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**IN**voke

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**Sociology  
Undergraduate  
Journal**

*INvoke: Volume 2, Number 1. 2017*

Published July 10, 2017



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**Adaptive Reuse of Sport Stadiums and Collective Memories:  
Rexall Place as a Site for the Continuation of the Oilers Dynasty and Civic Pride**

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## Introduction

The construction of Edmonton's Rexall Place Stadium coincides with the rise of the stadium beginning in 1976 (Trumpbour, 2007). Professional sports experienced an increase in popularity, and sports teams began to become an integral part of many cities' identities. Along with the sports teams increasing importance to cities, the sites where they played also became more important. The architectural styling, the technology utilized, and the ideologies embedded within stadium construction became increasingly present as the rise of the stadium emerged. In this essay, I will present stadiums as culturally significant objects in order to illuminate their importance in society. I will then describe how the act of demolition and the adaptive reuse of buildings can be seen as social, and how it transcends the material nature of objects. I will conclude by applying the aspects of collective memory and identity to present Edmonton's Rexall Place as an important building that must be adaptively reused in order to continue the preservation of collective identity and memory in the city of Edmonton.

## Stadiums and Architecture

Stadiums act to shape the identity of cities and reflect cultural attitudes. Katzer emphasizes the role that sports stadia played in developing nationalism and displaying international success in the post-war era, "[Stadia] were supposed to symbolize the superiority of the culture which created them" (Katzer, 2010). If stadia are looked at as representations of architectural ingenuity, it is surely not a stretch to see how the construction of sports stadium can be used to position nations on a global scale. Unique, iconic, or technologically advanced buildings can serve as objects that represent progress and dominance. Global sports mega-events

provided, and still provide, the opportunity for nations to compete for superiority using material objects. These objects can take the form of aquatic centers, housing facilities, transportation, and stadia.

The Houston Astrodome was opened in 1975 and included artificial turf and "the most elaborate scoreboard ever built" (Trumpbour, 2007). Some deemed the Astrodome to be the eighth wonder of the world and positioned Houston as a renowned "high-tech city" (Trumpbour, 2007). Sports stadia do indeed provide opportunities for nations to be known on the international stage. Not only do stadia act to display technological advancement and global dominance, they can be material representations of ideologies and political positions. Katzer (2010) uses the example of the Luzhniki Sports Complex in Moscow to demonstrate that sports stadiums embody "political ambitions," "programmatic claims," and "ideological framework[s]" along with "aesthetic considerations" (250). In this case, Luzhniki Sports Complex is iconic of the Soviet 1950s "socialist democratic" zeitgeist. The Luzhniki Sports Complex is a material representation of Soviet Russia's political leanings and ideologies.

Similar to Katzer's claims regarding stadia architecture and its connection with the zeitgeist, Horne (2011) posits that architecture serves as a representation of collective identities within society (218). In many westernized countries stadia are now reflections of capitalist ideologies. They are bought and sold as commodities in a marketplace (Horne, 2011). Contrasting Horne's ideas that contemporary western stadiums are indicative of capitalist ideologies with Katzer's 1950s socialist democratic Luzhiki Sports Complex, it is quite clear that sports stadiums are indeed reflections of the place, time, and social context of their construction. In addition to national pride garnered from stadium architecture, Trumpbour (2007)

argues that stadia are also symbols of civic pride and have been so since around the 1950s. Stadiums gradually moved from wood buildings to steel and concrete structures in the late 1890s, and a short while later in the 1920s, the public funding of stadium construction was introduced (15). By the 1950s public funding and stadium construction was commonplace and stadia were deemed to be beneficial for cities. The media had framed stadium construction as a form of civic pride, and municipalities and stadia were inexplicably intertwined (20). Many stadia construction projects today utilize some form of government subsidy, and as professional sports teams have become more integral to cities' identities stadia have also increased in importance (32). So not only are stadiums symbols of national pride, or cultural ideology, they have become objects of civic pride, and this is apparent through the public funding that has taken place for nearly a century. Stadia are significant material objects that represent distinct social histories.

### Demolition and Adaptive Reuse

Unfortunately, demolition of stadia is often studied only in an economic context. Many economists ask questions regarding the efficiency, environmental impact, and economic impacts of the demolition of buildings and stadia (Bullen and Love, 2010). Social aspects regarding the demolition of structures are often not discussed, and instead, topics regarding adaptive reuse of structures are more commonly discussed (Horne, 2011; Barthel, 1996; Dickinson, 1997). Though no, or very little, academic literature exists that specifically focuses on the social dimension of stadia demolition, one thing that is quite apparent through research of news articles is the polemic stances that the public take on demolition. On one hand, many see old stadia as redundant, rundown and impeding development and growth, and are worthy of complete

destruction (Staples, 2016; Press, 2016). Some, however, view old stadia as in need of preservation due to their historical importance (Rosenblatt Demolition Begins). Some even go so far as to say that the demolition of stadiums would be a failure of civic imagination (Longman, 2016). Though the disparity of views regarding stadium demolition is worthy of further analysis, there is very little existing literature, and the purpose of this paper is not to look at narratives surrounding stadium demolition and repurposing. Instead, I will focus on the importance of repurposing or, as Bullen (2007) refers to it, adaptive reuse (21).

Defined by the Australian Government's Department of the Environment and Heritage (2004), adaptive reuse is a process that changes a disused or ineffective item into a new item that can be used for a different purpose (3). This definition is contested by various authors, as outlined by Bullen (2007), however, I believe that the Department of the Environment and Heritage's definition of adaptive reuse is the aptest and concise. Commonly, smaller urban buildings are repurposed to decrease environmental impact, preserve lifestyles, and to retain the value and character (Bullen and Love, 2010). Due to the size of sports stadia, adaptive reuse is often difficult to implement. Few stadia have been repurposed, but it is worth noting a few examples. Bush Stadium in Indianapolis was abandoned in 1996 and was turned into a storage facility for used cars, and in 2011 it was repurposed into lofts. Some demolition of structures occurred, but the aesthetic character of the stadium was mostly preserved (Bartolacci, 2016). Las Arenas in Barcelona hosted bullfighting until the 1970s when it too, was abandoned. The historical significance of the stadium necessitated preservation of the façade, but the inside was ultimately reconstructed into a shopping mall (Bartolacci, 2016). Lastly, the Memphis Grizzlies' Pyramid Arena was vacated when repairs were deemed too costly when compared to

constructing a brand new arena. The iconic Pyramid Arena has now been repurposed into a massive Bass Pro Shop (Bartolacci, 2016; Sainz, 2016). These mammoth structures were abandoned as they were deemed unfit to maintain their intended use, however, for reasons related to cultural or historical preservation they have all kept their aesthetic and architectural character in their transitions.

