

Erin Dej - Speaking on behalf of: The narratives of professional advocacy groups (not the mentally ill) in the creation of the not criminally responsible defense

Professionalized advocacy groups are those who speak on behalf of a population but do not identify as part of the population. Their aim is to advance the claims of the group, particularly in the socio-political realm where subjugated knowledges are most often excluded. The space for professional advocates in both the formal political sphere as well as within the population they represent offers up complex questions about whose knowledge is being disseminated, how it is presented and how it is received by governing bodies in contrast with other stakeholders. I am asking these questions pertaining to professionalized advocacy in the reform of criminal justice policy. More specifically, I am looking at Bill C-30 – passed by Parliament in 1992 which had the effect of changing the insanity defence to ‘not criminally responsible by reason of mental disorder’. Using Goffman’s stigma management framework and aligning it with Foucault’s concept of subjugated knowledges, I was interested in the position of professional advocacy groups as witnesses in the proceedings of the Standing Committee on Justice and the Solicitor General. I considered both the way in which the three advocacy groups present their material and the impact their suggestions have on the Standing Committee. As mental health and its relationship with the criminal justice system is being found increasingly in the public domain, understanding where advocacy groups have been situated in the past and their potential in future policy development is essential.