Visualizing Cultural Criminology: See(k)ing Justice in the Films of Atom Egoyan

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Abstract:

Hayward and Young (2004) have urged criminologists to investigate the cultural nature of crime, the meaning surrounding interaction, and the interplay of transgression, identity, insecurity and emotion within mediated and cultural representations of crime and justice. In this paper, we attempt to visualize justice by analyzing how film expresses and places crime and agencies of control in the context of visual popular culture. We carry out a qualitative content analysis of three films by Canadian director Atom Egoyan that deal with crime and the aftermath of loss and victimization. Drawing on Hayward and Young's (2004) "five motifs of cultural criminology" framework, we suggest that within three Atom Egoyan films: (1) the cinematic lens of adrenaline is central to orchestrating the atmosphere and narrative on screen; (2) the audience discovers the "strange spaces" existing in the society's "underlife;" (3) acts of transgression involve struggling, "fragmented" characters; (4) the "attentive gaze" – in terms of seeing, being seen and eavesdropping – is essential for both characters and audiences watching these films; and (5) Egoyan's films produce subjugated, "dangerous knowledge" that shakes up notions of ontology, identity, sexuality and desire. Our research suggests that criminology can be enriched by accounting for the intersections between the cultural and the visual, and that to visualize justice we must consider alternative, cultural constructs of crime found in critical cinematic representations of crime, victimization, and loss.

Introduction

In an article from 2007, American criminologist Nicole Rafter (2007) lamented the fact that despite a "sprawling" literature on crime films there have been few concerted efforts to draw theoretical links to criminology. She argues that such efforts could "…derive a theoretical infrastructure and impetus from the new "cultural criminology" movement … but so far, with a few exceptions … that movement has yielded little in the way of film analysis" (Rafter 2007: 407).

Since this time, there has been a gradual movement within cultural criminology to relocate film analysis from the margins to "a more central and legitimate place within the discipline" (Yar 2010: 69). Of particular note is the development of the concept "popular criminology" which asks us to take crime films seriously as efforts to explicate the causes and consequences of crime in society (Rafter and Brown 2011). We continue this movement in this paper as we *visualize* justice by interrogating how films about crime and justice in Canadian society represent and place crime and agencies of control in the context of culture. Specifically cinema provides a cultural space that allows criminologists to study and interrogate key dilemmas surrounding the nature and shape of justice (Kohm and Greenhill 2011). Drawing inspiration from Hayward and Young (2004), we adapt and apply their "five motifs of cultural criminology" framework to further extend cultural criminology's potential for the visual analysis of crime film. Using this framework, we work through examples from three films about crime and justice by acclaimed Canadian director Atom Egoyan. Although released over a twenty-year period and seemingly focused on disparate subjects, the three films are analyzed together here because they all interrogate justice from an alternative perspective that emphasizes grief and the aftermath of tragedy. Moreover the films all employ a similar cinematographic and narrative strategy that emphasizes ambiguity and the uncertainty of the late modern period in which they were conceived. These films are therefore apt subjects for analysis because cultural criminology seeks to "confront what is perhaps late modernity's defining trait: a world always in flux, awash in marginality and exclusion, but also in the ambiguous

potential for creativity, transcendence, transgression, and recuperation" (Ferrell, Hayward and Young 2008: 6). The films of Egoyan reflect and refract these themes and possibilities of late modernity and are therefore used here to explicate our approach to cultural criminological analysis, which draws from Hayward and Young's (2004) framework. We argue that this adapted cultural criminological framework provides rich analytical possibilities for the study of visual media such as film and particularly for those that offer ambiguous and alternative representations of crime, justice, and the aftermath of tragedy.

The Five Motifs of Cultural Criminology

Hayward and Young (2004) propose five "motifs" of cultural criminology. They suggest that these motifs are general orientations to cultural criminological analysis, that the motifs often overlap, and that they should be taken up in ways that are creative, and certainly not as a rigid template for analysis. Thus, in this spirit, we discuss the five motifs here as a possible general model for the analysis of late modern crime films. A brief overview of the way we invoke these motifs for film analysis follows.

The Cinematic Lens of Adrenaline

The first motif is central to orchestrating the atmosphere and narrative on screen and connects audiences at an emotional level with the consequences of crime and injustice. Hayward and Young (2004) suggest that "…the various feelings of anger, humiliation, exuberance, excitement, fear…" (264) are foregrounded in cultural criminology and that:

> …such feelings of intensity extend throughout the whole process of crime and its depiction: from the offender, to the intense gutted feelings of the victim […] And behind this, the outrage of the citizen, the moral panics of the media, the fears of urban dwellers, whether in the streets or at home. (Hayward and Young 2004: 264)

In films about crime and justice, intense feelings of desire (for justice, retribution, sexual and otherwise) link the audience to

representations of crime and (in)justice and oscillate between pleasure and revulsion. The visual elements of the film including what images are seen and left unseen further align audiences viscerally and emotionally with the experience of crime and loss.

The Soft City

Hayward and Young's (2004) second motif draws our attention to the way crime films open up the strange spaces or the "underlife" of society to view. We argue that the imagery and narratives in crime films allow audiences to discover and vicariously experience these strange cinematic spaces that represent the city's "underlife." Furthermore, exposing strange spaces in critical crime films can unsettle and disrupt conventional notions of victimization and justice, while in more mainstream films this may serve to buttress contemporary anxieties about crime and insecurity.

The Transgressive Subject

Hayward and Young's (2004) third motif finds expression in our template for film analysis through attention to cinematic acts of transgression involve struggling, fragmented characters locked in a "crisis of being" in a late modern world spiraling out of control. Rafter and Brown (2011) argue that a growing number of contemporary films about crime stem from the angst of late modernity and are characterized by "byzantine narratives" and characters whose "lives are marked by a sense of futility, moral ambiguity, and doubts about the possibility of justice" (6). Late modernity – characterized by "a rapid global tempo that is often atomizing and isolating in its effects on the individual" (Rafter and Brown 2011: 6) drives characters in late modern crime films to search for meaning and justice by engaging in transgressive behaviors that may only further dislocate them from mainstream society. Transgression and the crisis of being in late modernity is a hallmark of a growing number of critical crime films and these films frequently interrogate the difficulty and dangers of assigning blame in uncertain circumstances.