The desire to preserve social history is a commonality within much of the literature on active reuse and repurpose of buildings (Stickl, 2013; Jones, 2006; Horne, 2011; Dickinson, 1997; Barthel, 1996). Historic sites can act as "gateway[s] to the past" (Dickinson, 1997) for nations, cities, and cultures. They are remnants of past cultural practices, moments that changed society, and are vital to the collective memories and identities of societies. The collective memory of urban society is "composed of recollections tied to spatial representations reflecting the way it conceives and preserves itself" (Marcel and Mucchielli, 2010). Historical sites "anchor collective memories" (Barthel, 1996) with tangible and material confirmation of the past. Material architecture and the space that it occupies serve to maintain the collective memory of societies. The stadia previously mentioned reflect these ideas quite clearly. Bush Stadium was preserved because it remained a "beloved fixture" (Bartolacci, 2016) in Indianapolis since 1931. Las Arenas in Barcelona was a bullfighting stadium that was a "cherished civic structure" (Bartolacci, 2016) that represented regional identity. And the Pyramid Arena was at one point the third largest pyramid in the world and is still an iconic "symbol of Memphis" (Bartolacci, 2016). These buildings have gone under adaptive reuse because aspects of them are integral to the collective memory and identity of cities. As noted in the Stadiums and Architecture section, sports stadiums are often representations of the civic pride or civic identity of cities, and this

solidifies the stadia as important objects within collective memory and identity.

In addition to the civic pride and collective identity tied to sports stadia, it should be noted that people often find structures tied to collective memory important to preserve because the very act of repurposing or preserving buildings is a political act that carries broad social implications (Jones, 2006). The function of the building certainly serves certain groups of people, and the continued material presence of the repurposed building stands to communicate a desire to preserve past memories or identities.

### Rexall Place

Hockey was present in the city of Edmonton long before the Edmonton Oilers' incorporation into the National Hockey League in 1979 (Stewart, 2016). The dynasty, fandom, and historical sports achievements involving hockey, however, are most notable when the Oilers played in the NHL during the 1980s. The Oilers were home to some of the greatest hockey players in the game's history, such as Wayne Gretzky and Mark Messier, and accumulated numerous championship victories throughout the historic decade. Presently, the Oilers have not won a championship for 26 years and have consistently finished in the bottom of the league for the last five years. Yet, the attendance of Oilers games remains almost as high as it was during the dynasty years of the 1980s (Edmonton Oilers Yearly Attendance Graph). Edmonton's slogan "The City of Champions" is often credited to the Oilers' dynasty in the 1980s, even though many understand the slogan to represent the recovery efforts after a tornado devastated the city in 1987 (Osman, 2016). Several famous hockey play-by-play announcers are memorialized in the form of a large-scale mural on 50th Street and 100th Avenue. A blue, orange

and white hat or shirt is a common uniform of the average Edmontonian, and knowledge of upcoming games or recent highlights are often essential small talk with acquaintances or strangers. As well, five Stanley Cup rings representing the Oilers' championship wins are memorialized on the side of the building adjacent to Rexall Place, on the other side of the aptly named Wayne Gretzky Drive. The material presence of the Edmonton Oilers is certainly obvious throughout the city of Edmonton, and this material representation of the Oilers is indicative of the collective identity of Edmontonians.

Not surprisingly, Rexall Place has existed for the entirety of the Edmonton Oilers' duration in the NHL. It is the site where many hockey legends played, championship games were won and lost, and memories were created amongst Edmontonians. However, the last championship ring was won in 1990, "The City of Champions" plaques have been removed from Edmonton's municipal boundary signs, the Stanley Cup ring mural is now covered up with a cell phone advertisement, and Rexall Place is host to the Edmonton Oilers for the last time on April 6th, 2016. The Oilers are moving to the newly built downtown arena for all subsequent hockey seasons. The fate of Rexall Place is still undecided, though there is a strong push to repurpose the building as a multi-rink facility for future use as an ice hockey arena.

Using previously discussed topics such as nationalism in sports architecture and collective memory, I will elaborate on why it is important to the city of Edmonton for Rexall Place to continue to exist as a place for hockey. Jones (2006) notes that architecture should be seen as "a field of cultural contestation" (550). The new downtown arena in Edmonton is certainly a site of cultural contestation. Its "oil drop" design and the inclusion of shopping centers and hotels which reflect Alberta's energy economy and consumerist qualities juxtapose the

nearby social services and the occupancy of the area by Edmonton's homeless population. Rexall Place, however, is not architecturally iconic, nor is it at a culturally contested site at face value. Its design seems to be typical of any normal stadium—beige, cement, circular, and relatively boring. However, the decision to demolish or repurpose the stadium is certainly an issue of cultural contestation. As noted in the previous section, the repurposing of a building is a political act and serves specific people. The demolition of Rexall Place may very well have appeared to be an attack on the deeply embedded sporting history of the Oilers and the collective identity of Edmonton. Deciding to repurpose Rexall is a political act insofar as the municipal government and private organizations decided to preserve the material representation of local collective memories instead of erasing them.

Even though the architecture of Rexall Place is not abundantly unique, the space occupied by Rexall Place is certainly a space for sport. This is seen by the hockey figures attached to a pedestrian walkway leading to the stadium, the WHL hockey team Oil Kings' building adjacent to the stadium, the road named after former Oiler legend Wayne Gretzky, and the 15 feet statue of Gretzky himself directly in front of Rexall Place. By keeping Rexall Place a space for sport, collective memories will be successfully maintained. Choosing to preserve the stadium is choosing what kind of history to preserve, and therefore shapes the collective identity of the city. The adaptive repurposing of Rexall Place into a multi-rink facility also allows Rexall Place to be host mega-events of varying sorts. Large amateur hockey tournaments will be able to take place in the repurposed building, and Edmonton will have an opportunity to become "the hockey tournament capital of Canada" (Ramsay, 2016). A large, unique facility such as the proposed multi-rink facility will provide Edmonton with a building that can boost "global

promotion and branding (Horne, 2011). And on a civic scale, memories, culture, and identity will be preserved much like in the cases of Bush Stadium, Las Arenas, and Pyramid Arena. Dickinson (1997) realized the importance of bodily participation in the evocation of the memory (4). Though the material presence of Rexall Place serves as a way to maintain collective memories, it is the act of playing hockey or sitting in the stands that can elicit the continuation of collective memory. Keeping Rexall Place as a space for hockey solidifies the importance of hockey in Edmonton's collective identity.

