haider & Moranis, 2019). As a result of the 'crime' crisis, those articulating hegemonic discourses imply that individuals are at risk of harm and death both directly and indirectly due to an inability for first responders to do their jobs.

As is noted by Garland (1990) state institutions, including those within the social assistance sector, play a pivotal role in organizing ruling class power, subduing political opposition, and legitimizing policies which serve to reinforce the perceived interests of the dominant class. This point is readily observed in the way in which purveyors of hegemonic discourses are able to counter complaints regarding the deplorable state of community housing and refocus the discourse on the issue of 'crime', along with the need for greater power in relation to 'crime control'.

5.4.2. Conceptualizing a 'comfortable' crisis

Contrary to the overwhelming emphasis placed on 'crime' as the cause of the community housing crisis in the hegemonic discourses, those espousing counter-hegemonic discourses focus on the state of the housing, as well as the lack of supply. While polls presented in a Toronto Star news report found that concerns for community housing were split with "36% identifying criminal activity as a key concern, 21% placing availability at the top of their list and 15% pointing to the state of repair in existing units" (Mathieu, 2018), the two latter concerns comprise what is referred to as a 'comfortable' crisis. Essentially, purveyors of counter-hegemonic discourses view the government's inaction on the lack of availability and current state of community housing to be a crisis that they are all too comfortable with. As such, those espousing counter-hegemonic discourses argue that what should in fact be viewed as a real crisis is absent

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from discussion and tangible action. This is observed in a news article from The Toronto Star in which a freelance contributing columnist states that "none has done more than raise a voice and evoke high-sounding moral arguments" (James, 2017). Those expressing counter-hegemonic discourses emphasize that the current 'comfortable' housing crisis "[is] not a moral imperative at all; it's a political one. And, as a political issue, social housing has fallen to the bottom of the heap" (James, 2017).

Another consideration advanced by those espousing counter-hegemonic discourses is the cause of this housing crisis. As previously noted, purveyors of counter-hegemonic discourses argue that for several years the federal and provincial governments have retrenched their involvement in social housing programs leaving the responsibility to municipalities who lack the funding resources to support such programs. Similarly, under the Harris government, rent control was scrapped, which led to the flatlining of purpose-built rental housing and the creation of 20,000 rent-geared-to-income housing units was cancelled (Clarke, 2018). The combination of the austerity attacks under the Harris government, as well as the continued 'laissez-faire' attitude, have created the current housing crisis. This is attributed to being largely due to the assumption that the market can be relied upon to meet the demand for housing, including for low-income and poor Ontarians. Purveyors of counter-hegemonic discourses note that for decades the social housing stock has been left completely unmaintained and it has reached a dire level. This is discussed in a news report from The Toronto Star in which a freelance contributing columnist says that "twenty years have gone by and nothing's changed — except the repair bill is nearly ten times bigger" (James, 2017). The actual state of the current housing units is described by a journalist in a news report in the London Free Press as being so deplorable that "you would not want to put a pet in there, let alone a person" (De Bono, 2019b). Not only are service

requests ignored, but individuals also do not feel comfortable filing complaints to begin with as they fear that they will be evicted and forced to live on the streets. The current condition of social housing units is such that they pose a serious threat to residents' physical and emotional wellbeing. Regardless of this, the government is not and has not been concerned. This is a clear reflection of the selective authoritarian approach taken by the government; while the marginalized, and the criminalized in particular, are subject to much control and punishment, the top of the social ladder — this includes builders, contractors, and landlords — can largely operate sub-standard community housing with impunity.

To continue, those advancing counter-hegemonic discourses, particularly in legislative debates, note that as a result of the lack of maintenance the already limited stock of social housing units has continued to decrease (Morrison, 2019). It is asserted that the current waitlist for an individual to be able to obtain a social housing unit can take over a decade and that, as it stands, there are more individuals on the waitlist for social housing than actually housed in the units (Gretzky, 2018). As per those advancing counter-hegemonic discourses, the *CHRS* does nothing to actually improve the circumstances. Similar to their alleged interest in promoting community safety via excluding the criminalized, their means of addressing the lack of available housing is also an illusion which some articulating the counter-hegemonic discourses have argued will do nothing more than make the situation worse. For example, NDP member Suze Morrison — who is the current MPP for Toronto Centre, sits on the Ontario Legislature's standing committee on justice policy, and is the critic for tenant rights amongst other positions — argues in an excerpt from a Hansard transcript that:

> The current Conservative government is taking a horrendous situation and making
>
> it worse. Somehow, since June of last year, this government has been actively making life

worse for tenants and for homeowners while rolling out the red carpet for your developer

friends. (Morrison, 2019, p. 4952)

It is further asserted that, in some instances, landlords have actively chosen to ignore repairs

requested in order for buildings to reach a level of disrepair which leads to the eviction of a

tenant due to neglect. In these instances, the buildings are replaced with high-rise luxury rentals

thus pushing the marginalized and impoverished people out (Karpoche, 2018). This phenomenon

is captured by the concept of gentrification whereby there is place competition and appropriation

occurring between classes (Rérat, 2018). While those espousing hegemonic discourses frame the

CHRS as providing poverty relief, Wacquant's (2001, 2009) notion of punitive containment

whereby the marginalized are forcibly erased through the retraction of social services can be

observed. Indeed, this serves as a means of invisibilizing the marginalized populations in an

alternative fashion to incarceration while fronting as an initiative that aims to support them.

Those espousing counter-hegemonic discourses also point to the hypocrisy in the *CHRS*

posing to be 'for the people'. For example, in another excerpt from a Hansard transcript, Suze

Morrison states:

This is not how you fix a housing crisis, Speaker. You don't gut rent control. You don't

cut inclusionary zoning. You don't give planning powers to developers and take away the

ability of a municipality to do its job. You don't ignore a $2.6-billion capital backlog or a

15 year wait-list in community housing. (Morrison, 2019, p. 4954)

While those articulating the justification of the *CHRS* do a lot of preaching about the housing

crisis in relation to the safety and wellbeing of tenants, the only imperative is to ban 'criminals'.

Purveyors of counter-hegemonic discourses argue that the government continues to have a

'laissez-faire' attitude regarding the situation. Further, they claim that the *CHRS* does not address

the concerns above or provide municipalities and the private sector with the necessary supports to be able to improve the existing housing crisis. While the province has actively overlooked issues related to the housing crisis for years, including under previous administrations, members of the current provincial government are quick to responsibilize municipalities to invest and repair the associated issues.

Those advancing counter-hegemonic discourses emphasize the need for these concerns to be responded to as a real crisis. They posit that tangible actions need to be taken to address these concerns and that it is no longer acceptable to keep doing what has been failing for years. That is, a lot of discussion around the moral imperative that exists with minimal to no action. Not only are people unable to obtain safe and adequate housing via social assistance housing, but the shelter system is also overcrowded, thus leaving many people homeless and at risk of victimization and criminalization. Those expressing counter-hegemonic discourses discuss the severity of this housing crisis and acknowledge that this issue has continued to worsen over the years during a time of relative economic prosperity. As is acknowledged in critical criminological scholarship, the economy continues to benefit fewer and fewer individuals. Hogeveen and Woolford (2006) discuss that an increase in the delineation between the most affluent and impoverished is evidence of the permeation of the neoliberalism. Moreover, Woolford and Hogeveen (2014) found that under neoliberalism societal institutions, including the criminalization system, are structured by the interests of the powerful and state actors in such a way as to further entrench the less powerful in disadvantaged social circumstances.

It is apparent that the current state of community housing is the result of neoliberalization and that the *CHRS* is a neoliberal policy. The underpinnings of the *CHRS* evidently involve economic de/re-regulation, welfare state retraction and recomposition, the

cultural trope of individual responsibility, as well as a proactive and expansive penal apparatus (Peck, 2003; Wacquant, 2009). Specifically, rather than observing a retraction of state involvement, there is a shift in regime toward a more punitive and exclusionary approach. As is noted by Kirchheimer and Rusche (2017), as unemployment increases and is not absorbed by the welfare system then consequently criminalization increases. In relation to the *CHRS*, the number of individuals experiencing housing precarity continues to increase all while the community housing stock continues to decrease. In this sense, the *CHRS* serves as a policy which aims to mask the increasing social insecurity by refocusing the issue on rising 'criminal' insecurity.

5.5.   Social housing as an economic, moral, and social imperative

As has been discussed in the themes explored above, the hegemonic discourses surrounding the *CHRS* are largely prefaced on being 'for the people'. What those espousing hegemonic discourses frequently fail to mention, however, is who these people are. The counter-hegemonic discourses in many instances centres on identifying the subtle, but important details that have meticulously been excluded from hegemonic discourses which, when acknowledged, expose the hypocrisy of the statements supporting the *CHRS*. Cohen (1983) discusses the use of stated intentions as a means of concealing the real underlying motives behind policies related to the system; the discourses serve as a façade to render acceptable the exercise of what would otherwise constitute unacceptable power/domination. Along these lines, in many instances, those articulating counter-hegemonic discourses take issue with the false illusions created by the hegemonic discourses that imply that the *CHRS* exists to assist marginalized populations when in practice it would not.

One of the primary examples used to showcase the disconnect between the hegemonic discourses and practice relates to those claiming that the *CHRS* will be beneficial to individuals

experiencing precarious housing through making it possible for more housing to be built. While those defending hegemonic discourses argue that in order to manage the lack of current affordable housing there is a need to build more housing, those expressing counter-hegemonic discourses posit that the creation of more housing quickly as proposed is nothing more than an economic deregulation strategy. This is discussed in an excerpt from a Hansard transcript in which NDP member and critic for tenant rights Suze Morrison argues that "this government has been actively making life worse for tenants and homeowners while rolling out the red carpet for your developer friends" (Morrison, 2019, p. 4952). Those advancing counter-hegemonic discourses argue that this change is the result of the financialization of housing by using it as a vehicle of wealth generation, rather than as a social good. This point is also reflected in the lack of urgency or desire for repairs to be made to the current crumbling stock of community housing as discussed in the counter-hegemonic discourses. Rather, it is said that the units are left to disrepair and eventually replaced with luxury units which bring in more revenue. Consistent with what is purported by Marxian punishment theories, the *CHRS* presents an illusion of care when in fact it serves to maintain the needs of capitalist social order through furthering the divide between the powerful and the less powerful. While the hegemonic discourses present the *CHRS* as a policy intended to assist all, in practice it further serves to reproduce inequality whereby one class exploits the other.

