

**SELECTED LEGAL TOPICS:
CANADIAN CORRECTIONAL POLICIES IN HISTORICAL PERSPECTIVE**

Professor Maeve McMahon, Department of Law and Legal Studies, Carleton University

Course Schedule and Readings

Note: There may be some adjustments (e.g. re the availability of a guest speaker)

September 6

- 1 ORIENTATION AND INTRODUCTION:** Course overview and objectives; discussion of assignments and preparation procedures; discussion of course readings and how they should be used; discussion of availability of additional readings (on reserve at the library); preliminary identification of relevant websites; discussion of student interests, hopes, and expectations.

September 13

- 2 The class will commence with a discussion of the essay assignment and relevant sources**

AN OVERVIEW OF THE CANADIAN CORRECTIONAL SYSTEM, AND IT'S HISTORY

Objectives:

- to examine the nature of punishment in early Canada
- to identify and discuss factors leading to the emergence of imprisonment as a form of punishment
- to introduce the contemporary organization of corrections in Canada

Reading: "The Structure and Operation of Canadian Corrections," pp. 459-494 in Curt T. Griffiths and Simon N. Verdun-Jones **Canadian Criminal Justice**. Second edition. Toronto: Harcourt Brace and Company. 1994.

September 20

- 3 THE PRISON, CRIMINOLOGY, AND THE RISE AND DEMISE OF REHABILITATION**

Objectives:

- to identify the perennial perception of a need for reform in corrections
- to identify linkages between the growth in use of imprisonment and the emergence of criminology, and the idea of rehabilitation, in the nineteenth century
- to discuss academic and political factors underlying the late 20th century demise of rehabilitation
- to examine the rise of community corrections and the genesis of critical criminological analyses of correctional issues
- to introduce the concept of 'net-widening' and its problematic aspects

Reading: “Imprisonment, Alternatives, and Penalty,” (pp. 3-9), “The Prison, Criminology, and Rehabilitation,” (pp. 10-22), and “The Evolution and Assumptions of Critical Literature on Community Corrections,” (pp. 23-44) in Maeve W. McMahon **The Persistent Prison? Rethinking Decarceration and Penal Reform**. Toronto: University of Toronto Press. 1992.

September 27

4 VISITING GUEST SPEAKER: KIM PATE, EXECUTIVE DIRECTOR, CAEFS (Canadian Association of Elizabeth Fry Societies)

Objectives:

- to illustrate and explain the situation of female offenders in Canada since the early 1990s
- to address some of the reforms that have taken place concerning female offenders over the past few decades
- to illuminate current issues for female offenders
- to discuss the case of Ashley Smith and its implication for human rights

Readings: “Assisting Female Offenders: Art or Science?” (pp. 279-328) by Maeve W. McMahon in Maeve W. McMahon (Editor) **Assessment to Assistance: Programs for Women in Community Corrections**. Lanham, MD: American Correctional Association, 2000. This reading is contained in the coursepack. It is also available on reserve at the library.

Students should generally consult the CAEFS (Canadian Association of Elizabeth Fry Societies) website.

Arbour, Commissioner Louise *Commission of Inquiry into Certain Events at the Prison for Women*. Ottawa: Public Works and Government Services Canada. 1996. You can access the report online by going to the website www.justicebehindthewalls.net and clicking on ‘resources.’ Note: This reading is also optional, but is mentioned as a potential resource for students writing essays about female offenders.

October 4

5 CONTROL AS ENTERPRISE: REFLECTIONS ON THE REVIVAL OF PRIVATIZATION IN CORRECTIONS

Objectives:

- to introduce the notion of ‘punishment for profit’ and to raise questions about the ethics of such practices
- to examine various forms of entrepreneurship which have recently been evident both in corrections and in criminal justice more generally
- to historically review the evolution of privatization in corrections and criminal justice during the latter half of the twentieth century

Readings: “Control as Enterprise: Some Recent Developments in Privatization and Criminal Justice,” (pp. 109-128) by Maeve W. McMahon in Steve Easton (Editor) **Privatizing Correctional Institutions**. Vancouver: The Fraser Institute. 1998. Available in the coursepack and also on reserve at the library.

“Correctional Renewal Without the Frills: The Politics of ‘Get Tough’ Punishment in Ontario” (pp. 105-121) by Dawn Moore and Kelly Hannah-Moffat in Joe Hermer and Janet Mosher (Editors) **Disorderly People: Law and the Politics of Exclusion in Ontario**. Toronto: Fernwood, 2002. Available in the coursepack and also on reserve at the library.