### Conclusion

Stadia are important buildings within the context of city environments. They can be symbols of technological advancement, political ideology, and civic pride. Their construction and adaptive reuse are political acts that carry many social implications. By preserving stadia, the collective memory and identity of a city are maintained within the material structures. Additionally, there is a specific focus on repurposing historical structures and a definite lack of research done on the subject of stadia demolition and the social consequences. Rexall Place poses a compelling example of a material structure with many aspects of civic collective memory and identity embedded within it. The proposed adaptive reuse of Rexall Place into a multi-rink facility is necessary in order for the hockey-oriented identity of Edmonton to persist. It is in the physical acts of sitting in the stands, skating on the rinks, and visually seeing Rexall Place that Edmontonians will engage in the perpetuation of Edmonton's collective identity.

**The Overrepresentation of Aboriginal Women in Prisons:  
A Cycle of Victimization, Discrimination and Incarceration**

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Alysa Holmes

## Introduction

Throughout recent history, there has been an increased awareness of the overrepresentation of Aboriginal peoples in prison. While this issue certainly impacts Aboriginal peoples as a whole, this overrepresentation is most noticeable amongst the population of female offenders. Despite making up a relatively small portion of the Canadian population, research suggests that 35.5% of incarcerated women [are] of Aboriginal ancestry (Office of the Correctional Investigator, 2015). Although the issue of overrepresentation has come to the forefront of research into specific prison populations, the increased attention to this topic has perhaps been influenced by the fact that this overrepresentation has actually become worse over time. For example, in the ten year period between March 2005 and March 2015 the number of Aboriginal women inmates doubled (Office of the Correctional Investigator, 2015). As this overrepresentation is so dramatic in comparison to other minority groups, and the problem has only gotten worse over time, it gives rise to the question of why this specific population is so frequently in contact with the law. Through their frequent victimization, both historically and in a contemporary context, their mistreatment by the police and the court system, as well as their experiences during incarceration, Aboriginal women are often placed at a severe disadvantage both in the justice system and in society in general. This disadvantage sets in motion a cycle of victimization and offending behaviors, ultimately leading to their severe overrepresentation in the prison system.

## Victimization and Offending Behaviours

### *Contemporary Experiences of Violence*

One of the primary reasons that Aboriginal women are overrepresented as offenders is, perhaps counterintuitively, their overrepresentation as victims of violence and discrimination. As Fillmore and Dell argue, "women who come into contact with the criminal justice system are commonly victims of abuse, violence and neglect" (as cited in Dell & Kilty, 2013). This notion is especially relevant to the offending behaviors of Aboriginal women due to the long history of abuse against Aboriginal peoples, as well as the marginalized position that they occupy as a result of the intersection of their race and gender. As a population, Aboriginal women experience abuse and violence at incredibly high rates, with Aboriginal women three times more likely to die as a result of violence than non-Aboriginal women (Dylan, Regehr, & Alaggia, 2008). While this number is significant, these high rates of victimization are even more blatant when considering Aboriginal women who are also offenders. According to Restoule (2009), "90 percent of Aboriginal women offenders report physical abuse" and "61 percent" report sexual abuse" (263). This clearly demonstrates that a large overlap exists between victims and offenders, and should be seen as evidence that a strong relationship does exist between victimization and offending behaviors.

However, this raises the question of why the experience of being victimized so often leads to offending. Research suggests that it is not always the actual experience of abuse itself that causes these individuals to offend, but rather that the offending behaviors in question are often a by-product of attempts to survive the experience of violence. For example, many victims

become involved in some form of deviant behavior, such as substance abuse, as a method of coping (Dell & Kilty, 2013; Jackson, 1999). The types of crimes associated with these behaviors are perhaps more common amongst female Aboriginal victims of violence and abuse, as their already marginalized position in society limits the legitimate coping and survival strategies that are available to them. Although it is perhaps possible to attribute the high rates of victimization experienced by these offenders to their gender, these numbers are drastically higher than those pertaining to female offenders that are non-Aboriginal. For example, according to the Canadian Task Force on Federally Sentenced Women (1990), 68 percent of non-Aboriginal female offenders report a history of physical abuse, and only 53 percent report experiencing some form of sexual abuse (as cited in Jackson, 1999). Despite the fact that these numbers are still high, and should be seen as problematic, the gap between the statistics for Aboriginal female offenders and those of non-Aboriginal descent clearly suggests that race plays a significant role in increasing the likelihood of being a victim of violence and abuse. Overall, this demonstrates that there is a strong relationship between victimization and offending behaviors and, subsequently, that the high rates of violence experienced by Aboriginal women should be seen as directly linked to their high rates of incarceration. However, it also raises the question of why being Aboriginal so drastically increases the likelihood of experiencing violence.

### *The Impact of Historical Trauma*

While research has focused on the impacts of contemporary abuse and violence on Aboriginal women as individuals, it has perhaps neglected an examination of their historical victimization through colonizing efforts such as residential schooling. While overrepresentation in prisons is most noticeable in regards to Aboriginal women, historical victimization has had a

significant impact on the offending behaviors of many Aboriginal people, regardless of their gender. As such, before turning to the gendered aspects of colonization, it is vital to examine how these colonizing efforts have victimized Aboriginal peoples as a whole. According to Martel and Brassard (2008), the overrepresentation of Aboriginal peoples should be considered linked to the loss of identity that these peoples have suffered as a result of colonization. While this loss of identity should be seen as a form of victimization, it is important to note that colonization works to victimize Aboriginal peoples in many, perhaps more tangible, ways.

At a general level, research suggests that as a result of being subjected to the dispossession of land, [culture] and governmental authority Aboriginal peoples in Canada have a [long] history of social and economic disadvantage (Martel & Brassard, 2008, 343). This disadvantage should be considered strongly linked to the offending behaviors of Aboriginal peoples as, by pushing them out of work and confiscating their land, it places these peoples into a marginalized position in society, removing legitimate opportunities, and ultimately raising the likelihood that they will come into contact with the justice system. These forces have had an especially strong impact on the position of Aboriginal women in society, as the percentage of Aboriginal women living in poverty is more than double the percentage of non-Aboriginal women (Aboriginal Affairs and Northern Development, 2012, 59). Although the extreme state of economic deprivation experienced by these women does explain why the issue of overrepresentation is even further exacerbated for Aboriginal women than it is for Aboriginal men, it is not immediately obvious why colonization has arguably had further negative impacts on Aboriginal women. As research suggests, Aboriginal women face compound discrimination, as they are not only viewed as inferior due to their race but also as a result of their gender

(Restoule, 2009). This perhaps explains why Aboriginal women, rather than Aboriginal men, are so often victimized, despite both experiencing the process of colonization. This suggests that while colonization has damaging effects on Aboriginal populations as a whole, it is also in many ways a gendered experience, with men and women being treated very differently under the rule of the colonizing force. According to Restoule (2009), the process of colonization has worked to create stereotypes of Aboriginal women as having little value or worth, not only to their own peoples but to society at large. The creation and perpetuation of these stereotypes have ultimately worked to paint Aboriginal women as acceptable targets for violence (273).