While those expressing counter-hegemonic discourses believe that ensuring individuals have access to adequate and affordable housing is a moral imperative, there is recognition of the cost-benefit standpoint from which the legitimization of the *CHRS* comes from. As such, those articulating counter-hegemonic discourses discuss the economic implications of the *CHRS* in order to engage in a direct conversation with purveyors of hegemonic discourses. The first point

of contention to discuss is the emphasis that the government places on fiscal restraints and the related strain this places on the ability of all levels of government to afford services such as community housing, as well as other social assistance programs. A report produced by NGO Maytree, who articulate counter-hegemonic discourses on this issue, argues that "in a country like Canada, awash in resources and wealth, this is not a matter of limited capacity; it is a matter of neglect and complacency" (McIsaac, 2019). The argument of limited resources aside, those espousing counter-hegemonic discourses discuss the way in which the policy changes under the *CHRS* are actually counterproductive to saving money. Rather, they show that investing in social housing is actually the best investment to ensure the socio-economic prosperity of a city. For example, in an editorial in the National Post, an Associate Professor of real estate management and a real estate leader argue that "investment in affordable housing not only provides shelter to those who cannot afford market rents but also offers billions of dollars in socioeconomic benefits" (Haider & Moranis, 2019).

To continue, those articulating counter-hegemonic discourses take issue with the *CHRS* being framed as 'for the people' when the government has continued to cut the very services and programs that support marginalized populations. It is noted that since the Harris government, economic benefit has been at the forefront of priorities in policy decision making as it relates to housing; gutting rent control and not allowing waitlisted tenants to refuse a unit that may not meet their needs are examples cited by purveyors of hegemonic discourses that illustrate this (Clarke, 2018). These are decisions that are based on minimizing financial loss and maximizing financial gain for the public and private actors involved in the delivery of such programs and services with no regard for the negative impact that this will have on the individuals whom the services are said to help. This highlights the role of the *CHRS* in political and ideological class

struggles as well as the way in which it serves to maintain state power and ruling-class hegemony (Garland, 1990).

Those espousing hegemonic discourses position the decision to remove the ability for individuals to refuse a unit for any reason as a tool to make the housing system more efficient and business-like. They claim that this will reduce the administrative burden of having multiple unit showings and decrease the time that units are empty, thus saving money and ultimately meaning more people will be housed more quickly (Ball & McCormick, 2019). Those expressing counter-hegemonic discourses problematize this on the basis that this will result in individuals being given units that are unable to meet their needs. Rather than creating an efficient system as the *CHRS* purports, those espousing counter-hegemonic discourses argue that ensuring that people have the housing that they need ultimately contributes to them having better physical and mental health, as well as better education and employment outcomes which is an investment that would save money in the long run.

In relation to viewing community housing as an economic investment, both purveyors of hegemonic and counter-hegemonic discourses reproduce neoliberal and capitalist ideals. As discussed by Brown (2019) it is apparent that re-entry programming and supports are risk focused as they require individual rather than social transformation. Rather than providing a safety net by mitigating some of the re-entry barriers experienced by prisoners, services provided by the PVS, including community housing, aim to alter the individual in order to make them compliant and 'law-abiding'. Given that housing plays a crucial role in an individual's ability to access post-incarceration services and programs, unpacking the hegemonic and counter-hegemonic discourses surrounding the *CHRS* has implications for prisoner re-entry more broadly. Within the hegemonic and counter-hegemonic discourses, there is an overwhelming

emphasis placed on the way in which community housing can lead to the creation of self-sufficient individuals who are able to eventually obtain housing on their own and contribute to society through obtaining an education and employment. A report produced by the provincial government states:

> When people have the housing they need, they have better health, education, and employment outcomes. When housing is affordable and in areas near transit, schools, workplaces and amenities, individuals have the opportunity to manage their lives and raise their families. (Ministry of Municipal Affairs and Housing, 2019)

It is clear that the *CHRS* is not designed to provide a safety net to those most in need, but rather it is to create compliant citizens who contribute to the needs of capitalist order through disciplining them into accepting the 'choices' made available to them. McElligott (2007, 2008) discusses the retraction of social services with concurrent job insecurity as ultimately forcing individuals to accept precarious employment. Put differently, through stigmatizing and impoverishing life outside the labour market, individuals are required to find employment and ultimately contribute to capitalist needs.

The difference between what is espoused by supporters of each respective discourse lies in how this outcome is to be achieved. Purveyors of hegemonic discourses believe that the *CHRS* is conducive to creating self-sufficient and "productive" citizens. This is consistent with what is noted by Pashukanis (2002) whereby punishment is understood to be a bourgeois invention which utilizes bourgeois conceptions of the person and of value derived from the capitalist mode of production that ultimately serves to reproduce bourgeois mentality in the process of punishing. Through the hegemonic discourse surrounding the *CHRS*, individual value is based on an individual's ability to be self-sufficient and contribute to capitalist needs through obtaining

precarious employment, as well as their ability to abstain from 'crime'. On the other hand, purveyors of counter-hegemonic discourses argue that there is a need to invest more in social housing, as well as services and programs to support individuals. Examples of such assistance include supporting individuals to obtain education and employment, as well as providing them with services to manage mental health and drug use issues.

It is also important to discuss the way in which the *CHRS* has been developed so as to encourage marginalized individuals to contribute to capitalist society in a manner that benefits the economy, but does not allow them to leave the oppressed social category to which they belong. As is suggested by Olzak and Shanahan (2014), competitive threats coming from minority groups are oftentimes met with a broad spectrum of social control methods as a means of preventing their upward mobility. Moreover, as is suggested by Clear (2007), through incarceration, human and social capital are permanently impacted as legitimate labour-market prospects are even more limited than prior. In this regard, social control tactics, including post-incarceration policies, serve as tools used by the state to prevent marginalized individuals from experiencing upward mobility. Those embracing hegemonic discourses emphasize that under the *CHRS*, tenants will no longer be penalized for obtaining an education. This is presented as a change that will foster tenants' shift to becoming self-sufficient and encourage them to achieve better for themselves. For example, a report produced by Ontario's provincial government states "we want to modernize the rules to exempt the income of all full-time students who are members of a household, removing disincentives for tenants to pursue full-time studies. This will encourage individuals to seek opportunities in work and school" (Ministry of Municipal Affairs and Housing, 2019). While this may be true, those articulating counter-hegemonic discourses posit that if the government truly wanted what is best for the tenants then they would not be

increasing asset limits under the *CHRS*. Those defending hegemonic discourses frame the tightening around asset limits as a means of ensuring that those most in need of community housing have access to it.

Those expressing counter-hegemonic discourses recognize that perhaps that may be the case, but the underlying impact is that individuals in community housing will be unable to save money or gain assets without being reprimanded through either being denied tenancy or having it revoked. This ultimately could have the opposite effect of encouraging tenants to become self-sufficient. Rather, it is noted as ensuring that individuals remain in a marginalized position in society without having the chance to move up the social ladder. A report published by NGO Maytree states that:

> While we recognize that those in greatest need should be prioritized for social
>
> housing, a particularly low savings limit would discourage those on the waiting list from
>
> building up even a modest amount of savings. It would discourage financial security
>
> among those who would benefit most from it. (Talwar Kapoor & Aldridge, 2019)

This component of the *CHRS* serves to maintain the divide between the powerful and the less powerful in a covert manner. While the hegemonic discourses place an overwhelming focus on an alleged 'criminal insecurity', they are able to mask the actual rising social insecurity as suggests Wacquant (2009). This is one of the ways in which the *CHRS* is able to disguise the underlying politics of poverty in which it is entrenched and legitimize the need to exclude the criminalized.

Overall, those espousing counter-hegemonic discourses focus on the fact that the *CHRS* does not actually have economic benefit, particularly in the long run. The way in which the amendments are set up will neither provide housing for those in need nor save taxpayers money

as is suggested in hegemonic discourses. Rather, the proposed amendments will actually limit

housing for those who are already marginalized which will cost the province more money.

Purveyors of counter-hegemonic discourses contend that these amendments will profit

speculators, not the people it purports to be for. While Doug Ford consistently claims to be 'for

the people', his critics argue that the policies prove time and time again to be for the powerful

people. His moves to privatize as well as cut more and more programming and social services

succinctly reveals this. This issue is at play in an excerpt from a Hansard transcript in which

Ontario's NDP leader and leader of the official opposition Andrea Horwath states:

> He's going to privatize the TTC. He's going to privatize Toronto Hydro. He's going to
>
> sell social housing to his developer friends. He's going to pave the way for developers to
>
> do anything they want in the city of Toronto, not caring a whit about the livability of the
>
> city. That is the wrong direction for the city of Toronto. It disrespects the people of
>
> Toronto. (Horwath, 2018, p. 593)

Although this excerpt focuses on Toronto, it applies to Ontario at large. With respect to the

CHRS, critics take the position that "there are winners and losers through the province's housing

plan, and there is no doubt that the real estate and development industries are coming out on top"

as is stated in an editorial published by a CBC News reporter (Pelley, 2019). Despite some

differences, both the hegemonic and counter-hegemonic discourses are entrenched in the

financialization of housing through their conception of housing as a vehicle for wealth.

5.6.   "I will not, and I never will, abandon the people of this province": Social structure and citizenship conditions

In the hegemonic discourses surrounding the *CHRS*, as well as many other policies put

forth by the Ford government, there is constantly a point made about how the policies developed

are 'for the people'. Regarding housing, in many instances the hegemonic discourses emphasize

that everyone should have access to adequate housing. Important to note are the grouping terms

employed which include "everyone", "every Ontarian", "every Canadian", and the like. These

terms imply that every single citizen's wellbeing is at the forefront of priorities under these

policy decisions. However, in practice the *CHRS* serves to fulfill what Wacquant (2009)

describes as the instrumental component of the penal apparatus. More specifically, the *CHRS*

serves as a strategy to actively delineate individuals who are conceptualized as deserving of

citizenship and associated entitlements from those who are not; this illustrates the way in which

the *CHRS* serves to materially reproduce state power (Garland, 1990). There are a variety of

groups of individuals who are discussed by those expressing hegemonic discourses; these

groupings have been conceptually ranked against one another with regard to who does versus

who does not deserve to have access to community housing. In this sense, citizenship and its

associated benefits are not inherent to the individual, but rather are to be earned through 'good'

behaviour. This represents the way in which the state uses the criminalization system and its

corollaries (including community housing) to produce deviance through the development of and

changes to deviant definitions, 'problem populations', and related control systems (Spitzer,

1975). Ultimately, these definitions and associated control systems are derived from normative

values and implemented so as to further ruling-class hegemony.