October 11

6 **PROBLEMATIC ASPECTS OF THE DECARCERATION LITERATURE AND DEINSTITUTIONALIZATION IN ONTARIO AFTER WORLD WAR II**

Objectives:

- to examine literature from the late 1970s and early 1980s concerning decarceration and ‘net-widening’
- to identify empirical and political limitations of the critical literature
- to examine discourses and practices concerning imprisonment and alternatives in Ontario after the second World War
- to document the proportionately decreasing use of imprisonment in Ontario after the second World War

Reading: “Problematic Aspects of the Decarceration Literature,” (pp. 45-76) and “Decarceration in Postwar Ontario,” (pp. 77-103) in Maeve W. McMahon **The Persistent Prison? Rethinking Decarceration and Penal Reform**. Toronto: University of Toronto Press. 1992.

October 18

ESSAYS DUE AT THE BEGINNING OF CLASS

7 **EXPLAINING DECARCERATION IN ONTARIO**

Objectives:

- to examine trends in the use of prison and probation
- to analyze the significance of fine defaults for imprisonment rates
- to examine the situation of drunkenness offenders in Ontario after the second World War

Reading: “Explaining Decarceration: Trends in Probation and Community Corrections,” (pp. 104-124), “Explaining Decarceration: Fines and Fine Defaults,” (pp. 125-141), and “Drunkenness Offenders and the Revolving Door,” (pp. 142-169) in Maeve W. McMahon **The Persistent Prison?**

Rethinking Decarceration and Penal Reform. Toronto: University of Toronto Press. 1992.

**October 25
8**

**VISITING GUEST SPEAKER: CATHERINE LATIMER, EXECUTIVE DIRECTOR,
JOHN HOWARD SOCIETY OF CANADA**

- Objectives:*
- to identify recent and current issues in Canadian corrections
 - to reflect on the role of non-governmental organisations in reforming corrections in Canada
 - to identify some of the consequences of recent legislation (e.g concerning pardons; and also the effects of mandatory minimum sentences).
- Reading:* Please consult the website of the John Howard Society of Canada for information about their activities.

November 1

FALL BREAK – NO CLASSES

**November 8
9**

FIELD TRIP TO THE OTTAWA JAIL AT 75 NICHOLAS STREET

OUR TOUR WILL COMMENCE AT 3.30PM. THIS WILL ALLOW STUDENTS TIME TO GET DOWNTOWN IF TRAVELLING FROM CARLETON UNIVERSITY OR ELSEWHERE. THE TOUR TAKES ONE HOUR – WHICH AGAIN GIVES STUDENTS TIME TO GET TO WHEREVER YOU NEED TO BE FOR 5.30PM. Further information about the tour will be provided in class in the weeks prior to our visit.

November 15

**10 THE ORIGINS AND ACCOMPLISHMENTS OF COMMUNITY CORRECTIONS
IN ONTARIO**

- Objectives:*
- to identify and explain the significance of 1) prison overcrowding, and 2) changing provincial fiscal policies with respect to the accelerated growth of community corrections in the 1970s
 - to discuss official discourses about community corrections and to elucidate how these discourses, and related practices, have historically served the interests of the ministry of corrections and its officials

Reading: “The Origins and Accomplishments of Community Corrections in Ontario,” (pp.170-187) in Maeve W. McMahon **The Persistent Prison? Rethinking Decarceration and Penal Reform.** Toronto: University of Toronto Press. 1992.

November 22

11 THE SITUATION OF WOMEN WORKING IN CORRECTIONS: A CONTEMPORARY HISTORY

Objectives: - to provide a history of women working in prisons for men in Canada
- to provide some observations on female offenders and female correctional workers in international perspective

Readings: “Women Working in Corrections and in Prisons for Men,” (pp.3-15) and “A History of Women Working in Corrections and Prisons for Men,” (pp. 16-27) in **Women on Guard: Discrimination and Harassment in Corrections.** by Maeve W. McMahon. Toronto: University of Toronto Press. 1999.

November 29

12 PRE-EXAMINATION REVIEW OF COURSE CONTENT & MATERIALS

Objective: - to review key points of course materials thus far, and so to assist students in preparing for the examination

Reading: Students should be reviewing all course materials.

There will be a final examination of 2 hours duration during the formal examination period (December 11-22. Examinations are normally held all seven days of the week). Closed book. 50% The examination will consist of multiple choice (20%); True/False and short answers (20%), and an essay (10%).

More information about the examination will be provided in class.