Although it is evident that these general impacts of colonization have certainly functioned to victimize Aboriginal women, specific colonizing efforts, such as residential schools, have had even more noticeable effects. While research does suggest that the abuses that many Aboriginal peoples suffered in residential schools have had severe impacts on these individuals' mental and physical health (Bombay, Matheson, & Anisman, 2014), these effects should not be seen as isolated to the direct survivors of these institutions. Through the concept of historical trauma, this abuse has worked to victimize further generations of Aboriginal peoples. According to Bombay et al. (2014), "the more generations that attended [residential schools], the poorer the psychological wellbeing of the next generation" (331). Additionally, this historical trauma also plays a role in impacting an individual's ability to cope with the stresses of contemporary forms of discrimination and violence (330). As such, colonization continues to victimize Aboriginal women in many ways, by placing them in a marginalized position in society, in terms of both financial and social status, and subsequently, through the experience of historical trauma, making them less able to cope with the violence that they experience as a result of this marginalization.

As it has previously been established that victimization plays a strong role in the offending behaviors of women, the colonial victimization of Aboriginal women should be considered a significant factor in their overrepresentation in prisons.

### Policing Practices

Despite the key role played by victimization in explaining the offending behaviors of Aboriginal women, it should not be considered the only cause of their high levels of involvement with the justice system. In fact, systemic disadvantages in dealing with the justice system play a large role in contributing to this overrepresentation. This is most evident in an examination of policing practices that unfairly target both Aboriginal women specifically, and Aboriginal peoples as a whole. The primary way that this disadvantage manifests itself is through over-policing, wherein Aboriginal peoples are targeted by the police based on assumptions rooted in stereotypes (Manitoba, Public Inquiry, 1991). As policing efforts are often focused on problem areas characterized by poverty, and Aboriginal peoples are disproportionately members of a lower socioeconomic class, there is subsequently an increased level of policing of Aboriginal peoples. While the experience of over-policing does apply to Aboriginal peoples as a whole, the emphasis on poorer areas again targets Aboriginal women, due to the extremely high levels of poverty that they face. As Pasmenny (1992) suggests, "constant and excessive patrolling" results in the categorization and stigmatization of [Aboriginal peoples'] behavior so that police officers tend to stop a higher proportion for minor offenses, simply because they believe that Aboriginal people tend to commit more crimes (406). This notion is clarified by Quigley (1990), who states that this type of policing leads to "a self-fulfilling prophecy, [where] they tend to police areas frequented by the groups that they believe are involved in criminality (as cited in

Pasmeny, 1992, 406). As this demonstrates, over-policing tends to single out the behaviors of Aboriginal peoples, simply as a result of widely held stereotypes. This ultimately feeds back into itself, by reinforcing the notion of Aboriginal peoples as criminals.

These stereotypes are further exacerbated when they are applied to Aboriginal women, in many ways serving to criminalize these women even when they are the victims of an offense. Primarily, the victimization of these women is frequently disregarded or mishandled by the police, as evidenced by the underwhelming response given to missing Aboriginal women (McGillivray, as cited in Balfour, 2013; Razack, 2000). Although this lack of response does not directly criminalize these women, it creates an implication that some blame rests on the victim. By ignoring the victimization of these women, the police are reinforcing the notion that Aboriginal women are acceptable targets of violence. This only serves to further victimize these women, which, as previously discussed, can have a large impact on their future offending behaviors. Although this passive form of criminalization should be considered extremely problematic, perhaps more damaging is how these women are actively punished for their victimization. Research suggests that "police [are] more likely to counter-charge low income and racialized women when responding to domestic violence calls" (Comack et al; Pollack et al. as cited in Balfour, 2013, 94). This blatant discrimination means that Aboriginal women are often charged not only when they are innocent of a crime, but also when they themselves are the victims of the crime in question. This contributes greatly to their subsequent overrepresentation, as it creates multiple pathways to prison for these women. Regardless of whether you are a victim or an offender, the end result may be the same. Once again, this active form of discrimination is rooted in stereotypes of "Aboriginal women as [a] licentious and dehumanized

squaw,ö (Razack, 2000, 193) ultimately laying blame on them for their own victimization. As such, through these discriminatory practices that disproportionately target Aboriginal women and paint them as offenders, current policing practices play a significant role in contributing to severe overrepresentation of Aboriginal women in Canadian prisons.

### Issues at Sentencing

However, this systemic discrimination should not be considered limited to policing and is, in fact, evident throughout the court system as well. Although the disadvantage that Aboriginal women face at this stage is less blatant than that found at the level of policing, it is especially salient in explaining the overrepresentation of Aboriginal women in the Canadian prisons. As a population, when dealing with the court system, Aboriginal peoples ðare more likely to be denied bailí not have legal representationí [and are] more than twice as likely to be incarcerated than non-Aboriginalsö (Restoule, 2009, 259). As this demonstrates, Aboriginal peoples face a severe disadvantage in judicial proceedings, a factor which should be seen as directly linked to their overrepresentation. Dell suggests that Aboriginal women, in particular, face stigmatization and misrepresentation at sentencing (as cited Dell & Kilty, 2013). Although research supports the notion that Aboriginal women are treated unfairly in the court system, ultimately increasing the likelihood that they will be incarcerated, the implementation of special sentencing practices has perhaps created the perception that this disadvantage does not exist.