In relation to community housing, there is much discussion of housing as a limited social

good which some citizens have the right to access before others. In an editorial published by The

Toronto Sun, a columnist argues that "life in poverty, reliant on the good graces of society,

should be difficult" (Towhey, 2019). Regardless of the ranking of citizens within those in need

of community housing, those articulating hegemonic discourses responsibilize them as a whole

group for their marginal position in society. Indeed, the idea that they are actively contributing to their oppressed position in society is commonly implied by those espousing hegemonic discourses. As discussed by Wacquant (2009), given the notion of poverty being caused by individual deficiency it results in individual dispossessions. However, amongst those accessing community housing, those espousing hegemonic discourses clearly present some citizens as 'deserving' and others as 'non-deserving'. First, those who are presented as 'deserving' citizens are those who contribute to the capitalist social order. The individuals who are presented in hegemonic discourses as constituting 'deserving' citizens include working families, single mothers who are employed or in school, seniors, as well as those who are unable to financially support themselves due to illness or chronic injury. This category of citizens, who do not disrupt the social order and are working towards the maintenance of it, are those who are believed to deserve to have assistance as per those articulating hegemonic discourses.

In contrast to them, the category of 'underserving' citizens constitute those who Spitzer (1975) refers to as social dynamite; these are individuals who actively challenge the social order and who reject the prevailing norms and values shared by society. In hegemonic discourses, criminalized individuals are those conceptualized as 'undeserving', are villainized, and presented as inherently different than those captured in the 'deserving' citizen group. For example, in a news report produced by The Toronto Sun, a journalist states that "most tenants in TCHC are hardworking decent people, and just a small minority are responsible for the illicit activity" (Artuso, 2019). The forthright conceptualization of those who are versus are not deserving, and in turn those who are and are not captured in the 'everyone' allegedly receiving the benefits of the *CHRS*, results in clear differences in the benefits and rights that each respective group is granted.

In examining the discourses, it becomes clear that not everyone will benefit from the *CHRS* and that in fact the proposed policy change reinforces a ranking of citizens. In particular, the proposed amendment to the *HSA*, would allow service providers to evict and refuse to rehouse individuals who have been criminalized. In this sense, while the hegemonic discourses frame the *CHRS* as being 'for the people', those whom are viewed as 'undeserving' citizens are not granted the same citizenship rights as the 'deserving'. As such, the instrumental function of the penal apparatus, as discussed by Wacquant (2009) is reflected in community housing as it serves to impose distinct categories which in turn reinforce and uphold both material and symbolic divisions. Of particular interest, is the overt discussion of the exclusion of criminalized individuals and the support that this receives by those advancing hegemonic discourses. Even in jurisdictions where 'crime' was not identified as an issue, there was still support for the exclusionary tactics put forth by the *CHRS* as 'crime reduction' tools. This overreliance on what Bourdieu (1994) conceptualizes as the Right hand of the state is observed in hegemonic discourses surrounding the *CHRS* whereby the 'rehabilitation' and social inclusion of criminalized individuals is cast aside and replaced by their containment and invisibilization.

The alleged idea underlying the *CHRS* is that it will provide more fairness in relation to accessing social assistance housing. However, given the explicit exclusion of criminalized individuals that this policy would ensure, it is apparent that this policy change is entrenched in the principle of lesser eligibility. More specifically, as is suggested by Melossi (2014) and Sieh (1986) there is a reluctance for criminalized individuals to be treated as equals or for them to receive better treatment than the lowest stratum of 'law-abiding' citizens. Through the *CHRS*, this idea is overt in the allowance for the permanent exclusion of criminalized individuals from accessing community housing. This treatment is presented as warranted regardless of the

potential for criminalized individuals to be unable to find housing elsewhere. Similarly, the

reluctance for criminalized individuals to be granted better treatment than the 'law-abiding' is an

idea reflected in the hegemonic discourses. A news article written by two reporters for The

Toronto Star states that "one concern that TCH [Toronto Community Housing] has had is that

[criminalized] tenants could qualify as vulnerable tenants, which could push them onto a priority

waiting list ahead of other hopeful tenants during a housing shortage" (Mathieu & Pagliaro,

2019). Consistent with the principle of lesser eligibility, any indication that the rights of a

criminalized individual are prioritized over those of the 'law abiding' is overtly problematized.

This is well illustrated in an excerpt from a Hansard transcript in which Progressive Conservative

MPP Dave Smith states that "whereas Ontario residents who have not been convicted of criminal

acts could find themselves unable to gain access to various privileges they enjoy… [and]

whereas there are no provisions to prevent convicted terrorists from accessing privileges in

Ontario" (Smith, 2018, p. 2268). The entire construction of the *CHRS* actively aligns with the

principle of lesser eligibility in that criminalized individuals are being denied basic rights as a

result of their 'criminal' status. Under neoliberal capitalism, these post-incarceration policies

which perpetuate exclusionary tactics are legitimized as part of populist punitiveness. This term

refers to policy developments which are based on emotion and opinion rather than research (Pratt

& Clark, 2005). Specifically, these policies are derived from the belief that criminalized

individuals are favoured at the expense of victims and the 'law-abiding' public which ultimately

results in the implementation of policies which are commonsensical in nature (Garland, 2001;

Pratt, 2007).

Along the lines of experiences of citizenship, it is apparent through the hegemonic

discourses that there are certain conditions that citizens are expected to meet in order to be

awarded citizenship rights. Those espousing hegemonic discourses greatly acknowledge the difficulties in accessing adequate housing when discussing middle class families in particular; "through the National Housing Strategy, more middle-class Canadians — and people working hard to join it — will find safe, accessible and affordable homes" (Canada Mortgage Corporation, 2019). Similarly, those advancing hegemonic discourses acknowledge that there is a need for flexibility in relation to housing location when discussing 'deserving' citizens however, the same is not granted for those considered to be 'non-deserving'. In fact, the *CHRS* would revoke the ability for individuals on the waitlist to deny a unit offered to them. This would remain true regardless of the fact that people spend years on the waitlist and a unit offered may no longer meet their needs. There is little regard for the way in which this would impact tenants negatively, however, those articulating hegemonic discourses do recognize the need for flexibility in relation to parents and professionals in order to support their careers.

It is clear that participation in the economy as well as self-sufficiency are conditions of citizenship put forth in the hegemonic discourses. Indeed, in requiring conditions of citizenship to be fulfilled and conceptualizing 'deserving' and 'non-deserving' citizens, there is an inherent degradation of democratic and civil rights. This is illustrated through the hegemonic discourses surrounding the *CHRS* and is consistent with Wacquant's (2009) claim that neoliberalism is corrosive to democracy as neoliberal post-incarceration policies actively revoke basic rights from criminalized individuals. In this sense, basic rights, which are fundamental in democracy, are being denied to a given group of citizens who are conceptualized as 'undeserving'. This ultimately demonstrates the way in which neoliberalism, particularly as it relates to policies pertaining to criminalized individuals, is corrosive to democracy.

Given that the *CHRS* is a policy emerging under neoliberal capitalism during a period where state involvement continues to be retrenched through reductions in social services all while those requiring housing supports continues to increase, it follows that penal severity would increase. Specifically, De Giorgi (2018) notes that historical conjunctures in which there is a large surplus labour are the periods in which penal intensification towards the less powerful is observed. This is the result of the principle of lesser eligibility being entrenched, which represents a structural limit within which any penal change is restricted. In this sense, given the limited social housing stock and the growing list of those requiring assistance, the *CHRS* serves to render community housing a transcarceral space through shifting it to be under a punitive regime. In turn, this post-incarceration policy is able to mask the inequality produced through the social structures of neoliberal capitalist societies while maintaining hegemony.

In contrast to those espousing hegemonic discourses, those communicating counter-hegemonic discourses take issue with the way in which the *CHRS* overtly categorizes 'deserving' versus 'non-deserving' citizens. The latter bring to light the hypocrisy in presenting the *CHRS* as being 'for the people' when it actively excludes and further oppresses certain groups of individuals. In an excerpt from a Hansard transcript, NDP MPP Monique Taylor states "the government of Ontario should honour its commitments and work in the best [interest of] Ontarians, regardless of ability, occupation, income or socio-economic status" (Taylor, 2018, p. 1103). Rather than viewing marginality as the result of individual deficiency, those communicating counter-hegemonic discourses posit that these are individuals who we have failed as a society by not providing them with the services to meet their basic needs to survive. As such, rather than perpetuating their oppression and further excluding some of them, such as

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criminalized individuals, there is an urgent need to view them as citizens and support them via social services such as community housing.

While those espousing hegemonic discourses do recognize that vulnerable groups are residing in community housing, those articulating counter-hegemonic discourses note the failure of their opponents to understand that vulnerability is not mutually exclusive from criminalized individuals. In an excerpt from a Hansard transcript, NDP MPP Chris Glover synthesizes this point well:

> […] community members have unwaveringly shared that the solution to the root causes of gun violence in our communities requires addressing issues like poverty, access to housing, access to education, and mental health. The solution to gun violence is not bulletproof vests. Rather, addressing the roots of gun violence requires community-based and community-informed solutions. (Glover, 2018, p.173)

Moreover, those espousing counter-hegemonic discourses argue that those who have been criminalized often possess many of the characteristics that those defending hegemonic discourses associate with vulnerability; this includes, being the victim of abuse, having mental health issues, having children, and the like. Those articulating counter-hegemonic discourses take issue with the way in which those advancing hegemonic discourses seemingly present criminalized individuals as dichotomous to vulnerable individuals. There is a recognition of the overlap between criminalization and vulnerability as well as the need to protect everyone.

To continue, those expressing counter-hegemonic discourses also problematize the claim that the *CHRS* will enhance community safety and wellbeing. Rather, those advancing counter-hegemonic discourses state that exclusionary tactics, such as the *CHRS*, actually diminish overall community safety and wellbeing as access to adequate housing is crucial to fostering desistance.