The Attentive Gaze

The forth motif is conceptualized here as the cinematic representation of seeing and being seen as well as eavesdropping – which in turn can implicate both cinematic characters and audiences. For Hayward and Young (2004) "cultural criminology stresses the mediated nature of reality in late modernity" (268) while Ferrell and Sanders (1995) further note that "as cultural criminologists we study not only images but images of images, an infinite hall of mediated mirrors" (14). Contemporary films generally, and late/postmodern crime films in particular, can draw attention to this hall of mirrors in an infinite gallery of representations of (in)justice and raise questions about our ability to see the truth. The very best of critical or alternative crime films (e.g., Rafter 2006) do this in ways that subvert or disrupt widespread assumptions or societal "myths" about crime and justice. Furthermore, this motif directly connects our analysis to the broader theme of visuality and visibility, which is the overarching theme of this special journal issue. This motif calls attention to the way seeing and being seen are connected in complex ways to power, affirming Brighenti's (2007) contention that "power does not rest univocally either with visibility or with invisibility" (340).

Dangerous Knowledge

Lastly, crime films have the potential to produce subjugated, dangerous knowledge that disrupts notions of ontology, identity, sexuality and desire. Reading cinema as a type of popular criminology (Rafter 2007), we argue that crime films constitute popular cultural efforts to understand the causes and consequences of crime in society. While conventional Hollywood crime films buttress and lend ideological support to conventional ideas about society and the justice system, alternative and critical crime films have subversive potential. In particular, the visual and cinematographic nature of film presents unique opportunities to disrupt our ontological assumptions about justice and truth. Indeed, the films of Atom Egoyan that we draw upon as examples are presented in a fragmented style with vignettes placed out of order to maximize the emotional impact of the images, alienate audiences

from characters, and trouble simple linear notions of truth and justice.

We share Hayward and Young's sentiments that these five motifs should not be read as either an exhaustive or prescriptive definition of the cultural "approach" to understanding crime (Hayward and Young 2004), nor should it be exhaustive of the various ways crime films visualize and/or reflect justice to their audiences. Furthermore, we recognize the interconnectedness of the motifs as a considerable strength in our efforts to analyze critical crime films. This exploratory research suggests that criminology and criminal justice studies can be enriched by accounting for the intersections between the cultural and the visual, and that to visualize justice we must consider alternative, cultural constructs of crime. Adapting and extending the conceptual tools of cultural criminology provides us with a potential path to analyze crime films as alternative visual representations of justice.

A Note about Methods

The current study utilizes qualitative content analysis as an analytic approach. In traditional content analysis, researchers begin with a research idea, create a sampling strategy, define recording units (for example words, phrases, or ideas to be coded), and formulate categories for analysis (Pedhazur and Schmelkin 1991; see also Boots and Heide 2006). The benefits of this method allow for the coding of both low subjective inference (e.g., words or dialogues spoken or read onscreen) and high inference (e.g., interpreting meaning or making judgements about characters, sets, props, environments, etc.) by researchers across a range of categories created for further analysis (Boots and Heide 2006). However, Marianna Valverde (2006) contends there cannot be a "universally useful method" (32) when analyzing law and order representations and images. Methodological concerns of reliability, validity, replicability, and the ability to predict and forecast future events – while not wholly irrelevant – are rarely useful "for the purposes of qualitative analyses of what are often unique sets of signs" (Valverde 2006: 32). Moreover, Valverde's approach to content analysis demands attention to the broader socio-political contexts

and formats of representations which may not be easily reducible to quantifiable elements. This focus on the format or mode of (re)presentation takes to heart Ferrell's (1999: 397) assertion that "cultural criminology operates from the postmodern proposition that form is content, that style is substance, that meaning thus resides in presentation and representation." Therefore, while the "content" of the representations conveys information to audiences "content" is rarely reducible to purely factual information, since films, stories, and other representations are always told by a specific author for a particular audience and are therefore embedded in specific political and cultural relations. Valverde (2006) suggests that the content of contemporary visual media does not necessarily have a singular and easily discernible social or political message. Instead, ambiguity, "especially in films, which are aesthetically more complex products," is often central to the representation's content (Valverde 2006: 41). Alternative or critical crime films, such as those by Egoyan that we consider in this paper, are deliberately shrouded in ambiguity, paralleling the elusive and ambiguous nature of justice itself. Thus, analyzing crime films means grappling with the ambiguity that is so central to their approach to visually representing justice. Our qualitative and contextual approach to content analysis therefore proceeds by closely reading a small number of films and working back and forth – within and between – individual texts with particular attention paid to content, contexts, and modes of (re)presentation while using the five part cultural criminological framework to guide and structure the analysis.

Atom Egoyan's Crime Films

We put this framework of analysis to the test by examining three films by acclaimed Canadian director Atom Egoyan. The films are unconventional, independent productions that contain non-linear narratives and complex visual imagery and focus centrally on crime, victimization and justice in late modern times. As such, they are rich visual texts for cultural criminologists to interrogate the connections between crime and society. While not neatly fitting within the

conventional mold of the crime film genre[1], we nevertheless read them as Canadian crime films – films that depict as a significant theme, crime and its consequences in Canadian society (Kohm, Bookman and Greenhill, forthcoming). Specifically, the films interrogate corporate crime, drug addiction, child abduction and sexual abuse, corruption, homicide, international trafficking of endangered wildlife, and even tax evasion. Rafter and Brown (2011) argue that film "captures aspects of the experience of crime that are rarely mentioned in academic scholarship – need, loss, violation, desire, even mourning" (10). Egoyan's films explore all these themes, usually in the aftermath of criminal victimization or tragedy. More generally, however, the films interrogate the nature and limits of justice from the perspective of those who have been subjected to unimaginable losses. Significantly, all the films explore harms and threats to children, and the (in)ability of parents and the state to protect our most vulnerable citizens. In doing so, the films speak to "diffuse cultural anxieties" (Rafter and Brown 2011: 5) and insecurities in late modern times.