While it may be argued that special sentencing practices, such as those arising from *R v Gladue*, have worked to remedy this disadvantage, or even provide an advantage to Aboriginal peoples, these practices should be considered ineffective, especially in regard to the sentencing

of Aboriginal women. This is most evident in judges' reluctance to apply these principles. For example, it has been suggested that this "special consideration" for Aboriginal offenders, [along with] non-carceral sentencing alternatives [,] are pursued most often on behalf of [Aboriginal] men and seldom on behalf of Aboriginal women" (Balfour, 2013, 86). This is severely damaging to the equality of Aboriginal women in court, as they are less likely to actually have these background factors considered. Thus, these principles lend an appearance of equality within the system, suggesting that no further reforms need to be made to the sentencing process. Ultimately, these principles cannot be considered effective if they are not actually being applied. However, this is not to suggest that the implementation of special consideration eliminates the disadvantage that these women face. Williams (2007) suggests that when Gladue principles are applied, it often results in the overemphasis of historical and ancestral issues, reinforcing the notion that the criminality of Aboriginal women is inevitable, and ultimately shifting the focus away from more immediate criminogenic factors. This improper application of these principles functions to further disadvantage Aboriginal women at sentencing, by disregarding the individual circumstances of the case at bar. As such, it is important to strike a balance between an understanding of the contextual factors contributing to the disproportionate amount of contact that Aboriginal peoples have with the criminal justice system and the recognition that the overemphasis of these factors can lead to generalizations that further disadvantage Aboriginal women.

Beyond special consideration of background factors, Aboriginal women should also be seen as disadvantaged at sentencing by preconceived notions about the justice system held by the court itself. This is illustrated by the fact that "sentencing judges are often under the impression

that Aboriginal people will have access to culturally appropriate programs, therapies, and resources for healing if they are sentenced to federal time (Milward, Parkes, 2011, 105). This should be considered incredibly problematic, as it ultimately punishes Aboriginal offenders beyond what they deserve by subjecting them to longer sentences, harsher institutions, and the stigma associated with being a federal offender. Although the fact that overrepresentation is actually worse at the provincial level, with Aboriginal females account[ing] for 38% of female admissions to provincial [and] territorial sentenced custody (Reitano, 2016, 5) gives rise to the argument that the misuse of federal sentences is rare, and has a negligible impact, this criticism should be considered extremely flawed. In many cases, the offenses these women have committed are relatively low-level crimes of survival and are thus unlikely to result in a federal sentence, regardless of judicial discretion. As such, while overrepresentation in provincial institutions demonstrates that judicial reliance on federal sentences as a pathway to treatment is not the sole cause of the overrepresentation of Aboriginal women in prisons, it should still be considered a significant contributing factor.

Additionally, while the tendency to default to a federal sentence certainly impacts both male and female offenders, the problems that it creates are exacerbated when considering female Aboriginal inmates. As many programs offered to women are only available at medium and minimum security levels, and Aboriginal women are particularly heavily overrepresented at the maximum security level, the majority of these women are excluded from these programs entirely (Restoule, 2009). As such, the use of harsher sentences as a way to provide access to treatment and programming should be considered ineffective and paternalistic. As well, this reliance on prison programming to meet the treatment needs of female Aboriginal offenders simply provides

an excuse for the lack of programming available in the community. Overall, Aboriginal women are severely disadvantaged throughout the sentencing process in many different ways. Despite the introduction of special consideration for Aboriginal offenders through the principles found in Gladue, little has been done to effectively address this discrimination, resulting in the courts continuing to contribute to the high rates of incarceration experienced by Aboriginal women.

### Carceral Experiences

#### *Classification of Offenders*

As previously discussed, Aboriginal women face discrimination and disadvantages at all stages of the justice system, thus contributing significantly to their overrepresentation in prisons. However, it is important to note that these disadvantages are also present in Aboriginal women's experiences of incarceration, resulting in longer terms and increased rates of recidivism, and thereby contributing to their overrepresentation. One of the primary ways that Aboriginal women are disadvantaged while incarcerated is through over-classification based on preconceptions about these women, and the misuse of risk assessment tools. For example, current assessment tools consider "a low level of education or employment training, past experiences of violence" [and any] addiction[s] (McGill, 2008, 99) as indicative of an offender with a high level of needs, which subsequently corresponds to a high level of risk. As many of these factors are incredibly prevalent amongst female Aboriginal offenders, the use of this tool unfairly singles them out based on background factors that are often out of their control. While it may be argued that this test is ultimately an objective tool, Restoule (2009) suggests that the offender intake assessment (OIA) was developed based on the standard of a male, likely Caucasian,

offender, and is thus inappropriate for use on women and individuals from different cultural backgrounds, resulting in these offenders being classified as posing a much higher risk than they actually do. The assignment of this 'high risk' label to these offenders subsequently exacerbates the discrimination that these women face while in prison, as it works to reinforce the stereotype of Aboriginal women as unpredictable and violent offenders.

This perhaps justifies the mistreatment that this population faces while in prison. According to McGill (2008), 'federally sentenced Aboriginal women are likely to experience harsher treatment' [by Correctional Service Canada] staff than their non-Aboriginal counterparts (100). This harsh treatment further victimizes many of these women, which, as previously discussed, feeds back into their offending behaviors. While this harsh treatment on an individual level is certainly problematic, this discrimination occurs at a systemic level as well. For example, these women are frequently placed in administrative segregation for long periods of time and are less likely to receive either day parole or full parole than non-Aboriginal female offenders. Additionally, Aboriginal women convicted of violent offenses often end up serving much longer sentences than non-Aboriginal women convicted of similar offenses (Canadian Human Rights Commission, 2003; National Parole Board, 2000 as cited in Restoule, 2009). As this demonstrates, Aboriginal women are generally kept in prison longer than non-Aboriginal women, thus contributing to their overrepresentation in the population of incarcerated women. As well, because these women are often subject to harsher treatment while in prison, they are in many ways victimized, ultimately increasing the likelihood that they will re-offend. However, perhaps most problematic is the negative impact that over-classification can have on their access to treatment and programming. As previously established, programming is often not available to

high-risk offenders, thus this misclassification creates a barrier between Aboriginal women and the treatment that they require. As such, these women are often released without having received the programming that they need to treat the issues that led them to offend in the first place, and that would ultimately help to reduce the likelihood that they will recidivate. Further, this lack of treatment reflects poorly on these offenders, as participation in programming is generally considered when determining whether an offender should receive any form of early release (McGill, 2008). Despite the fact that programming is not available to many of these offenders, this is still counted against them, making it less likely that they will be released. This contributes directly to the overrepresentation of Aboriginal women in carceral institutions, as it makes them much more likely to serve the entirety of their sentence in prison.

### *Culture and Correctional Programs*

While blocking female Aboriginal inmates' access to programming is certainly problematic, the current state of programs in Canadian prisons should also be seen as a factor that contributes to the overrepresentation of Aboriginal women as offenders. As research indicates, many programs offered by the Correctional Service of Canada (CSC) are "designed for male inmates and non-Aboriginal women, and then applied to Aboriginal women" (McGill, 2008, 101). This should be considered damaging to the well-being of female Aboriginal inmates, as they end up being treated in programs that are not only inappropriate for their gender, but for their cultural background as well. In many ways, this use of non-specific programming ignores the unique needs of these offenders, thereby reducing its efficacy. While this may be seen as a minor factor that is irrelevant to the program's ability to function, research suggests that "Aboriginal people respond better to culturally appropriate rehabilitation services [than]..to

mainstream rehabilitation services (Milward, Parkes, 2011,89).