Without adequate housing, people are unable to access programs and services, as well as obtain employment (Kellen, 2014). Such arguments are consistent with Kirchheimer and Rusche's (2017) finding that unfavourable economic stance has a direct impact on criminality and criminalization. Further, academic inquiry has established the crucial role that housing plays in facilitating successful re-entry for prisoners (see Bucklen & Zajac, 2009; Hall et al., 2016; Lebel, 2017). This is particularly true as it pertains to community housing given that it is often the only recourse that criminalized individuals have to avoid experiencing homelessness. Kellen (2014) found that prior to incarceration nearly twenty-three percent of criminalized individuals experienced homelessness. Within days after release, this number increased to approximately thirty-two percent of individuals. Of those that are able to find housing, seventy percent indicated requiring assistance obtaining subsidized housing (Kellen, 2014). Moreover, academic inquiry has also established the link between homelessness and recidivism in what is captured by the notion of the 'revolving door syndrome' (Gaetz & O'Grady, 2006). Those espousing counter-hegemonic discourses argue that exclusionary tactics receive unfounded support on the premise that they will facilitate 'crime' reduction when the opposite has in fact occurred when similar measures were introduced elsewhere in the past. This is of particular importance to note regarding the exclusion of criminalized individuals from community housing due to the difficulty that this group has in obtaining adequate housing and the pivotal role that housing plays in fostering desistance (Lebel, 2017; Petersilia, 2001).

Similarly, those articulating counter-hegemonic discourses bring to light the punitive rules and mechanisms contained in the *CHRS*, as well as in current community housing policy, and their related consequences. Many of these rules are put in place in the name of accountability and under the guise of facilitating individuals' self-sufficiency but fail to promote re-entry

success. Rather, those espousing counter-hegemonic discourses posit that these punitive rules

and mechanisms represent an expansion of the penal field. In a news report published in The

Toronto Star, a reporter argues that "Ontario should stop treating people on welfare like

criminals and forcing them to complete useless tasks that don't lead to meaningful, long-term

jobs" (Monsebraaten, 2019). It is argued that instead of assisting individuals to re-enter society

and work towards independence, these mechanisms contribute to the oppression of those it

purports to serve. Moreover, through punitive mechanisms such as imposing asset limits, as well

as revoking basic rights from criminalized individuals, community safety and wellbeing is

actually being decreased. In an editorial published in inhalton, a columnist states:

> Holding those individuals back from working, receiving healthcare, having a home,
>
> enrolling in education services, and receiving humane care in prison actually puts the
>
> wellbeing of you and your family even more at risk and it costs you more money.
>
> (Urciuoli, 2019)

Those defending counter-hegemonic discourses emphasize that social assistance services —

namely community housing — are a linchpin to working towards a more just and safe society.

As is discussed within literature examining the collateral consequences of incarceration,

the scope of rights withheld from prisoners has continued to evolve over time and across

jurisdictions. The denial of rights to criminalized individuals is not a new trend. However, the

collateral consequences of incarceration have received minimal consideration within a Canadian

context and as they are perpetuated by social services. Within the US, Rubinstein and Mukamal

(2002), Ruddell and Winfree (2006), as well as Travis (2002) documented the trend to remove

the social safety net from prisoners which is intended to assist marginalized populations nearly

two decades ago. The *CHRS* quite evidently represents the extension of punishment from the

prison into the community through the permanent exclusion of criminalized individuals from community housing. Similarly, Carlen (2003) discusses 'antisocial control' as it relates to transcarceral spaces to account for malign institutionalized practices that set limits to individuals through favouring one set of citizens (i.e. the 'law-abiding') over another (i.e. the criminalized). In this sense, it is apparent that the *CHRS* is entrenched in the power relations upheld in capitalist societies as it propels the subversion of equal opportunities based on markers of difference. Through framing the prisoner population as what Agamben (1998) and Spencer (2009) refer to as bare life or non-citizens — *the homo sacer* — post-incarceration policies, such as the *CHRS*, which foster the denial of basic rights are legitimized.

5.7. "Housing rights are human rights, not privileges": Conceptualizing housing as a right versus a privilege

Following the idea of delineating 'deserving' from 'non-deserving' citizens, the way in which access to safe and adequate housing is discussed shifts in relation to whether hegemonic or counter-hegemonic discourses are being communicated as well as whether 'deserving' or 'non-deserving' citizens are discussed. In regard to those espousing hegemonic discourses, there is a direct link between the conceptualization of worthiness and framing housing as either a right or a privilege. Where housing is presented as an "elemental human need" for 'deserving' citizens, it is considered to be a privilege that must be earned by those deemed to be 'non-deserving' citizens. The 'non-deserving', or the criminalized citizens, are understood as actively deciding to forgo their right to housing as a result of their involvement in criminalized behaviour. Given the public funding of community housing, as well as its limited stock, those expressing hegemonic discourses stipulate that 'criminals' should forfeit the opportunity to live in social housing. The willful disregard for the rights of all individuals, including criminalized ones, is

once again the result of the principle of lesser eligibility whereby the revocation of basic rights is justified by being recast as privileges that must be earned.

It is apparent that those articulating hegemonic discourses view involvement in criminalized behaviour as a decision that has associated consequences. As such, individuals who chose to partake in criminalized behaviour are actively choosing to forego some of their rights (Wacquant, 2009). This represents the panoptic logic permeating sectors outside of the prison as a result of the state relying more on the Right hand. This idea is further noted in transcarceration literature whereby the expansion of the punitive logic into non-carceral settings serves as an imperative for individuals to make 'good decisions' and refrain from engaging in criminalized acts (Kilty & DeVellis, 2010; Maidment, 2005). In this sense, rather than having the social assistance sector, including community housing, work as a safety net as initially intended, it becomes a tool to coercively discipline the individual. McElligott (2008) echoes this point arguing that the combination of a generic appeal to punitive measures combined with a return to old-style deterrence is used to intensify work ethic amongst the working class. The "get tough" ethos is positioned solely at the bottom of the social ladder with more leniency provided at the top. This represents the role of social institutions in maintaining class divisions as well as how penal policy symbolically reproduces state power (Garland, 1990).

On the other hand, those espousing counter-hegemonic discourses pay considerable attention to framing access to adequate and safe housing as a right that all citizens should be granted. This idea is also contained in the hegemonic discourses whereby housing is said to be viewed as a right that all citizens deserve. A quote by Christine Hogarth, Progressive Conservative MPP and Parliamentary Assistant for housing, provides an example of this:

I want to focus on the idea of housing as a human right. Let me be clear: We, on this side

of the House, support without hesitation the idea that every Ontarian deserves a safe,

affordable place to live and to raise their family. We also agree that the principles of

human rights apply to housing. That means there is zero tolerance for someone to be

denied a home on the basis of discrimination. (Hogarth, 2018, p. 1302)

While those advancing hegemonic discourses claim that housing should be a right granted to all,

it is evident through their prerogative to exclude criminalized individuals that this is not reflected

in practice. Rather, the hegemonic discourses make it clear that as a result of their "decision" to

partake in criminalized behaviour, criminalized individuals are choosing to forgo the rights

associated with citizenship. On the other hand, purveyors of counter-hegemonic discourses

problematize denying certain individuals the right to housing for any reason. Further, there is

recognition that excluding criminalized individuals from accessing housing is in fact

counterproductive for a several reasons. Namely, it contributes to a decrease in community

wellbeing and safety, and ultimately leads to an increase in government spending as

homelessness costs the state more through the pressure that it places on other sectors such as the

criminalization and healthcare systems (Shartal, 2017). For this reason, a CBC News article that

is consistent with the counter-hegemonic discourses argues that "housing is a right and so it

should be enshrined in the constitution as a basic human right" (Georgieva, 2019).

Within the counter-hegemonic discourses, there is also much discussion on what a right

to housing actually looks like in practice. This discussion is rejected by those articulating

hegemonic discourses who claim that there should be less debate and more building occurring. In

an excerpt from a Hansard transcript, PC MPP Christine Hogarth illustrates this stating that

"instead of debating whether housing is a human right, let's work together on real solutions that

put shovels in the ground" (Hogarth, 2018, p. 1303). However, those espousing counter-hegemonic discourses acknowledge the many factors at play in relation to housing, including its location and quality, the difference between housing and shelter, and the like. This point is synthesized in an excerpt from a Hansard transcript in which NDP MPP Bhutila Karpoche states:

> Housing as a human right means having homes that are properly maintained, not places with mould or bedbug infestations or places that don't have proper heating. It means accessibility, ensuring that the home that you live in accommodates your needs. It has to allow everyone to live in dignity. It means having a home with sufficient space for you and your family, not a family of six crammed into a small one-bedroom apartment.
>
> (Karpoche, 2018, p. 1303)

Where those articulating hegemonic discourses are simply concerned with housing supply, those advancing counter-hegemonic discourses take into account the quality of the housing and the ability for the housing to truly meet the needs of those living there; simply having shelter of sorts is not deemed to be sufficient to provide what housing is intended to. As such, purveyors of counter-hegemonic discourses stipulate that all citizens, even those who have been involved in criminalized behaviour, have the right to adequate housing. A report produced by NGO Maytree argues that "as a community, we are bound by a social contract, grounded in the recognition of our fundamental human rights and our collective responsibility to realize them. But we are not making good on this contract" (McIsaac, 2019). Albeit having been criminalized, these individuals remain citizens and their associated rights should be upheld according to opponents of the *CHRS*.

On this note, purveyors of counter-hegemonic discourses further discuss the benefits of providing individuals with proper housing as well as the many interlocking consequences that

ensue the denial of housing. Given that adequate housing is crucial to foster an individual's

dignity and wellbeing, it is unsurprising that housing should be viewed as a right and not a

luxury. As per those espousing counter-hegemonic discourses, the current housing situation in

Ontario does not reflect housing being viewed as a right. Moreover, the *CHRS* would render the

housing situation worse through the exclusion of criminalized individuals as well as the removal

of any leniency regarding unit refusals. Those expressing counter-hegemonic discourses argue

that affordable, accessible, and suitable housing is essential for individual health and wellbeing

as well as for community safety and wellbeing. In this sense, where those articulating hegemonic

discourses posit that supply is the biggest issue in relation to housing, those espousing counter-

hegemonic discourses argue that it is necessary to conceptualize housing as a basic human right.