Exotica (Frieberg and Egoyan 1994) centers on a high end strip club of the same name located on the fringes of downtown Toronto. Multiple, fragmented storylines unfold and weave around Exotica, its employees and its customers. The film focuses particular attention on two employees Eric, the club's DJ, and Christina, his ex-girlfriend and a club performer whose act is an erotic representation of a Catholic schoolgirl. The pair met while searching for an abducted girl who was eventually found dead in a field. Two other central characters patronize the club: Francis is a regular customer whose daughter was found murdered and who lost his wife in a fatal car accident. Thomas is an exotic pet-shop proprietor who illegally traffics in rare birds and who gets drawn into the club by

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[1] Rafter (2006) defines crime films as films that focus primarily on "crime and its consequences" (6) and constitutes a category that encompasses various genres of crime stories – for example, cop and prison films, gangster films, courtroom dramas. While criminal activity occurs within the films of Atom Egoyan, these films do not directly conform to this definition, as his films primarily "show a world where two traditionally incompatible spheres are joined: the private intimacies of family life and sexuality, and the public access allowed by modern media technologies" (Desbarats 1993: 9, cited in Wilson 2010: 29).

Francis, who is an unscrupulous Revenue Canada tax auditor. Various themes of mirroring, watching and sexualized gazes are used throughout the film to highlight intense feelings of anger and sadness in the wake of murder, betrayal of trust, and likely, childhood abuse in Christina's past.

The Sweet Hereafter (Frieberg and Egoyan 1997) is an Oscar-nominated adaptation of Russell Bank's bestselling novel. It is set in the fictitious town of Sam Dent, British Columbia – a place torn apart by a tragic school bus accident that killed many of the local children. Mitchell Stevens, a big city lawyer coping with the loss of his own daughter to drugs, HIV, and street life, attempts to sign up the towns' parents for a class action lawsuit. Stevens stirs up anger among the parents and exposes the dark underlife of the community – revealing incest and infidelity. The film resolves with Nicole, a young girl confined to a wheelchair after the accident, giving perjured testimony in order to derail the lawsuit and exact a measure of vengeance against her sexually abusive father while restoring moral order in the town.

The Captive (Traynor, Urdl, Weiss and Egoyan 2014), set against the perpetual winter of small town Ontario, focuses on the disappearance of Cassandra, a young girl abducted eight years in the past. Cassandra is held captive by a shadowy pedophile ring that has links to the most powerful and influential men in the community – including Mika, who personally oversees Cassandra's captivity in a subterranean prison in this home. Cassandra's blue-collar father, Matthew, is immediately suspected by police and his marriage to Tina deteriorates over the years as she blames Matthew for the loss of their daughter. Lead detective Nicole Dunlop remains in contact with Tina through the years while Matthew never gives up hope that his daughter will be found alive. Meanwhile, the pedophile ring employs high-tech computer and surveillance technology to observe and psychologically torture Tina while using Cassandra to lure other children online. Ultimately, the police are unable to crack the case, but the anger and determination of Matthew results in the final destruction of the pedophile ring and the restoration of order in the small wintery Ontario town.

Screening (Dis)Pleasure: The Cinematic Lens of Adrenaline

Linking directly to the first of Hayward and Young's (2004) motifs – the cinematic lens of adrenaline – is the significance of intense emotion in crime films. Alternative and critical films about crime and justice, like Egoyan's, use narrative and cinematographic devices to evoke and deny a range of emotional reactions in viewers. We argue that the experience for viewers thus parallels the intense feelings associated with the experience of crime and victimization. Moreover, the films encourage viewers in some instances to recognize the power and pleasures associated with seeing others suffer while at other times denying viewers the (dis)pleasure of seeing the most violent acts. Thus, the act of seeing or not seeing provokes a range of emotions in viewers that parallels the experience of victimization and crime. The screen manifests both literally and metaphorically in these films in ways that mediate or obscure our ability see(k) justice.

While the screen can act as a shield that protects psychologically paralyzed characters from both intimacy and the full impact of their pain, concomitantly the screen is a barrier to emotional connection. Characters, like Francis in *Exotica* (Frieberg and Egoyan 1994), Mitchell Stevens in *The Sweet Hereafter* (Frieberg and Egoyan 1997), and Matthew in *The Captive* (Traynor *et al.* 2014), are watchers like us, the audience. And like us, they are "vicariously engaging in a ritual of desire" from a protective distance (Gruben 2006: 253). Indeed, as film scholar Patricia Gruben (2006) argues, Egoyan's screen metaphors are self-reflexive, as we watch characters watching other characters on video, in photographs, and through one-way mirrors, we are inevitably caught up in their desire, and simultaneously "forced to acknowledge our own complex relationship with the screen" (253).

Cinematographic elements facilitate or inhibit emotional connections between the audience and the characters and between characters and the objects of their gaze. For example in *Exotica* (Frieberg and Egoyan 1994), Francis, whose wife and daughter have tragically died, replays a home video fragment over and over in his head. Mother and daughter laugh together as the hand-held camera watches apparently outside and apart from the pair's pleasure.

However, the mother acknowledges the intrusion, and with an upraised hand blocks the camera's gaze. Thus, as a flashback, the video functions as Francis' point of view. Similarly we see this in *The Sweet Hereafter* (Frieberg and Egoyan 1997) when Mitchell Stevens examines the wreckage of the school bus. Using a hand-held video camera with its grainy footage, he gazes at the damaged upholstery and police tape, searching for clues that might aid in the lawsuit. These images then are doubly articulated, as both metaphors for the separation of these men from the object of their gazes, and as distancing devices for these films' audiences (Gruben 2006; see also Monk 2001).

Furthermore, linear narratives within Egoyan's films are fractured across time and space. This too structures the audience's emotional connection with the screened image. Assembling the visual narrative in this way constitutes a visual screen that obscures rather than sees. For example, in *The Sweet Hereafter* (Frieberg and Egoyan 1997), the film cuts from the school bus accident to Mitchell's voice-over describing the time many years in the past when he saved his baby daughter's life while the audience views an image of a peaceful sleeping family. The film then cuts back to Billy Ansell gazing upon the accident scene where his children have been killed. In effect, this fragmented scene glides past the crucial question for the investigation: What really happened? The audience never sees the accident from Dolores', the bus driver's, perspective: we never see if there was a patch of ice, or the reading of the speedometer, or any other visual proof that could be used to assign blame for the tragedy. Moreover, cutting away from the accident screens the audience emotionally from seeing the screaming children. The same can be said about *The Captive* (Traynor *et al.* 2014). The audience never sees the moment when young Cassandra is abducted from Matthew's truck. Instead, the unspeakable (or unseeable) takes place outside the frame. Multiple perspectives and flashbacks are both alienating devices that hold the audience at arm's length from the passions of the event itself (Gruben 2006) while also working to drive home the horror of the tragedy.