Although this only addresses the impact of culturally appropriate services, this finding can be extrapolated to other factors. If culturally appropriate services are more effective, it perhaps holds that the creation of gender-specific programming would be more effective as well. Additionally, while this research focuses on all Aboriginal offenders, it has also been suggested that the need for culturally specific programming is especially vital to the wellbeing of female Aboriginal inmates. This suggestion is based on the fact that this population is much more likely to be moved to facilities far away from cultural and familial support systems, due to a country-wide lack of women's facilities (McGill, 2008). As such, these women are much more isolated from their cultures than male Aboriginal inmates, which may have a damaging effect on their rehabilitation. This use of inappropriate rehabilitation programming has a major impact on the number of Aboriginal women in prison, as it is less likely to effectively treat the issues that contributed to their offending behavior.

Although specific and appropriate programming is vital to reducing the female Aboriginal population in prisons, an over-emphasis on culture can also be damaging to the rehabilitation of these offenders. In their present form, the programs offered to Aboriginal women treat them as a homogenous population, ultimately "participat[ing] in the construction of an oversimplified, overgeneralized version of Aboriginal identity" (Martel & Brassard, 2008, 344). This can have a negative impact on these offenders' rehabilitation in multiple ways. Primarily, these programs function on the basis that Aboriginal peoples want to be inundated with their own culture (Martel & Brassard, 2008). This assumption is problematic, as it essentially forces Aboriginal offenders to participate in their culture, a practice which is not

extended to offenders of any other ethnicity.

Again, as these programs are over-generalized, these offenders are often forced to adopt cultural practices and traditions that may not actually reflect their background. This creates a reluctance amongst this population to actually participate in these programs. While this contributes to the overpopulation of Aboriginal women in prison by failing to rehabilitate and discouraging participation in treatment programming, it can impact this overrepresentation in an even more direct manner. As research suggests, "prisoners' participation in Aboriginal-centred programs is increasingly mandatory to their release" (Martel & Brassard, 2008, 357). This should be considered a direct obstacle to the release of female Aboriginal inmates, as it forces them to choose between remaining in prison and participating in culturally specific programming that does not, in fact, reflect their culture. Ultimately, a balance must be reached between providing culturally appropriate, gender specific programming, and ensuring that this programming is not based on stereotypes and generalized notions about Aboriginal culture.

Additionally, while programming and treatment should be available, and participation should be encouraged, participating in programming that is culturally based should not be mandatory to an offender's release. Although treatment may be considered compulsory, the requirement that it be culturally specific places extra constraints on Aboriginal inmates, by forcing them to participate in a culture with which they may not wish to identify. Overall, the present state of programming is failing Aboriginal inmates, females in particular. The many flaws in the current system should be considered a direct cause of overrepresentation, both by failing to effectively rehabilitate these offenders and by keeping them incarcerated for longer periods of time if they fail to conform to the CSC's view of an appropriate expression of

Aboriginal culture.

### Conclusion

Overall, Aboriginal women face a severe disadvantage at all levels of the justice system. In many ways, this disadvantage begins before the first contact with the justice system is even initiated, as the high levels of victimization that these women face as a result of their gender and cultural background places them at a much higher risk of offending than non-Aboriginal women. This disadvantage continues throughout their interaction with the justice system, whether it is through over-policing, discrimination at sentencing, or improper forms of classification and treatment in prisons. These factors work together to drastically increase the number of Aboriginal women in prison, and should be considered different stages in a cycle, as this systemic mistreatment further victimizes these women, and ultimately fails to provide both the consideration of their background, and the proper forms of rehabilitation that are required to help keep them out of prison. As a result, their contact with the justice system only serves to place them at a further disadvantage upon release, thus leaving them in a worse position than where they started. Despite this, the issue of overrepresentation of Aboriginal women in prisons cannot be considered solely the result of mistreatment by the justice system. Rather, this systemic discrimination should be seen as a reflection of the disadvantage that these women face in society at large. As such, a judicial reform should be undertaken to allow for proper consideration of the criminogenic factors that these women experience and to ultimately eliminate the discriminatory practices that occur at the hands of the justice system itself.

**Redefining Mandatory Vaccination as Necessary to Life and  
the Refusal of Vaccination as Criminal Negligence Causing Death**

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Cody Bondarchuk

## Introduction

Article 24 of the United Nations Convention on the Rights of the Child confirms the rights of children related to medical care and treatment (United Nations, 1989). Clauses within it include the responsibilities of countries to “diminish infant and child mortality,” “combat disease and malnutrition,” and “develop preventative health care” (24.2a; 24.2c; 24.2f). Canada is party to this treaty, and yet arguably the country’s government is shirking responsibility by not federally mandating mandatory vaccinations of preventable disease for children. It has been consistently and undeniably proven that vaccinations like the one for measles, mumps, and rubella (MMR) are safe, effective, and have contributed to the near-eradication of preventable disease in the last thirty years; while the Public Health Agency strongly recommends “that children are routinely vaccinated against measles through two doses of the MMR vaccine,” current laws have not adapted to consider this a necessity for children in Canada (Born et al., 2014).

Though the facts are one-sided, there have been divided opinions on vaccine safety; similar arguments arose around seatbelt regulation in cars in the 1970s and 1980s and routine vaccination “having undergone extensive testing” should similarly be required (CCMTA, 2011). Vaccinations should be considered part of the necessities of life cited in Section 215 (1) of the Canadian Criminal Code because of their proven benefits for protecting children from preventable disease, and parents who do not vaccinate children who are medically able to be should be considered responsible for death by criminal negligence under Section 220 of the Code if the child subsequently dies of a preventable disease (Calgary Legal Guidance, RSC, 1985).

Extensive work has previously focused on herd immunity and public endangerment due to low rates of vaccination in communities, but relatively little exploration has been done on the nature of withholding vaccination as a form of negligence causing death.

This paper first outlines the history of the vaccine debate in Canada and the United States and the continued skepticism that exists when parents make a cost/benefit analysis on their child's life. My argument then frames a refusal to vaccinate as a form of indirect killing by defining liminality, parental responsibilities for their children, and the role of public institutions. The paper concludes by discussing the next steps to regulating and requiring routine vaccination through prevention and education, allowing parents and guardians to become more aware of the potentially fatal consequences associated with not vaccinating their child (CBC News, 2016).