The right to housing extends beyond providing people with four walls and a roof; it is important

to provide all with adequate housing given the ripple effect of denying someone adequate

housing. Those expressing counter-hegemonic discourses explain that housing is central to our

lives. Indeed, housing is fundamental to the economic, social, and physical wellbeing of

individuals and the community at large. In this sense, purveyors of counter-hegemonic

discourses note that investing in providing everyone with access to adequate housing will

actually bleed into other social services. For example, in a quote from a Hansard transcript, an

NDP MPP states that "this government claims that they want to address mental health issues, cut

hospital wait times and end hallway medicine. If you are really serious about it, you should

recognize housing as a human right and deliver on it" (Karpoche, 2018, p. 1303). As such, the

CHRS is said to have direct implications for the deterioration of individuals on a variety of levels

as it not only fails to improve the current housing situation, but actually renders the situation

worse, extending consequences to other sectors such as the health care and criminalization systems.

5.8. "Out of sight, out of mind": Excluding the criminalized

Academic inquiry has long established that imprisonment has successfully functioned as a tool used by the state to warehouse and invisibilize certain populations (see Wacquant, 2009). Similarly, the prison has also successfully functioned as a mechanism to maintain the oppression of certain groups. With this in mind, as social and penal policy have merged, social policy has also become a tool used by the state in order to control marginality. Indeed, the expansion of the carceral into the realm of the community via social assistance services has resulted in the development of policy that provides relief from rather than for the poor. As per Wacquant (2009), this relief is achieved through social assistance retrenchment coupled with the increased use of incarceration. While the rate of incarceration has remained relatively stable for some time in Canada (Webster & Doob, 2007), transcarceration literature indicates that the carceral and its use within the community has flourished. The expansion of transcarceral spaces into the social assistance sector is promoted in hegemonic discourses surrounding the *CHRS*. Even in the development of the *CHRS*, those espousing counter-hegemonic discourses have pointed to the explicit exclusion of the groups who are directly affected by this policy. For example, the creation of and debates surrounding the *CHRS* have largely only consulted the powerful. This point is advanced by NDP MPP Monique Taylor in an excerpt from a Hansard transcript. Although the clause referred to in the excerpt that follows is not part of the *CHRS* but another piece of legislation, it still illustrates the exclusion of the less powerful from involvement in the development of legislation that directly impacts them:

They are shutting down debates; bills are not going to committee for public input; the

new standard has become, "my way or the highway," even if that means suspending the

Charter of Rights and Freedoms through the "notwithstanding clause". (Taylor, 2018, p.

1103)

In this sense, the exclusion of the marginalized sectors of society can be observed both in the

creation and implementation of such policy changes, and also through their actual content.

As expressed in hegemonic discourses surrounding the *CHRS*, it is clear that community

housing is being envisioned as a state tool to invisibilize those it purports to serve. As it currently

stands, community housing is often isolated as communities are divided based on income. In this

regard, affluent neighbourhoods do not want community housing near them which results in

concentrations of poverty in secluded areas (Lees, Slater, & Wyly, 2008). Along these lines, the

state has long sought to invisibilize individuals involved in criminalized behaviour through their

removal from society and placement in institutions (Wacquant, 2009). This logic permeates the

CHRS as it would allow tenancy to be denied to individuals who have been criminalized. There

is a desire to exclude individuals involved in criminalized behaviour in order to invisibilize them.

Further, there is an imperative to contain marginality and criminalized behaviour to secluded

areas; affluent individuals do not wish to see these things as it is easier for them to just ignore it

altogether. This sentiment is evident in a news article in The Toronto Sun, where a reporter

states:

The violence has spilled out of dodgy buildings and into the open streets, and

ordinary law-abiding citizens are gobsmacked. Because you know — out of sight,

out of mind. And now it's all in plain sight. Nothing like blood on the sidewalk to engage

people in civic life. (Braun, 2018)

Rather than solely reverting to incarceration as a means of invisibilizing criminalized individuals, the *CHRS* would allow for the further exclusion and invisibilization of this population by limiting their housing options or increasing their risk of homelessness. Those espousing counter-hegemonic discourses take issue with this and argue that there is a need for inclusionary zoning. There is an emphasis placed on the fact that exclusionary tactics, such as those contained within the *CHRS*, cost more in the long-run and put the community more at risk.

Within hegemonic discourses, there is much emphasis placed on the need to deal with 'crime'. The primary solution that is presented in order to manage 'criminality' in the context of debates related to the *CHRS* is through the permanent exclusion of criminalized individuals from accessing community housing. In a quote from a Hansard transcript, PC MPP Jane McKenna illustrates this point by stating that "the minister provided tangible solutions that protect the most vulnerable from criminal activity, clear the wait-list for affordable housing and simplify the overly complex rent-geared-to-income rules" (McKenna, 2019, p. 4753). There is a prerogative to evict "bad apples" who allegedly impact the safety and security of tenants, neighbours, and the city at large. Those articulating hegemonic discourses make several references to the need to denounce law breaking through tangible steps such as excluding the criminalized from accessing social assistance housing. The exclusion of criminalized individuals is presented as a necessary tactic to ensure community safety and wellbeing. In a news report published in The Ottawa Citizen, a journalist argues that "people agree it's necessary. It's probably a misunderstanding as to what it really is. It's a bit judgmental, to some degree. They don't want to be mean. They don't intend to be mean" (Willing, 2017). In this regard, those espousing hegemonic discourses frame the exclusion of criminalized individuals as something that has to be done; it is not a moral issue, but rather a necessary safety tool. On the other hand, purveyors of counter-hegemonic

discourses, such as NDP MPP Monique Taylor, problematize this arguing that "the Ford government wants to exclude more and more people from essential services. It should be under no illusion — more of our most vulnerable people will be pushed deeper into poverty" (Taylor, 2018b, p. 2577). Those espousing counter-hegemonic discourses view the *CHRS* as a tool to invisibilize some of the most marginalized groups in society and retract any state assistance. As such, it is argued that the *CHRS* will serve as a tool to increase marginality without tangibly assisting with community safety or wellbeing. This reflects Garland's (1990) observation that law represents an ideological structure which is universally social in appearance, but deeply class oriented in effect.

5.8.1. Invisible and tangible boundaries

As is recognized by Marxist theories, the state has a vested interest in maintaining the gulf between the powerful and less powerful. As per Wacquant (2009), in the neoliberal era a transformation of the field of power can be observed in two main ways: first, the use of the penal apparatus as a core organ of the state to uphold material and symbolic divisions and second through the enlargement of the penal sector of the bureaucratic field in order to increase the disparity between the powerful and the less powerful. The *CHRS* fosters a clear extension of the penal apparatus into the community housing sector which serves to delineate the powerful from the less powerful in a variety of ways. In its most basic form, the *CHRS* serves as a mechanism to be used by service providers in order to select the 'good' from the 'bad' and in turn exclude those deemed to be 'bad'. Those expressing counter-hegemonic discourses note that discrimination and racism infiltrate this policy and ultimately by presenting it as being 'for the people', NDP MPP Peter Tabuns argues "these are just empty words from the minister. His actions and the actions of his Premier time and again show where the priorities lie. They lie with

big banks, with big developers and with big business" (Tabuns, 2018, p. 7191). According to those espousing counter-hegemonic discourses, the *CHRS* will lead to a wider gap between the powerful and the less powerful. Similarly, they challenge the role of alleged fiscal restraints and privatization in relation to the accessibility of social services, along with the blame directed at 'undeserving' marginalized groups as overloading resources.

Those expressing hegemonic discourses attempt to retrench the social safety net by asserting that the limited resources due to fiscal restraints are being overused by 'non-deserving' populations. This issue is demonstrated by the following quote contained in a Hansard transcript in which Parm Gill, PC MPP and Parliamentary Assistant to the Minister of Municipal Affairs and Housing, states:

> I know that Premier Ford and the minister have stood up strongly to protect
> Ontario taxpayers from the federal Liberals' inaction on illegal border crossers. It has put
> a massive strain on the social safety net meant to help vulnerable Ontarians. The results
> of the federal failed policy are a strained temporary shelter system from Ottawa to
> Toronto, a strained welfare system, a strained legal system. (Gill, 2018, p. 172)

There is a lack of accountability and deflection of the true causes of the collapse of the social safety net by those defending hegemonic discourses. Moreover, through incorporating community housing into the penal apparatus, it is apparent that there is an enlargement of the penal sector of the bureaucratic field. Community housing has been envisioned as a carceral space which can be used to further criminalize poverty.

While the exclusion of criminalized individuals is perhaps the most obvious tangible boundary created by the *CHRS*, there are a variety of other more subtle, yet tangible boundaries contained within the policy. Those espousing counter-hegemonic discourses acknowledge the

many ripple effects that ensue from excluding a criminalized individual from accessing community housing, including the concurrent exclusion of their family members. Many criminalized individuals have no recourse to access housing in the private market. As such, both they and their families are likely to end up homeless. Similarly, purveyors of counter-hegemonic discourses note that through removing the three-unit refusal allowance, tenants will not be provided with housing that meets their needs. This could, for example, result in tenants being forced to accept housing which is not near their work or their children's school. A report produced by NGO Maytree states:

> We caution against regulation changes that reduce the waiting list without improving housing outcomes. For example, to reduce vacancy periods and administration costs, the proposed regulations would require those on the waiting list to accept their first housing offer which risks creating worst outcomes for those in greatest housing need. (Talwar Kapoor & Aldridge, 2019b)

It is necessary to recognize the ripple effects of excluding criminalized individuals from social assistance housing as well as the impact in not allowing individuals to refuse a unit that may no longer meet their needs. Similarly, the counter-hegemonic discourses discuss how the change in the rent-geared-to-income calculations will render it more difficult for tenants to get ahead. This is because the changes would discourage tenants from pursuing post-secondary education and also from earning a higher income without fear of reprisal. In this regard, it is apparent that the *CHRS* serves as a tool in order to maintain the gap between the powerful and the less powerful generally, but also serves to delineate those marginalized citizens viewed as 'deserving' versus 'non-deserving'.