The absence of seeing the moment of horror – the bus crash, the abduction, the murder of a child – may well reflect distinctions in

national cinematic cultures. Landwehr (2008) suggests that Canadian cinema relies less on the visual representation of violence than its American counterpart. He argues that Canadian cinema "actively refuses spectacle and relies a great deal on the unseen" (Landwehr 2008: 218). Thus, the cinematic lens of adrenaline in Canadian crime film works equally by obscuring our view as it does by exploiting visual representations of violence and victimization.

Viewing Egoyan's films as popular criminology (cf. Rafter 2007) supplements academic criminological discourse by addressing the intense experiences of emotion or alienation that follow crime and victimization. Screening desire – both in terms of seeing and being prevented from seeing – emphasizes the emotive experience of crime and (criminal) justice that is largely absent in mainstream criminological analysis. Calling attention to the way audiences and characters see or are seen opens up broader discussions concerning the way images are mediated and the way they circulate, reflect, and refract knowledge about criminality, victimization and justice. Egoyan's films also permit us to see what most would rather not see – sexual perversion, violence, and abuse – even if much is left unseen or obscured.

Strange Spaces and the Underlife: The Soft City

The crime films of Egoyan permit audiences access to the strange spaces and the underlife of society in ways that have the potential to disrupt or subvert conventional understandings of crime and justice or give voice to contemporary cultural anxieties. For example, in *The Sweet Hereafter* (Frieberg and Egoyan 1997), the underlife of Sam Dent includes marital infidelity among the parents of the town, as well as the sexually abusive incestuous interactions between Sam Burnell and his teenage daughter Nicole. Egoyan visualizes the strange spaces of these sexual encounters in ways that leave audience members shaken, confused and unsure about what they are seeing.

According to Melanie Boyd (2007), Egoyan was attempting to eschew understandings of sexual abuse that emerged in feminist scholarship in the 1980s, which he felt had become clichéd and masked the complexity of incest. Author Russell Banks felt that the

film accurately captured the complex psychological dimensions of the relationship between Nicole and her father Sam (Frieberg and Egoyan 1997: DVD Special Feature *Before and After the Sweet Hereafter*). Egoyan explained that Nicole conjures up the fairy tale "The Pied Piper of Hamelin" in order to cope with her father's abuse. She imagines her father as the Pied Piper, and in a disturbing scene depicting a sexual liaison between Nicole and her father in a candlelit hayloft, Egoyan attempts to represent not the reality of the abuse, but rather the way that Nicole must process it in the moment. According to Egoyan:

> What we see in this scene in the barn is Nicole looking at the scene as she would if she could imagine herself at that moment. Not as she would have seen the scene in retrospect, feeling the anger and the sense of betrayal – but what she would have had to imagine was happening at that moment. And it places the viewer in a very, very provocative place because you're not sure what it is you're seeing. The whole film has set up this relationship as being one that's quite confusing. At first you think that Sam is an older boyfriend, and you're prepared to believe that. And I've found, interestingly enough, that some people can watch the film and still not quite understand what is happening. (Frieberg and Egoyan 1997: DVD Special Feature *Before and After the Sweet Hereafter*)

This echoes the way Nicole processes her abuse in Banks' novel. At times, she doubts that it is even real. She likens her memories of the abuse to a dream: "I thought maybe I had dreamed the whole thing up; dreams are like that" (Banks 1991: 174).

The Captive (Traynor *et al.* 2014) quite literally invites viewers into the underlife of a seemingly ordinary Canadian small town. While on the surface community leaders host a fundraiser for abused and missing children, many of the same men participate in a shadowy group of internet predators who exploit and imprison children in an underground dungeon. Therefore, while the film narrative is screening its displeasure of internet predators and sexual abuse (e.g., through the hosting of this fundraiser), concomitantly the film is screening the pleasure of such criminality by allowing the audience to see how this shadowy group discusses with one another how to

avoid Dunlop's attempts to track them. Indeed, the underlife depicted in *The Captive* (Traynor *et al.* 2014) connects with contemporary fears about online sexual predators lurking in our midst and echoes longstanding fears about organized pedophile rings and ritualized abuse at the hands of trusted community members (see for example Jenkins 1998). More tech savvy than authorities, the imagined predators in the world of *The Captive* (Traynor *et al.* 2014) engage in new sadistic forms of abuse by turning their cameras on the parents of abducted children. The underworld depicted in *The Captive* (Traynor *et al.* 2014) therefore contrasts with that of *The Sweet Hereafter* (Frieberg and Egoyan 1997) in that dominant conceptions of child predators remain unchallenged – that is, powerful pedophile rings abduct children and keep them in literal dungeons in their basements. In *The Sweet Hereafter* (Frieberg and Egoyan 1997) it is Nicole who exacts vengeance from her abuser while the accident itself frees her from his unwanted attention. *The Captive* (Traynor *et al.* 2014), in contrast, provides no opportunity for self-rescue, and the authorities appear helpless or worse when lead detective Nicole Dunlop is abducted by the abusers and made to relive her own childhood traumas. In the end, the strange spaces in these films open up possibilities to subvert and trouble conventional conceptions of crime and justice, while at other times confirming the darkest fears about the safety of our children in late modern times.

In *Exotica* (Frieberg and Egoyan 1994), we are transported to other regions of the city's underlife. The strip club, itself, true to its name, is decorated and furnished as an otherworldly tropical fantasy space. Within this strange setting, the wildest erotic pleasures of the clients are performed. Indeed, after performing a strip routine that mimics a Catholic schoolgirl, exotic dancer Christina refers to Exotica as "a special place" while Club DJ Eric reinforces its otherworldly character: "We're only just a dream away…wherever that is." Further aspects of the city's underlife are exposed through the actions of exotic pet store owner Thomas, who illegally smuggles endangered wildlife into Canada and who seeks sexual encounters with men he meets while buying and selling scalped tickets at the opera.

