

**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)*

*Additional Note: Required readings are available in the coursepack. They are also available on reserve at the library (for 2 hour loans in the library).*

**IMPORTANT SCHEDULE INFORMATION RE FINAL CLASS:**

**While our classes are usually on Mondays the final class will be on Friday December 9. This is necessary in order to conform with Carleton University's scheduling and calendar requirements.**

**September 12**

- 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 19**

- 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 26**

- 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 20<sup>th</sup> 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.

Note: If you have not already paid \$15 for our field trip to the Ottawa Jail please pay at this class.

**October 3**

**4**

**THE PRISON, CRIMINOLOGY, AND THE RISE AND DEMISE OF REHABILITATION (continued)**

**VISITING GUEST SPEAKER; KIM PATE, EXECUTIVE DIRECTOR OF CAEFS - THE CANADIAN ASSOCIATION OF ELIZABETH FRY SOCIETIES**

*Reading:* See reading for week 4 (above)  
Please also consult the website for CAEFS – the Canadian Association of Elizabeth Fry Societies – to gain some information about the organization and its advocacy activities on behalf of women and girls in conflict with the law.

**October 10 (Thanksgiving)**

**NO CLASS**

**October 17**

**ESSAYS DUE AT THE BEGINNING OF CLASS**

**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.

“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.

**October 24 (fall break) NO CLASS – FALL BREAK**

**October 31**

**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.

**November 7**

**7**

**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. WE WILL MEET AT THE OFFICE OF **HAUNTED WALKS INC. LOCATED AT 46½ SPARKS STREET (NEAR ELGIN STREET)**. WE WILL PROCEED TO THE JAIL AT NICHOLAS STREET. THE TOUR SHOULD BE COMPLETE BY 4.45PM.

**November 14**

8

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

*Objectives:*

- to identify and discuss recent and current issues in corrections
- to reflect on the roles of NGOs (non-government organizations) in correctional reform
- to examine recent government efforts in reforming punishment (e.g. restrictions on access to pardons; and the expansion of mandatory minimum sentences)

*Reading:* Please take a look at the website for the John Howard Society of Canada and come to class prepared with questions for our speaker.

**November 21**

9

**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.

**November 28**

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.

**December 5**

**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.

**December 9 (Note: Friday December 9)**

**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 10-22. 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.**