5.8.2. Problematizing exclusionary tactics

While the *CHRS* is largely premised on exclusionary tactics framed as promoting community safety and wellbeing, counter-hegemonic discourses are primarily based on problematizing them. One of the main concerns addressed regarding the *CHRS* pertains to where criminalized individuals would live should they be permanently excluded from social assistance housing. Housing discrimination is a serious issue for individuals attempting to re-enter society upon being released from an institution. As noted by the Executive Director of the John Howard Society of Ontario, "due to financial barriers and discrimination based on criminal records, community housing is often the only option for individuals involved with the criminal justice system and is an integral part of the re-entry process" (Osmok, 2019). Similarly, obtaining adequate housing is a linchpin for individuals to successfully re-enter society and avoid future involvement in criminalized behaviour. Without having a home, it is extremely difficult for individuals to obtain employment or access treatment/programs to support their transition. In this sense, the counter-hegemonic discourses posit that there is a need for sustainable and inclusive communities in order to promote community safety and wellbeing. Those espousing counter-hegemonic discourses also emphasize that providing everyone with housing is a necessary first step to healthy communities. A news report published in the London Free Press states that "studies show that supportive, permanent affordable housing that is quality housing is the answer to keeping people off the street and giving people a decent life" (De Bono, 2019). Exclusionary tactics simply serve to push criminalized individuals elsewhere, ultimately increasing their risk of recriminalization.

Those expressing counter-hegemonic discourses also discuss the overreliance on reactive, rather than proactive, measures in relation to addressing issues such as homelessness and law

breaking. They note how policies such as the *CHRS* are centred on the symptoms, rather than the

causes of involvement in criminalized behaviour/homelessness and as a result fail to actually

redress any issues; they claim that there is an active overlook of the deeper issues which

contribute to homelessness, poverty, and involvement in criminalized behaviour (e.g. a lack of

support for individuals with mental illness or substance use issues, the inequality created by

neoliberal capitalism). Instead, these policies serve to invisibilize the affected populations and

shift the 'problems' elsewhere. In a news report published in the Law Times, an editor states:

> "If the goal of this policy is to make our communities safer, I'm not sure how that goal is
>
> going to be achieved if more and more individuals are becoming homeless, in a sense,"
>
> she says. "Yes, they have this goal of making community housing safer, but where are
>
> those individuals going? They are going to the shelter system. Onto the streets. Or, if it's
>
> not one of those two things, they are staying in jail." (Balakrishnan, 2019)

Those articulating counter-hegemonic discourses advocate for community-based and

community-informed solutions that address issues such as poverty, access to housing/education,

mental health programming, and the like. This includes measures such as adopting a housing first

model whereby everyone is given adequate housing that also provides individuals with support

services and programs such as mental health services, employment and other services. In an

editorial published in The Lawyer's Daily, a reporter argues that:

> Residents who were previously evicted for illegal activity should not be denied access to
>
> community housing in the future. Instead, community housing providers should be
>
> funded and supported in their efforts to build safer and more inclusive environments for
>
> everyone who needs affordable housing. (Jerome, 2019)

Rather than continually reverting to reactive and punitive measures to address issues related to poverty and involvement in criminalized behaviour, those espousing counter-hegemonic discourses emphasize the need for supportive and inclusive policies.

Another significant issue that is addressed by those expressing counter-hegemonic discourses pertains to the unnecessary and unjust exclusion caused by the *CHRS*. Not only would the implementation of the *CHRS* result in the exclusion of criminalized individuals, but it could further result in the permanent exclusion of individuals who have just been charged. In this sense, an individual who is charged may be evicted and later found to be not guilty. A report released by the John Howard Society of Ontario states:

> If an individual is evicted for an illegal act and later cleared of those charges these amendments would result in this individual and members of their household being unjustly excluded from community housing despite their innocence. In Ontario, 40% of all criminal cases are either stayed or withdrawn by the court; the scenario presented above is not an aberration. (Osmok, 2019)

Moreover, individuals may be evicted for being "found to have committed illegal activity by the Landlord and Tenant Board under s. 61(1) of the Ontario Residential Tenancies Act and evicted on that basis, but that is a separate legal process with a lower standard of evidentiary proof" (Jerome, 2019). Ultimately, this policy is seen by opponents as contributing to an increase in homelessness and the criminalization of poverty in Ontario, all while decreasing community safety and wellbeing through the exclusion of many marginalized groups in society. Purveyors of counter-hegemonic discourses view the *CHRS* as perpetuating fear, discrimination, hate, and division through legislating poverty.

Purveyors of counter-hegemonic discourses note that through the exclusionary tactics contained in the *CHRS*, both real and symbolic divides are perpetuated not solely between the powerful and the less powerful, but equally amongst the less powerful; this is said to be achieved via the manner in which citizenship and citizenship rights are envisaged. As discussed by Brown (2019), transcarceration literature generally fails to view community sanctions and prisoner re-entry as part of the penal apparatus. This is a significant omission, particularly under neoliberalism, given that community services are increasingly becoming managerial and risk focused through their co-optation by the state. In this sense, this thesis contributes to the limited transcarceration literature examining the role of the PVS in Canada; particularly, the role of the PVS in providing community housing to prisoners. Given how critical community housing is to facilitating prisoner re-entry, understanding the justifications underlying the *CHRS* is crucial to challenge such exclusionary tactics. This thesis illustrates the way in which the *CHRS* perpetuates structural and functional linkages between social assistance housing and penality, which operate together as a form of social panopticism. In examining Canadian trends, as well as the discourses surrounding the CHRS, it is apparent that there has been a shift from the reliance on prisons/jails to other non-criminalization system services such as community housing to manage marginalized populations. This is consistent with what Foucault (1975) and Garland (1990) discuss in terms of the evolution of penality.

5.9. The revolving door of poverty and imprisonment

Within both the hegemonic and counter-hegemonic discourses, many arguments are centred around the cyclical nature existing between poverty, accessing social assistance, and criminalization. First and foremost, there is agreement between those expressing hegemonic discourses and counter-hegemonic discourses that there is a cycle between poverty and

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involvement in criminalized behaviour. Despite agreement on this matter, the way in which this is understood and framed vastly differs depending on the discourse articulated. Whereas those advancing hegemonic discourses focus on individual deficiency as the cause of the cycle between poverty and criminalization, those articulating counter-hegemonic discourses emphasize the social implications involved in this cycle. Moreover, those expressing counter-hegemonic discourses further discuss the cycle between imprisonment and homelessness. More specifically, they focus on how the criminalization system perpetuates a position of marginality. These themes are further unpacked in the sections that follow.

5.9.1. "Poverty breeds crime"

As is noted previously, the *CHRS*, along with related exclusionary penal policies, serve as tools to maintain the relationship between the powerful and the less powerful. Similarly, there is a desire for clear boundaries to be maintained in terms of where the powerful reside and the less powerful each reside. Miller (2014) notes that as a result of the vast representation of poor and marginalized populations within the criminalization system, community-based prisoner serving agencies manage even more of this population. This translates into a concentration of socially disadvantaged individuals into specific sectors in society. As per purveyors of hegemonic discourses, the main reason for wanting to contain poverty to secluded areas is due to the idea that poverty breeds crime. This is at play in a news report in The Toronto Sun in which a reporter argues that "[…] gangs plague community housing. Poverty breeds crime — that's the party line, anyway — and now local turf wars, grudge matches and petty jealousies are being settled with public gun play" (Braun, 2018). Those espousing hegemonic discourses view poverty, as well as involvement in criminalized behaviour, as resulting from individual deficiency. The idea that 'criminals' are inherently 'bad' and different from the 'law-abiding' permeates the hegemonic

discourses. In an editorial published by The Toronto Sun, a columnist argues that "city-owned housing should be a sanctuary from fear and violence. Instead, it's a lawless battlefield ruled by criminal gangs who've failed at life and want to destroy everyone and everything around them" (Towhey, 2019). Given that criminalized individuals are viewed as having chosen their life circumstances, purveyors of hegemonic discourses strongly advocate for the use of denunciatory and reactive measures as a means of managing said behaviour. One of the primary issues noted by those espousing hegemonic discourses is the inability for criminalized individuals to be permanently excluded from living in community housing.

On the other hand, while those articulating counter-hegemonic discourses do acknowledge that there may be a cycle between poverty and involvement in criminalized behaviour, the way in which this is framed is much different from that seen within the hegemonic discourses. In particular, they emphasize the need to consider the social component at play in the cycle and advocate for supportive and proactive measures as a means of redressing such issues. In an editorial published by The Lawyer's Daily, a reporter states that:

> These aren't the most well-off people in society and we also know that poverty can be a contributing factor to criminality. And we also know that when someone's housing is taken away that puts them in a, necessarily, more desperate position. It can fuel addictions and it can fuel other anti-social behaviour that otherwise may be mitigated with the stability that housing provides. (Jerome, 2019)

Rather than framing involvement in criminalized behaviour as the result of individual deficiency, there is an explicit recognition of the economic and social components at play. In this regard, those espousing counter-hegemonic discourses advocate for providing individuals with the support services and programs necessary in order to give them a chance to do well.

Similarly, within counter-hegemonic discourses, there is a recognition of the fundamental role that adequate housing plays in ensuring an individual's basic needs are met. Those articulating counter-hegemonic discourses also make a point of the cycle of costs that ensue as a result of denying adequate housing to individuals. Given that housing is a linchpin to ensuring an individual's physical and psychological wellbeing, not having housing is discussed as negatively impacting many facets of an individual's life. An excerpt in an editorial published in the Globe and Mail highlights this point:

> An analysis by the Homes First Society found that chronically homeless people accumulate about $161,000 a year in costs when you consider medical care, interactions with police (up to one in four calls involve homeless people) and the criminal justice system, shelter costs and social supports like disability payments. (Picard, 2019)

In this regard, the claim made by those espousing hegemonic discourses that the *CHRS* aims to assist everyone and will promote community safety and wellbeing is challenged. Excluding criminalized individuals from accessing community housing is predicted to result in increased pressure placed on the criminalization system, the shelter system, the healthcare system, and the like. Given that unfavourable economic stance has a direct link to involvement in criminalized behaviour, it is apparent that 'rehabilitation' and exclusionary tactics are inherently contradictory in nature. As such, purveyors of counter-hegemonic discourses argue that if the government truly sought to improve the lives of those residing in community housing, it would take steps in order to improve and increase the current stock instead of simply cutting criminalized individuals out. Moreover, there would be an imperative to invest in social services and programs, rather than continuously cut funding to these very programs. A quote by an NDP MPP contained in a

Hansard transcript advances this point by stating: "Speaker, this government claims that they want to address mental health issues, cut hospital wait times and end hallway medicine. If you are really serious about it, you should recognize housing as a human right and deliver on it" (Karpoche, 2018, p. 1303). Indeed, purveyors of counter-hegemonic discourses advocate for a housing first approach whereby everyone is provided with adequate housing and the necessary supports for them to live a successful life in the community.