The strange spaces in Egoyan's films (al)lure tormented characters and victims, but there is no healing for those who seek subversive comfort in the underlife. Moreover, there are consequences for entering these strange spaces – indeed, the magic of the strange space comes with a price. Entering the space may create momentary excitement and desire, but what is seen is imaginary and illusory: not reality. So while fleeting pleasures may be attained, the relief of healing and overcoming the profound losses these characters feel is unattainable. Moreover, as characters escape into the underlife in search of healing the result is only further decay and despair.

The Transgressive Subject: Fragmented Characters and the Problem of Blame

Because the criminal act is central in contemporary criminological and criminal justice inquiries, we forget that the act involves an attitude toward the rules, an evaluation of their justness and appropriateness, and a motivation to break them either by neutralization or by outright transgression (Hayward and Young 2004). Rather than reducing behavior to rational choice or pathology, cultural criminology emphasizes the attractiveness of rule-breaking. The (al)lure of transgression is undeniable, and it is through rule-breaking that subcultural problems seek solutions. This dynamic is reflected in films that represent crime and (in)justice in Canada. However, it is not only offenders who transgress but victims too engage in transgressive behaviors in their search for escape, healing or atonement for their morally questionable behavior. The fragmented subjects at the heart of Egoyan's films struggle to cope with the tragedy of crime and victimization and the question of blame.

The search for healing from the wounds of the tragedy of injustice has devastating impacts on many of Egoyan's characters. Francis and Thomas in *Exotica* (Frieberg and Egoyan 1994), Sam and Billy in *The Sweet Hereafter* (Frieberg and Egoyan 1997), and Mika in *The Captive* (Traynor *et al.* 2014) engage in transgressive acts. In *Exotica* (Frieberg and Egoyan 1994), Francis touches Christina on the stomach while she performs in front of him, breaking the club rule prohibiting the touching of performers by customers. Thomas

transgresses Canadian and international law by smuggling rare bird eggs into the country by duct-taping them to his stomach underneath his shirt and he transgresses sexual norms by cruising for erotic encounters with strange men at the opera. Sam transgresses in *The Sweet Hereafter* (Frieberg and Egoyan 1997) by engaging in an incestuous relationship with his daughter, while Billy breaks the moral rule of fidelity by having an affair with a married woman. Mika, the lead antagonist in *The Captive* (Traynor *et al.* 2014), transgresses by imprisoning Cassandra in a bunker after instigating her abduction eight years prior. These acts of transgression are carried out by broken and often selfish men who seek atonement, escape, and/or gratification frequently at the expense of others.

The impossibility of atonement and escape for Egoyan's fragmented characters leads them to either self- blame for their personal tragedies, to shift the blame onto others, or a combination of both. We see this in characters like Francis in *Exotica* (Frieberg and Egoyan 1994), Mitchell Stevens in *The Sweet Hereafter* (Frieberg and Egoyan 1997), and Matthew in *The Captive* (Traynor *et al.* 2014). This mirrors the experience for many who have been victims of crime or unexplained tragedy. Typically, when tragedy strikes, we seek to blame someone. As McAdams (2000) argues, in our search for moral order and justice, we seek answers even though we secretly know "that worldly answers do not exist" (599). Often, we turn to the legal and criminal justice systems to sort out the blame by converting "moral responsibility… into liability problems" (McAdams 2000: 599). In essence, we believe (falsely) that the legal and criminal justice systems can find truth or indeed meaning within tragedy, and in doing so restore morality and societal harmony. Often, the courts and the police cannot conclusively resolve who is to blame, and even when that question is satisfactorily answered from a legal standpoint, there are often no satisfactory remedy other than reparations and/or incarceration. Therefore, efforts to assign blame can typically lead to more suffering, while the failure to make the effort leads to some "irreparable damage, both individual and collective" (McAdams 2000: 600). In attempting to seek justice, it seems inevitable that society must assign blame, even though we understand – or conversely, choose to forget – that moral peace will not be forthcoming in any event.

Indeed, Egoyan (re)awakens this discussion and draws on the theme of blame and liability through Francis, Mitchell Stevens, and Matthew, respectively. Each of these characters have become either estranged from loved ones or unable to atone for a personal death, and in effect, blame either themselves and/or others in the hopes of restoring the moral peace within themselves. In *Exotica* (Frieberg and Egoyan 1994), Francis blames himself for the twin tragedies that claimed the lives of his daughter and wife. Francis is unable to accept these losses and turns to fantasies to keep his loved ones alive. In *The Sweet Hereafter* (Frieberg and Egoyan 1997), Mitchell Stevens both blames himself for "losing" his uncontrollable and drug-addicted daughter Zoe, and attempts to displace blame and emphasize the "attack of the unknown" (Gruben 2006: 256). Mitchell Stevens' personal tragedy fuels his obsession to exact legal vengeance on behalf of others who have suffered losses. Finally, in *The Captive* (Traynor *et al.* 2014), Matthew blames himself for leaving Cassandra alone in his truck even for just a moment, as does his estranged wife Tina. Additionally, Matthew casts blame on the justice system broadly as, ironically, he discusses Cassandra's abduction in front of the kidnapper and voyeur, Mika: "The police are the real monsters here, they're allies in this together – judges, lawyers, police – all these people we are supposed to trust."

By attempting to right wrongs and restore moral order in the narratives of these films, the characters hope that justice will be served. And sometimes, as mentioned in the prior section, the search for healing or to cast blame takes characters into the depths of strange spaces. However, even when the body of Francis' daughter is found in *Exotica* (Frieberg and Egoyan 1994), when the lawsuit is successfully dropped by Nicole's sabotage in *The Sweet Hereafter* (Frieberg and Egoyan 1997), and when Cassandra and Nicole are found in *The Captive* (Traynor *et al.* 2014), Egoyan persists in making audiences feel unsettled about assigning blame. The difficulties in assigning blame within Egoyan's films serve to question society's fixation on blame itself (McAdams 2000). This blinds us to other forms of responsibility, and blinds the legal and criminal justice system from affirming "rightdoing" instead of simply avoiding wrongdoing (McAdams 2000).