### History of Vaccine Skepticism

There has been steady opposition to vaccinations in recent decades, largely due to the MMR vaccination being a victim of its own success in its near-eradication of measles, mumps, and rubella (Kodish, 2014). When modern parents haven't witnessed peers dying of preventable diseases, they do not see the harm in neglecting to vaccinate their children. The lack of reinforcement through witnessing others die of these diseases has convinced parents these diseases are no longer a public health concern and vaccination is no longer necessary (Belisle, 2015). A 2011 EKOS study found the majority of parents are still choosing to vaccinate, but 11 percent still found the decision whether to vaccinate their children a difficult one (9). This is compounded by the fact that some children are not able to medically be vaccinated due to other existing conditions, allergies, or age - all legitimate reasons, and a factor in limiting the scope of

this argument to parents who have children medically able to receive vaccinations (Born et al., 2014).

A significant barrier faced to complete vaccination of all who are eligible is the misinformation surrounding the dangers of vaccination. In 1998 Dr. Andrew Wakefield and his associates published a paper in *The Lancet* on the links between the MMR vaccine and autism. While Wakefield did not stress an unequivocal link between the two in the paper itself he made the claim in a subsequent press conference (Wakefield et al., 1998; Lillvis et al., 2014). In 2010, *The Lancet* issued a full retraction of the paper and the United Kingdom's General Medical Council revoked Wakefield's medical license because of the conflict of interest stemming from his paid work as an anti-vaccine consultant and unethical practices, such as the unnecessarily invasive procedures the children in his study were subjected to (Lipinski, 2013). Nevertheless, the Wakefield paper reignited a controversy which resulted in parents questioning the safety of the MMR vaccine for many reasons not limited to autism. The debate continues today as parents consider the harmful chemicals within vaccines such as mercury (does not accumulate in the body), thimerosal (not present since 2001), aluminum (lower quantity than aluminum found in breast milk, but can cause redness or swelling at the injection site), and antifreeze (not in vaccines at all) (Haelle, 2015).

The retraction of the Wakefield paper in 2010 has done little to convince those against vaccination their fears are unfounded. Below is a selection of online comments from readers of the articles researched for this paper, to highlight the different reasons people choose to withhold vaccination:

Aug 27, 2014, 11:19 am: Why would you want to purposefully put toxins, mercury, aluminum and many

more harmful junk into someone you love????? once [sic] you see thatø what is in them. Think people and do your own research and then see if you still believe the government???? ø Brenda Webb (Born et al. 2014)

Aug 26, 2016: Are these authors from North Korea? Perhaps Hitler clones? It's obvious from reading their ridiculous article that they should refrain from blogging and start actually doing some common sense research, rather than just spew propaganda. ø Dr. Dan Spencer (Danzinger 2016)

June 27, 2014, 5:37 pm: PLEASE do your own research! There is a mountain of evidence showing that vaccines are the primary cause of the skyrocketing rates of autism, allergies, arthritis, asthma, diabetes, ADD, narcolepsy, SIDS, learning disabilities, etc... any honest person will see in a matter of minutes that the public is being kept in the dark by willful suppression of critical information ø Chris Robison (Kodish 2014)

Misinformation continues to circulate in communities and although arguments about the dangers of vaccines have been scientifically disproven, people remain skeptical of government research and data showing otherwise. Autism, which is now classified as a genetic disorder, has symptoms that generally appear in children at the same age they receive the MMR vaccination, so a correlative link was drawn that subsequent studies have proven does not exist (Bumiller, 2009; Maron, 2015). There is a distrust of scientific evidence because of the individual experiences of some parents; they believe vaccines cause autism because their first child was vaccinated and happened to have autism, while their second child did not get vaccinated and did not have autism (Bearman, 2012, 110). This parent infers they witnessed direct cause-and-effect because the symptoms of autism appeared soon after vaccination.

On the contrary, parents who choose to not vaccinate their children do not see a correlation between vaccination and their children getting measles three years later because the

events happened at different times. The cause-and-effect defense can also be used as a counter to this paper's thesis: the parent did not directly kill their child, but that does not mean they are not responsible for the child's death, especially when parents have been convicted of similar indirect negligence from lack of nutrition or proper clothing for extreme temperatures (Canadian Press, 2016; AP, 2016). Misinformation from sources like the Global Possibilities blog perpetuates baseless information that parents will research and base their conclusions on — especially when the "evidence" presented is a conspiracy theory about a whistle-blower at the CDC and "revelation[s]" about the destructive effects of the MMR vaccines (Coates Danson, 2015). The author claims the CDC purposefully withheld evidence linking thimerosal to autism, which undoubtedly leads parents reading the blog to make uninformed and potentially lethal decisions about their children (Bumiller, 2009).

Parents engage in a cost-benefit analysis when deciding on whether to vaccinate their children, which is an appropriate practice for decisions like whether to move to a new school district because the evidence is not overwhelmingly one-sided and the life of the child is not at stake depending on the school you go to. Objectively, there is difficulty in recognizing baseless opposition to facts in a decision to approve a vaccine, but the reality for many parents is their lived experience, and "illness of a close friend can impact one's perception of risk" in far more powerful ways than media reports can (Fu et al., 2011, 43). The reluctance of parents to vaccinate often comes from doubting a smaller child's immune system or their likelihood of getting the disease in question versus developing autism or an allergic reaction (Harmsen et al., 2013; Bearman, 2010). It can be difficult to combat experiences with data even if "the science is sound and the benefits" have been demonstrated, but that does not relieve parents of the

responsibility to care for their children and provide them with other proven necessities of life like shelter and nutritious food (Danzinger, 2016). Only four percent of children have adverse reactions to vaccines, which is a success rate higher than the mortality rate of mumps (EKOS, 2011; Bearman, 2010). However, anti-vaccination comments still appear on pro-vaccination websites, indicating the divide between facts and experience remains deep.