Another cycle that those espousing counter-hegemonic discourses take time to unpack is that of individuals requiring social assistance due to poverty, but never being able to live without social assistance as a result of mechanisms such as asset limits which prevent them from becoming independent. In an excerpt contained in a Hansard transcript, NDP MPP Rima Berns-McGowns, who is also the critic for poverty and homelessness, illustrates this point:

> It is the result of systems that push people into poverty and make it hard for them to get out. That is why Black families are twice as likely as white ones to experience food insecurity. Unaffordable housing and unavailable mental health supports are also part of those systems. (Berns-McGown, 2019, p. 5844)

Particularly, under the *CHRS* there would be disincentives in place for individuals to build up savings which would discourage financial security and eventual independence. A report produced by NGO Maytree speaks to this:

> While we recognize that those in greatest need should be prioritized for social housing, a particularly low savings limit would discourage those on the waiting list from building up even a modest amount of savings. It would discourage financial security among those who would benefit most from it. (Talwar Kapoor & Aldridge, 2019)

This once again highlights how those espousing counter-hegemonic discourses seek to illuminate the ways in which the government legislates poverty; social assistance policy serves as a state tool to maintain the subordinate position of marginalized sectors in society.

5.9.2. The revolving door of jail

Academic inquiry has long established a concept known as the 'revolving door syndrome'. That is, that incarceration is reciprocally related to an increase in both the risk and duration of homelessness (Gaetz & O'Grady, 2006; Gunnison & Helfgott, 2011; Kellen, 2010). Similarly, research has also established that housing is one of the most prominent structural factors contributing to successful prisoner re-entry (Bucklen & Zajac, 2009; Hall et al., 2016). Regardless of this, due to the stigma associated with a 'criminal' conviction, obtaining housing remains one of the most difficult challenges faced by prisoners (Fritz et al., 2010). This stigma also transpires in post-incarceration policies, such as the *CHRS*, that perpetuate the punishment of criminalized individuals under the guise of public safety. In this sense, the *CHRS* has direct implications for prisoner re-entry given that it removes a housing option from a population that may not be able to obtain housing elsewhere.

As discussed by those expressing counter-hegemonic discourses, through denying tenancy in community housing to criminalized individuals, there is a real likelihood that this population will become homeless (Gaetz & O'Grady, 2006; Gunnison & Helfgott, 2011; Kellen, 2014). This in turn may cause a variety of consequences at various levels of the criminalization system to ensue. First, should a prisoner not have a fixed address, they will not be granted bail and as such will be held in pre-trial detention. In a quote from an op-ed published in The Toronto Star, a Toronto lawyer argues that "in one of the richest cities in the world we are keeping people in jail before trial because we cannot provide them a bed in a warehouse as their address"

(Shartal, 2017). Similarly, purveyors of counter-hegemonic discourses note that individuals without a fixed address are less likely to show up for court hearings or probation meetings which means that they are more likely to be arrested for breaching their court orders (Shartal, 2017). This illustrates how poverty is both legislated and criminalized in Canada. Those espousing counter-hegemonic discourses note that the number of people who remain in pre-trial detention or are denied parole as a result of their inability to secure housing continues to increase. Shartal (2017) continues:

> As the cost of rent in Toronto has skyrocketed, there are more than 140,000 people on Toronto Community Housing's waitlist, and the number of homeless and deaths on the street keep rising. In the criminal justice system, an increasingly large numbers of my clients stay in jail.

Purveyors of counter-hegemonic discourses note that the *CHRS* will have a direct impact on increasing the number of criminalized individuals unable to secure housing and thus will remain under the control of the criminalization system.

Those espousing counter-hegemonic discourses make a point of articulating the failure of the *CHRS* to decrease the need for effective enforcement, community policing, and outreach within community housing. Rather, they emphasize that to address issues such as homelessness, poverty, and involvement in criminalized behaviour there is a need for support and wrap-around services. This means that services should have a continuity of care whereby an incarcerated individual has access to programs and services immediately upon entering an institution and that these services and programs remain available to them upon their release. In particular, those articulating counter-hegemonic discourses note that shelters do not constitute adequate housing given that they are temporary which ultimately contributes to the perpetuation of homelessness.

For this reason, counter-hegemonic discourses problematize the *CHRS* and argue that there is a need for a housing first approach whereby all citizens are granted housing as a basic human right. From here, people will be able to access the necessary supports and services, such as mental health support, as well as addictions treatment, which will foster their wellbeing as well as the wellbeing and safety of the community. In a news report produced by The Toronto Star, a journalist argues that "we set people up for failure, and then we wonder why recidivism rates are so high, why people stay enmeshed in the system. It's because you get released and there is limited support available" (Hasham, 2019). As a whole, the *CHRS* is seen by opponents as heightening the barriers that prisoners must overcome upon release through excluding them and removing services/programs intended to provide them with a safety net. This in turn will increase their risk of recriminalization.

5.10. Conclusion

It is apparent that the symbolic frames underpinning the justification of the *CHRS* stem from neoliberal capitalism. The four foundational institutional logics observed in neoliberal policies are clearly present in the legitimization of the *CHRS*: economic re-regulation, welfare state retraction and recomposition, the cultural trope of individual responsibility, as well as the expansive and proactive penal apparatus (Wacquant, 2009). Economic re-regulation is observed through the increased spending on various components of the criminalization system with a retraction of social service funding. Welfare state retraction is seen through the devolution of responsibility for community housing onto municipalities. The ethos of individual responsibility permeates many sectors, particularly in relation to individuals being responsible for their successful re-entry into the community post-incarceration. Finally, the *CHRS* represents a policy which perpetuates the infiltration of the penal apparatus and its associated control/exclusion

mechanisms into the PVS and the community housing sector. In understanding the state via Bourdieu's (1994) conception of the bureaucratic field, the state and its power can be viewed as a distended force rather than a monolithic entity. This provided a means for viewing the social assistance sector, particularly community housing, as an extension of the criminalization justice system. In turn, I was able to reveal the way in which community housing is being envisaged in a way that it can be deployed as a control and oppressive apparatus under the *CHRS*.

Moreover, as is noted by Hall (2011) the 'managerial marketisation' associated with neoliberalism is observed; this refers to the liberalization of the economy with a concurrent surveillance and ambiguous target/control culture placed on the marginalized sectors of society. In relation to the *CHRS*, particularly as it legislates the exclusion of criminalized individuals and prevents the upward mobility of community housing tenants, it serves as a tool of surveillance and control within the community housing sector. Similarly, the 'splitting' that neoliberalism practices (Hall, 2011) is prevalent in the *CHRS* as the counter-hegemonic discourses note how such reforms benefit the powerful, while containing 'threats' from below. Indeed, the *CHRS* is noted as being another post-incarceration policy which works to further punitive and exclusionary tactics. As is noted by purveyors of counter-hegemonic discourses, this is achieved through enshrining 'criminals' as a permanent underclass vulnerable to housing insecurity and further criminalization. In recognizing that the demand for community housing greatly outweighs the supply, the hegemonic discourses focus on criminalized individuals as monopolizing resources that 'deserving' citizens should have. As such, the *CHRS* works to mask the inequality inherent in neoliberal capitalist societies through legitimizing punitive logics and control mechanisms in the community housing sector and maintaining hegemony.

In this chapter, I have demonstrated the way that the hegemonic discourses surrounding the *CHRS* legitimize exclusionary tactics under the guise of promoting 'public safety'. Consistent with other post-incarceration policies that extend the punishment prisoners face upon their release into the community, the *CHRS* is largely legitimized by the principle of lesser eligibility. Through the hegemonic discourses, the neoliberal ethos of individual responsibility, welfare state retraction, as well as the recomposition and extension of the penal apparatus are observed. On the other hand, through examining the counter-hegemonic discourses, this chapter highlighted how the *CHRS* is problematized by the reform's opponents as a mechanism that expands carceral control into community housing, thus rendering it a transcarceral space. While presented as a policy intended to help vulnerable populations through diminishing criminalized behaviour, in practice the *CHRS* is a state mechanism used to legislate poverty and perpetuate its criminalization.

Chapter 6.   Conclusion and future directions

As noted by Piché (2014), although in Canada the overall rate of police reported victimization has continued to decrease alongside a relatively stable rate of incarceration, the penal apparatus continues to be expanded. Additionally, initiatives part of the PVS which were initially intended to provide criminalized individuals with more humane programs and services continue to adopt the same punitive logics and ideologies of imprisonment; ultimately, this results in an ongoing perpetuation of punishment for criminalized people beyond their sentence. In this sense, studying official justifications for the further entrenchment of the penal apparatus and related policies proves to be an important point of inquiry to understand the ways in which such punitive approaches to poverty and other forms of difference are being legitimized as necessary. Sim (2009) posits that in understanding the underlying justifications of state exclusion, one is then able to problematize and challenge contemporary forms of punishment. As such, there is a need to academically engage with hegemonic discourses underlying post-incarceration policies to understand their emergence and counter them. The way in which the prison idea is being reproduced can then be mobilized to inform action aimed at dismantling the prevailing place that the carceral currently occupies in Western capitalist societies (Piché, 2014).

With this in mind, this thesis sought to deconstruct the hegemonic and counter-hegemonic discourses surrounding the *CHRS* and its measures excluding criminalized individuals from accessing community housing. This was achieved through asking the following research questions: How do hegemonic discourses promote the *CHRS* and reproduce punitive logics and practices? How do counter-hegemonic discourses challenge the *CHRS* and punitive logics and practices? Guided by these questions and a Marxian punishment lens, this thesis undertook a critical engagement of the hegemonic and counter-hegemonic discourses

surrounding the *CHRS* to expose the structural inequality upon which it is founded, as well as how it proposes to expand carceral control into the community housing sector. Moreover, I sought to address two other gaps in the literature: examining collateral consequences in relation to social services in a Canadian context, as well as viewing community housing as a transcarceral space. The main contributions of this thesis are unpacked below.