The Attentive Gaze: Visibility and the Powering of Seeing

Most often, surveillance is thought of as undesirable. Indeed, when new surveillance technologies and practices are introduced, disturbing scenarios are reflected in popular culture suggesting that surveillance is something to be feared (Albrechtslund 2008). Orwellian concerns about "Big Brother" and an authoritarian surveillance society animate much of the discussion around surveillance (Albrechtslund 2008). For instance, the need to balance privacy rights against the use of CCTV cameras in the public sphere is emphasized in the literature (e.g., Haggerty and Ericson 2006). The rise of the Internet and other digital technologies has shifted Western society into the age of a new, highly mediated visibility in which forms of media and technological communications have become more intensive and extensive, with less control of how information flows between surveyors and surveilled (Thompson 2005). Indeed, pervasive new video and camera technologies, coupled with complex social networking practices are creating a generation of not only media consumers but producers as well. Such technologies contribute to efforts to render policing and (criminal) justice processes visible within the "new visuality" era (Goldsmith 2010). Nevertheless, surveillance also suggests an interesting paradox, in which many people are fascinated by emergent surveillance technologies and practices in the context of popular culture, yet simultaneously feel very threatened by the same apparatus. This tension is centrally depicted in the best of critical crime films, including those by Egoyan.

The concept of scopophilia – that is, the pleasure of looking – is centrally implicated within the fascination of the gaze (Albrechtslund 2008). Divided into voyeurism and exhibitionism – the desire to look at others and the desire to expose oneself to others – scopophilia has been the object of investigation across various disciplines, such as psychology, philosophy, and cultural studies (Albrechtslund 2008). In essence, the "cinematic gaze" (Albrechtslund 2008: 132) illustrates the paradox of surveillance, insofar as it permits us to be fascinated with our fear of being watched and our shame of watching. Cinema facilitates a cultural space where the audience can explore and – to a certain extent – live

out our fantasies and anxieties about surveillance. Surveillance, therefore, is not only a theme within films, "but can also be said to structure the films' imagery and narration" (Albrechtslund 2008: 132).

Egoyan's cinema is both reflexive and self-analyzing (Beard 2006), insofar as these crime films engage in a dialectic between voyeurism and "fetishistic scopophilia" – the latter being the transformation of the character onscreen into a fetish, making the character desirable and reassuring rather than threatening (Gruben 2006: 254). As Gruben (2006) argues, a classic voyeuristic film would showcase a character with little authority spying or eavesdropping on a private or pseudo-private life in order to gain control. However, it is not only control that such characters seek in visual and aural surveillance, but to obtain knowledge about the private or pseudo-private life in question. In other words, to *know* more about the private or pseudo-private life is to address the ethical justification of the "potential privacy invasion of the watching" (Albrechtslund 2008: 137).

In *Exotica* (Frieberg and Egoyan 1994), for instance, Francis searches through Thomas' papers, looking for evidence of tax evasion. In *The Sweet Hereafter* (Frieberg and Egoyan 1997), when Mitchell is questioning Dolores about her account of the accident, they sit in Dolores' living room. While she recounts the tragedy, Mitchell gazes up at multiple pictures on the wall of the town's children Delores has come to love over the course of her bus-driving career. In *The Captive* (Traynor *et al.* 2014), Nicole informs fellow investigator Jeff that his new job within the police force is to search for child abuse and sexual predation online. By participating in internet chatrooms, Jeff's task is to take on two roles: a "child" wishing to converse with online predators, and a "watcher" wishing to gain access to videos and images of children being sexually abused from other watchers: "You'll look at videos and images of that every day. Kids being abused and tortured online while others watch. Our job is to *not* look away" (Traynor *et al.* 2014).

Indeed, mirrors, windows, and doors also figure as powerful philosophical and cinematic tropes (Barber 2009). For example, in *Exotica* (Frieberg and Egoyan 1994), Eric, the host and DJ of the

33

strip club, watches through a one-way mirror while the club patrons ogle the performers; at the Toronto airport a customs officer peers through another one-way mirror at Thomas and other disembarking passengers. In *The Sweet Hereafter* (Frieberg and Egoyan 1997), Nicole eavesdrops from behind her bedroom door to hear Billy and Sam argue about the necessity of Mitchell Stevens' class-action lawsuit. Finally, in *The Captive* (Traynor *et al.* 2014), Matthew oscillates between staring out his windshield and his rear-view mirror while driving, always watching for young teenage girls along the highway who could potentially be Cassandra.

Egoyan's characters are rarely able to exert their authority as "unobserved observers" (Gruben 2006: 254). Their potential power disintegrates when the eyes of another voyeur – either as audience member or character – meets the eyes of another character in a crucial gaze that subverts the "panoptic structure of power" (Albrechstlund 2008: 134). The voyeur changes from surveillant to surveilled, from being in control to being vulnerable, "from hunter to prey" (Albrechtslund 2008: 134). The voyeur's façade of control gives way to reveal a compulsion for attachment. The voyeur's attempt to play this role, to enter or sneak into strange spaces or to hide behind mirrors, doors, windows – and for the audience, the screen itself – makes exposure all the more unbearable. In *Exotica* (Frieberg and Egoyan 1994), both the spectacle of Christina performing and the video clip of Francis' deceased child and wife exemplify the tension between Francis as both an obsessive fan and controlling voyeur. In *The Sweet Hereafter* (Frieberg and Egoyan 1997), we see this in Mitchell Stevens. In his role as a lawyer, he acts as a controlling voyeur, propelling the townspeople into mass hysteria through a misguided lawsuit. Yet concomitantly, Mitchell Stevens is consumed by the fetishes from his own remembered and idealized past: before his daughter Zoe left for the "sweet hereafter" to enter the world of drugs (Egoyan 1997; Gruben 2006). This further reinforces Brighenti's (2007) contention that the relationship between visibility and power is complex and is neither inherently oppressive nor liberating.

While visibility lies at the intersection between relations of perception and relations of power, "the concept of intervisibility, of

reciprocity of vision, is always imperfect and limited" (Brighenti 2007: 326). Indeed, the ability of voyeurs – as both characters and audience – to see without being seen speaks to the complex way that power is distributed between the surveillant and the surveilled. The knowledge produced by the watcher's searching becomes both self-reflexive and reciprocated by the potential for the watched to search the watcher for knowledge. In essence, "observed observers" that do not look away subsequently open up new facets of knowledge about crime and (criminal) justice. Hence, these observers – as characters specifically, and the audience generally – are given the potential to critique dominant forms of crime and (criminal) justice and suggest possible alternative paths to resolution and restoration.