### Medical Neglect as Indirect Killing

The comparison of unvaccinated children to liminality is no doubt unintentional to their parents but exists nonetheless. Liminality traditionally exists as a sociological theory of being in-between life and death, and the same logic could be applied in a Schrodinger's cat scenario ó if a child is unvaccinated, they simultaneously do and do not have the ability to be infected with the preventable disease, and the results cannot be determined until they either contract the disease or get the vaccine. Nancy Scheper-Hughes' 1985 essay on her visits to Brazilian shantytowns provided the basis for my connection of unvaccinated children to liminality, and while understanding her work was focused largely on deliberate killing, the parents in her essay still killed indirectly. Killing does not necessarily have to be direct or active; Section 220 of the Canadian Criminal Code cites "negligence causing death to another person" as an indictable offense with an associated punishment (RSC, 1985, s.220). In the Ezekiel Stephan case, the crown prosecutor was quoted as saying "people who cannot care for themselves will receive the minimal standard of care expected by society," and the conviction of two parents who had neglected their child would reinforce the standard of care (Canadian Press, 2016). At the same time, most courts generally recognize the difference between not providing medical care and not properly feeding children, and would not consider a comparable sentence (CBC News, 2016). If

vaccinating children was to be considered the same as providing nutritious food, however, it would be taken more seriously. Another similarity between the liminality of children in developing nations and North American countries is childhood mortality as a problem of political economy, not of medical technology (Scheper-Hughes, 1985, 292). Ethical questions arise when safe and necessary vaccines exist and children are not being vaccinated; it makes no sense to have this medicine available and choose not to use it (Kodish, 2014).

That choice of whether to vaccinate their children is something anti-vaccination parents demand is their right as the child's guardian. The United States Senator Rand Paul was quoted as saying "the state doesn't own your children, parents own the children" in response to a proposed law limiting religious and philosophical exemptions to state-mandated vaccinations (Floyd, 2015). Rand's statement neglects the fact that children are not objects and parents have both rights and responsibilities. Having a child may mean you have a right to decide how to care for them, but "the rights of parents are [not] beyond limitation," as decided by the US Supreme Court in *Prince v. Massachusetts* (1944) (Skinner & Kohler, 2002). Countries have the duty to protect all their citizens, including children, and countries like France have considered withholding vaccinations a form of child abuse (Rouillon, 2014). Canada has similar laws, but they have not yet been applied to mandatory vaccinations. Section 215 of the Criminal Code outlines the responsibilities of a parent, "to provide necessities of life for a child under the age of sixteen years," and considers "the failure to perform a duty [that] endanger the life of the person to whom the duty is owed" as a punishable offence (RSC, 1985, s.215(1), 215(2)ii). Logically, the preponderance of evidence that vaccines are beneficial with limited danger would fall under this provision, where "parents still have to follow the standard of care set by the criminal law,"

regardless of how they choose to parent their children (CBC News, 2016).

Institutions have a supplemental role to play where parents are found to be neglecting their children's needs. In the same way, parents are required to use correct car seats and seat belts for their children, they should be required to vaccinate their children because of the proven risks of not doing so (Danzinger, 2016; Floyd, 2015). Current regulations in Canada exist to have the state interfere for medical emergencies when children's lives are in danger; as the potentially lethal consequences of not vaccinating children are well-established, this should be classified as a medical emergency as well (Calgary Legal Guidance). If the emergency is deemed to be a result of neglect, there are repercussions for parents beyond forced medical intervention, which is consistent with the thesis of classifying vaccines as necessities of life. In doing research on vaccinations, many Canadian parents included Health Canada on their list of sources (EKOS, 2011). 68 percent also trust their physician's advice, and six in ten parents recognize misinformation that exists online (iv). Fortunately, this empowers existing government structures to enforce a vaccine schedule through their networks. There are, however, religious or philosophical exemptions that exist and they can undermine the message that vaccines are safe (Danzinger, 2016). There are no known exemptions available for parents who do not wish to properly clothe their children on a cold day because the negative and deadly effects of extreme weather are well-known; so too are the dangers of refusing to vaccinate children, and should be treated similarly in the case of a child's death.

### Disease Prevention & Education

If the goal is limiting the killing of children through neglect, the previously mentioned efforts of institutions is essential to the success of defining vaccines as essential to children's health and preventing disease. There is evidence that criminal charges for parental neglect deters others from performing the same neglect (Vara, 2014). In France, a couple was sentenced for refusing to vaccinate their children against diphtheria, tetanus and polio; although the parents did not want their child to die, they were responsible for the death by not adequately caring for them (AFP, 2016). The state cannot always address cases before the child dies and was unable to in this case, so extra-legal institutions are necessary for prevention over punishment. In Maine, a non-profit society worked with the state to check up on parents immediately after their vaccine schedules lapsed. Through contacting them immediately and offering reminders they saw an 11.1% increase in immunization rates in just over two years (Belisle, 2015).

Success stories like this can help clarify the need for vaccines for skeptical parents as well; 95% of Canadian parents surveyed already consider vaccines moderately to highly safe, so these programs capture the remaining 5% and persuade them to continue vaccinations before it resorts to criminal cases (EKOS 11, p. iv). Individual cases of infection can persuade parents if they see it firsthand, but is an unreliable method of deterring vaccine refusal (Marturana, 2016). If education is unable to occur without legislation, there is no harm in requiring education legally. Ontario has proposed a law that would force those who reject vaccination to take a science lesson (Mohdin, 2016). This initiative affirms the objectivity of vaccine safety studies by recognizing science as more valuable to the debate than personal opinions. While anecdotes are valuable, evidence is absolute and is becoming critically important in disseminating online

information. The government must work towards gaining political and social capital on programs like this, and educating the public to prevent death (Aylward, 2001). The existence of laws without education and awareness is harmful and breeds conspiracy, while letting education and data speak for itself in conjunction with mandatory vaccination laws is preferred. Since the retraction of the Wakefield paper, more mandatory vaccination laws have sprung up and governments like Ontario are beginning to move towards mitigating violation of those laws before it escalates to death.

### Conclusion

It is true that high vaccination rates are important for public health, and when people make false claims about the dangers of vaccines it is the responsibility of scientists, journalists, and politicians to criticize and refute them. But calls to ostracize and ridicule vaccine critics may be as likely to harden hearts as they are to persuade. (Rothstein 2015, p. 4)

For the future prevention of preventable deaths, a child dying of preventable disease should be labelled as criminal negligence causing death. By classifying vaccines as items necessary to the well-being of children, the government reiterates its stance that the indirect killing of children by their parents is avoidable through parents conducting proper research. Data have been objectively conducted and produced, but the failure to recognize vaccinations as a necessity for children is what enables parents to unknowingly kill them, because the evidence that exists already is not enough on its own (Danzinger, 2016). While detractors of vaccines will point to the omnibus bill working its way through the US court system on damages for parents who believe the MMR vaccine contributed to their child's autism, the Canadian government has a duty to redefine criminal negligence for parents and guardians to include medical prevention

(Meyers, 2011; Willingham, 2013). Aylward (2001) points to vaccines as an effective tool for eradication, and in the same way tools like seatbelts have been proven to save lives and are no longer optional, precaution and preventing death through mandatory vaccinations outranks discomfort.