Firstly, the way that proponents justify the *CHRS* is largely the result of a shift from the social to the penal wing of the state. More specifically, through framing 'crime' as a serious issue in community housing, purveyors of hegemonic discourses mobilize the politics of fear to convince the public that exclusionary tactics are necessary to uphold community safety. As such, denunciation and deterrence through excluding criminalized individuals from community housing are presented as the only solution to managing 'crime'. Those espousing hegemonic discourses use utilitarianism as a means of legitimizing the denial of basic rights to criminalized individuals; they argue that if the rights of criminalized individuals are upheld then the rights of the 'law-abiding' citizens are denied. On the other hand, purveyors of counter-hegemonic discourses contend that exclusionary tactics, such as the *CHRS*, serve to decrease community safety and wellbeing. Through excluding criminalized individuals and their families from accessing social services, such as community housing, a variety of collateral consequences ensue. Most notably, they argue that housing serves as a linchpin to the successful re-entry of prisoners. Given that criminalized individuals often do not have housing options other than community housing, removing such a safety net from them increases their risk of recriminalization through increasing the barriers they face upon release (Kellen, 2014; Kellen, 2010). Indeed, this has proven to be counter-productive to promoting community safety and

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wellbeing in other contexts (see Gaetz & O'Grady, 2006; Munn & Bruckert, 2013; Visher & Travis, 2011).

Secondly, it is apparent in both the hegemonic discourses, as well as the counter-hegemonic discourses, surrounding the *CHRS* that social structure plays an important role in such a proposal. It is well known that social institutions, including the criminalization and the social assistance systems, are structured by the interests of the powerful and state actors as a means of further entrenching the less powerful in their subordinate social position. A 'laissez-faire' posture is adopted for property owners and contractors at the top, while an authoritarian posture is directed at those at the bottom of the social ladder. The *CHRS* is clearly entrenched in neoliberal capitalism whereby it is framed as helping marginalized individuals when in practice it serves to further delineate the powerful from the less powerful. Rather than providing individuals with a safety net as intended, the *CHRS* serves as a tool to create compliant citizens who contribute to the needs of capitalist social order through disciplining them to accept the 'choices' available to them (McElligott, 2007). These 'choices' are crafted to not allow for upward mobility.

Moreover, through delineating the 'deserving' from 'non-deserving' citizens, the revocation of basic rights granted to citizens is legitimized. It is apparent that purveyors of hegemonic discourses surrounding the *CHRS* are aware that the demand for community housing greatly outweighs the available supply. As such, the hegemonic discourses focus on criminalized individuals as constituting 'undeserving' citizens who are monopolizing a resource that the 'deserving' poor should have access to. Consistent with the principle of lesser eligibility, the hegemonic discourses call for the exclusion of criminalized individuals thus reinforcing punitive logics and mechanisms in the community housing sector. As the life conditions for criminalized

individuals decrease, so can the conditions for the lowest stratum of 'law-abiding' citizens. It is apparent that the hegemonic discourses contained in the newsprint media sources and the Hansard transcripts work alongside one another to counter discourses opposing the *CHRS* and maintain hegemony. Ultimately, under the guise of supporting the marginalized sectors of society, the *CHRS* serves as an alternate means of invisibilizing them other than through incarceration.

Moreover, in examining exclusion trends under neoliberal capitalism, it is evident that the *CHRS* is just another policy among many post-incarceration policies which serves to enshrine exclusionary tactics into law. In many instances, the hegemonic discourses contained in the newsprint media served to advance dominant ideology through blending facts with normative values (Ericson, 1991). Through engaging in a 'commonsensical ritual' (see Ericson, 1991; Ericson et al., 1989; Ericson, Baranek, & Chan, 1991) of excluding the criminalized, the *CHRS* reproduces punitive logics and practices. As such, through the *CHRS*, community housing is being envisaged in such a way as to serve the dominant ideological function of 'crime control' while also concealing the inequality implicit in neoliberal capitalist societies.

Finally, it is apparent that the *CHRS* may have deleterious implications for provincial prisoner re-entry in Ontario. Housing is known to be one of the most important contributors to successful re-entry for prisoners all while being one of the most difficult barriers for prisoners to overcome (Griffiths et al., 2007; Petersilia, 2001). Given that former prisoners are largely excluded from the private housing sector, community housing and shelters play an important role in preventing those released from institutions from being homeless (Kellen, 2014). In this sense, through excluding criminalized individuals from accessing community housing, the *CHRS* legislates homelessness. Furthermore, it is well established that homelessness increases an

individuals' risk of victimization, as well as their risk of recriminalization (Kellen, 2014; Kellen, 2010). Without housing, it is extremely difficult for an individual to access treatment or programs they need. Similarly, it is difficult to obtain employment without a fixed address. In this regard, the *CHRS* carries the potential to heighten the re-entry barriers faced by provincial prisoners in Ontario through removing a crucial safety net that could assist them.

With this said, hegemonic and counter-hegemonic discourses may only bear a slight relationship to what the actual outcomes of such policies are. As noted by Cohen (1983), changes oftentimes run opposite to the ideological justifications from which they are derived. While this thesis is unable to make claims regarding the actual re-entry barriers experienced by provincial prisoners, it is apparent that the *CHRS* has the potential to have severe consequences for those leaving institutions in relation to obtaining adequate housing, which need to be studied. Currently, there is a dearth of scholarly literature examining the community conditions and availability of services facing newly released prisoners; this is particularly true in regard to provincial prisoners in Canada. Moreover, of the literature that exists, much of it focuses on the individual responsibility of the prisoner to facilitate their own successful re-entry with no consideration of the role of the state, the PVS, and the community (see Griffiths et al., 2007; Hucklesby & Hagley-Dickinson, 2013). In this sense, re-entry barriers are rarely analyzed as a function of the broader system of inequality. My thesis begins to address this gap through analyzing re-entry barriers as a direct result of the broader system of inequality as enshrined in law, policy, and practice. However, further academic inquiry is necessary to be able to make authoritative claims, not just inferences, in regard to the way in which exclusionary tactics, such as those contained in the *CHRS*, contribute to the re-entry barriers that prisoners face. In the case

of the *CHRS*, interviews with criminalized people, PVS actors, and community housing officials are required to assess the ground level impact of such a policy.

In my analysis, it is apparent that the *CHRS* represents yet another post-incarceration policy that perpetuates the logic that legitimizes the punishments directed at criminalized individuals, including their exclusion from community housing. Through conceptualizing criminalized individuals as 'non-deserving' citizens, the *CHRS* legitimizes the denial of their basics rights as a necessary consequence to uphold the safety and wellbeing of the more affluent and powerful. As purveyors of counter-hegemonic discourses acknowledge, the justifications underlying the legitimization of the *CHRS* serve to reproduce penal ideology in the social assistance sector. Indeed, it is necessary to view the *CHRS* as an attempt to expand carceral control under the guise of promoting community safety. Undoubtedly, the implementation of such a policy has dire implications for the successful re-entry of prisoners in Ontario as it renders community housing a transcarceral space that excludes them. However, as previously discussed this point requires further inquiry. Similarly, future research should expand the scope past solely examining social assistance housing as a transcarceral space to examine other housing options such as private 'crime' free multi-housing, as well as short-term rentals. This would provide greater insight into the scope of exclusion faced by prisoners upon their re-entry into society, as well as how this will impact the number of individuals who are able or not able to successfully re-enter communities.

To conclude, it is necessary to acknowledge that as a punitive policy, the *CHRS* is significant beyond the impacts that it has on criminalized individuals. As has been extensively discussed, by creating greater insecurity in the lives of criminalized people, the *CHRS* has the potential to undermine community safety and wellbeing. Moreover, as is suggested by Rusche

and Kirchheimer (2017), a decline in the living standards for the criminalized is part of diminishing the redistributions of wealth towards working classes as a means of further enriching property owners and the affluent. Indeed, the *CHRS* serves as a tool for the state to further delineate the powerful from the less powerful, all while invisibilizing the less affluent through alternate means to incarceration. In denying criminalized individuals access to community housing, two main concerns arise. First, this may force them to obtain substandard housing run by private actors who are likely to take advantage of their desperation and lack of options. Second, this may cause them to be homeless, which can result in their recriminalization and subsequent penal system interventions that directly benefit the economic interests of prison industrial complex actors (Davis 2003). As such, assessing the underlying justification and legitimization of policies, such as the *CHRS*, is crucial to work towards dismantling exclusionary and unjust proposals. The struggle to ensure that all people are provided with adequate housing is just one of the components of the broader pursuit of a more socially just world.

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Appendix A. *Coding Rubric*

THEME 1: COMMUNITY SAFETY

Subtheme 1: Utilitarianism

Data Source	Hegemonic Discourse	Counter-Hegemonic Discourse

Subtheme 2: Politics of fear

Data Source	Hegemonic Discourse	Counter-Hegemonic Discourse

THEME 2: CONCEPTUALIZING A CRISIS

Subtheme 1: Conceptualizing a 'real' crisis

Data Source	Hegemonic Discourse	Counter-Hegemonic Discourse

Subtheme 2: Conceptualizing a 'comfortable' crisis

Data Source	Hegemonic Discourse	Counter-Hegemonic Discourse

THEME 3: SOCIAL HOUSING AS AN ECONOMIC, MORAL, AND SOCIAL

IMPERATIVE

Data Source	Hegemonic Discourse	Counter-Hegemonic Discourse

THEME 4: SOCIAL STRUCTURE AND CITIZENSHIP CONDITIONS

Data Source	Hegemonic Discourse	Counter-Hegemonic Discourse

THEME 5: HOUSING AS A RIGHT VERSUS PRIVILEGE

Subtheme 1: Housing as a right

Data Source	Hegemonic Discourse	Counter-Hegemonic Discourse

Subtheme 2: Housing as a privilege

Data Source	Hegemonic Discourse	Counter-Hegemonic Discourse

THEME 6: EXCLUDING THE CRIMINALIZED

Subtheme 1: Invisible and tangible boundaries

Data Source	Hegemonic Discourse	Counter-Hegemonic Discourse

Subtheme 2: Problematizing exclusionary tactics

Data Source	Hegemonic Discourse	Counter-Hegemonic Discourse

THEME 7: REVOLVING DOOR OF POVERTY

Subtheme 1: Poverty breeds crime

Data Source	Hegemonic Discourse	Counter-Hegemonic Discourse

Subtheme 2: Revolving door of jail

Data Source	Hegemonic Discourse	Counter-Hegemonic Discourse