"Dangerous Knowledge": Visualizing Alternative Knowledges of Justice

As Hayward and Young (2004) contend, derailing contemporary criminology from the "abstractions of administrative rationalization and statistical complexity" (269) and emphasizing culture is no easy task. We suggest that Egoyan's films do exactly this by taking alternative approaches to understanding crime and (criminal) justice through cultural and visual lenses. By interrogating the way images are captured and mediated through various technologies like handheld video cameras, CCTV, and the internet, Egoyan's films centrally implicate visuality and visibility and the way such visual technologies threaten children, generate crime, and open to view new knowledges about others and the social world. The (al)lure of technology, especially for youth, suggests a complexity that requires further culturally grounded analysis (see Hayward 2011). Indeed, the rise of technological advances is but one example in recent decades that has mediated new forms of crime and criminality, such as cybercrime, identity theft, cyberstalking, online bullying and the like (Hayward 2012; Jewkes and Yar 2010). The three films discussed here are set both before and after the widespread adoption of such technologies yet all speak in different ways to the complex interplay between image capturing technology, the production of crime, and the search for legal and moral order by victims and the justice system.

We suggest that Egoyan's films are concerned with the "responsibility of knowledge" (Albrechtslund 2008: 139) but not in terms of the characters' ethical obligations to act. Instead, it is *our* ethical obligation to act and responsibility of knowledge that Egoyan emphasizes. By making the audience part of the process of "textual interpretation and emotional negotiation," these films make our complicity less a matter of innocence and guilt, and more of self-consciousness and responsibility (Fuchs 2010: 79). The knowledge gained by watching – in terms of voyeur-as-audience member – has the potential to open up inquiry into how we are responsible for circulating images of crime and justice at both the individual and societal levels. The dramatic increase in mobile technologies and seamless connectivity have increased "ubiquitous computing, image capturing, processing, [and] distribution," allowing for "on the ground" watching of everyday life (Mann and Ferenbok 2013: 18; see also Goldsmith 2010). Indeed, the media's ability to circulate images is no longer top-down; rather, the common person now has the potential to produce knowledge "from the ground" and generate alternative constructs of images that conflict with dominant cultural images. Crime films, such as those by Egoyan, further help to destabilize taken for granted assumptions about crime and justice while producing some new subversive and indeed "dangerous" types of knowledge about crime and victimization all the while interrogating the production, reception and circulation of the image.

Conclusion: The Possibility of See(k)ing Justice

Cultural criminology encourages us to take crime films seriously as efforts to better understand crime and its consequences in society (Rafter 2007; Rafter and Brown 2011; Yar 2010). In this spirit, we have examined three films by adapting Hayward and Young's (2004) "five motifs" framework. Bridging this framework with a qualitative content analysis attuned to presentation as well as representation (Ferrell 1999) we have demonstrated the way justice is rendered visible or invisible in critical films that engage with the aftermath of crime and tragedy. The "five motifs" framework provides a vehicle to analyze alternative crime films that centrally interrogate the complexities and uncertainties of late modernity. We extend visual cultural criminological analysis to three films that have

been overlooked by criminologists despite the fact that they present rich possibilities to critically interrogate the meaning of crime, victimization, justice, and blame. By linking popular criminology, cultural criminology and visual criminological analysis in our close reading of the films above, we contribute to a broader movement to relocate the analysis of film from the margins to the mainstream of criminology. By focusing on three post/late modern Canadian films not typically examined as *crime* films, we demonstrate the rich potential for this approach beyond analysis of conventional films about crime, law and order. Moreover, by drawing attention to the visual aspects of (re)presentation of justice in these films, we contribute to the burgeoning movement in criminology and beyond to take seriously questions of visibility and visuality (Carrabine 2012; Hayward 2010; Rafter 2014).

Egoyan's three films are discussed above in order to demonstrate the potential of Hayward and Young's (2007) "five motifs" framework as an analytic tool that can be used productively in the analysis of crime film. By screening (dis)pleasure – both in terms of seeing and being prevented from seeing – Egoyan's films emphasize the emotive experience of crime and (criminal) justice. By calling attention to the way audiences and characters see or are seen, such analysis opens up broader discussions regarding the way images are mediated and how they circulate, reflect, and refract knowledge about criminality, victimization and justice, an analysis that is largely absent in mainstream criminology. Examining strange spaces onscreen, the crime films of Egoyan allow audiences to enter the underlife of society. Within these strange spaces lie the potential to disrupt or subvert conventional understandings of crime and justice or give voice to contemporary cultural anxieties. In effect, Egoyan's strange spaces on film leave audience members shaken, confused and unsure about what they are seeing.

By analyzing the (al)lure of transgression, it is not only offenders who transgress, but victims as well. Engaging in transgressive behaviors in order to search for escape, healing or atonement for their morally questionable behavior does not produce justice for characters onscreen. Indeed, the fragmented subjects at the heart of Egoyan's films struggle to cope with both with the tragedy of crime

and victimization and the question of blame. Furthermore, the attentive, "watching" gaze within these three films suggest that power is distributed in complex ways between the surveillant and the surveilled. Insofar as such voyeurs have the power to see without being seen, the potential for the watched to turn their gaze back to the watcher complicates easy understandings of the relationship between seeing and being seen. Watchers, including the characters in the films as well as the audience, are observers who have the potential to critique dominant forms of crime and (criminal) justice and suggest possible alternative paths to resolution and restoration.

We argue that the visual and emotional dimensions of film can bring to light alternative, cultural constructs of crime and justice. By observing how Egoyan's films represent and place crime and agencies of control in the context of culture, we have explored how one could see(k) justice through visual representations of crime and criminality. Our analysis suggests a conceptual entry point for criminologists to study and interrogate key dilemmas of justice through film. The cultural criminological approach taken here allows us to interrogate dimensions of crime and victimization that are often neglected in conventional criminology but so central to most people's interests in making sense of crime: need, loss, violation, desire and mourning. Taking these films seriously as popular criminology not only allows us to better visualize justice in its many complexities and forms, but encourages future researchers to extend criminological thought into the dimensions and methods of visuality and visibility

References

Albrechtslund, A. (2008). Surveillance and ethics in film: *Rear Window* and *The Conversation*. *Journal of Criminal Justice and Popular Culture*, 15(2), 129-144.

Banks, Russell (1991). *The Sweet Hereafter*. Toronto: Vintage Canada.

Barber, B. (2009). Arbitrary productions: Thom Fitzgerald's *The Movie of the Week*. In D. Varga (Ed.), *Rain/drizzle/fog: Film and television in Atlantic Canada* (pp. 199-218). Calgary: University of Calgary Press.

Beard, W. (2006). Speaking parts: The geometry of desire. In M. Tschofen & J. Burwell, *Image & Territory: Essays on Atom Egoyan* (pp. 229-248). Waterloo: Wilfred Laurier University Press.

Boots, D. P., & Heide, K. M. (2006). Parricides in the media: A content analysis of available reports across cultures. *International Journal of Offender Therapy and Comparative Criminology*, *50*(4), 418-445.

Boyd, M. (2007). To blame her sadness: Representing incest in Atom Egoyan's *The Sweet Hereafter*. Waterloo: Wilfred Laurier University Press.

Brighenti, A. (2007). Visibility: A category for the social sciences. *Current Sociology, 55*(3), 323-342.

Carrabine, E. (2012). Just images: Aesthetics, ethics and visual criminology *British Journal of Criminology, 52*, 463-489.

Egoyan, A. (1997). Family romances: An interview with Atom Egoyan. Interview by Richard Porton. *Cineaste*, December, 8-15.

Ferrell, J. (1999). Cultural criminology. *Annual Review of Sociology*, *25*, 395-418.

Ferrell, J., Hayward, K., & Young, J. (2008). *Cultural criminology*. London: Sage Publications.

Ferrell, J., & Sanders, C. (1995). *Cultural criminology*. Boston, MA: Northern University Press.

Frieberg, C. (Producer), & Egoyan, A. (Producer, Director). (1994). *Exotica* [Motion picture]. Toronto, Canada: Alliance Films.

Frieberg, C. (Producer), & Egoyan, A. (Producer, Director). (1997). *The Sweet Hereafter.* Toronto, Canada: Alliance Communications Corporation.

Fuchs, C. ([1994]/2010). *Exotica*. In T. J. Morris (Ed.) *Atom Egoyan: Interviews* (pp. 77-83). Jackson: University of Mississippi Press.

Goldsmith, A. J. (2010). Policing's new visibility. *British Journal of Criminology, 50*(5), 914-934.

Gruben: (2006). Look but don't touch: Visual and tactile desire in *Exotica*, *The Sweet Hereafter*, and *Felicia's Journey*. In M. Tschofen & J.

Burwell, *Image & territory: Essays on Atom Egoyan* (pp. 249-273). Waterloo: Wilfred Laurier University Press.

Haggerty, K. D., & Ericson, R. V. (2006). The new politics of surveillance and visibility. In K. D. Haggerty, & R. V. Ericson (Eds.), *The new politics of surveillance and visibility* (pp. 1-25). Toronto: University of Toronto Press.

Hayward, K. J. (2010). Opening the lens: Cultural criminology and the image. In K. J. Hayward, & M. Presdee (Eds.), *Framing crime: Cultural criminology and the image* (pp. 1-16). New York: Routledge.

Hayward, K. J. (2011). Pantomime justice: A cultural criminological analysis of "life stage dissolution." *Crime Media Culture*, *8*(2), 213-229.

Hayward, K. J. (2012). Five spaces of cultural criminology. *British Journal of Criminology*, *52*, 441-462.

Hayward, K. J., & Young, J. (2004). Cultural criminology: Some notes on the script. *Theoretical Criminology, 8*(3), 259-273.

Jenkins, P. (1998). *Moral panic: Changing conceptions of the child molester in modern America.* New Haven, CT: Yale University Press.

Jewkes, Y., & Yar, M. (2010). *Handbook of internet crime*. London, UK: Sage.

Kohm, S. A., Bookman, S., & Greenhill, P. (Forthcoming). *Screening justice: Canadian crime films and society.* Winnipeg, MB: Fernwood.

Kohm, S., & Greenhill, P. (2011). Pedophile crime films as popular criminology: A problem of justice?. *Theoretical Criminology, 15*(2), 195-215.

Landwehr, M. (2008). Egoyan's film adaptation of Banks's *The Sweet Hereafter*: *The Pied Piper* as trauma narrative and mise-en-abyme. *Literature Film Quarterly*, *36*(3), 215-222.

Mann, S., & Ferenbok, J. (2013). New media and the power politics of sousveillance in a surveillance-dominated world. *Surveillance & Society*, *11*(1/2), 18-34.

McAdams, T. (2000). Blame and *The Sweet Hereafter*. *Legal Studies Forum, 24*(3/4), 599-610.

Monk, K., & Egoyan, A. (2001). *Weird sex and snowshoes: And other Canadian film phenomena*. Vancouver, BC: Raincoast Books.

Pedhazur, E. J., & Schmelkin, L. P. (1991). *Measurement, design and analysis: An integrated approach*. Hillsdale, NJ: Lawrence Erlbaum.

Rafter, N. (2006). *Shots in the mirror: Crime films and society* (2nd Ed.).

New York: Oxford University Press.

Rafter, N. (2007). Crime, film and criminology: Recent sex-crime movies. *Theoretical Criminology, 11*(3), 403-20.

Rafter, N. (2014). Introduction to special issue of visual culture and the iconography of crime and punishment. *Theoretical Criminology, 18*(2), 127-133.

Rafter, N., & Brown, M. (2011). *Criminology goes to the movies*. New York, NY: New York University Press.

Thompson, J. (2005). The new visibility. *Theory, Culture & Society, 22*(6), 31-51.

Traynor, S., Urdl, S., Weiss, J. (Producers), & Egoyan, A. (Producer, Director). (2015). *The Captive* [Motion picture]. Ontario, Canada: Ego Film Arts.

Valverde, M. (2006). *Law and order: Images, meanings, myths*. New York: Routledge.

Wilson, E. (2010). Desire and technology: An interview with Atom Egoyan. *Film Quarterly*, *64*(1), 29-37.

Yar, M. (2010). Screening crime: Cultural criminology goes to the movies. In K. Hayward, & M. Presdee (Eds.), *Framing crime: Cultural criminology and the image* (pp. 68-82). New York: Routledge.

Young, J., & Brotherton, D. C. (2014). Cultural criminology and its practices: A dialogue between the theorist and the street researcher. *Dialectical Anthropology*, *38*, 117-132.