

The Political Economy of Corrections: Is Canada Ready for Penal Mass Production?

Greg McElligott, Professor
Community and Justice Services
Humber College ITAL
greg.mcelligott@humber.ca

Introduction

This paper studies the institutional echoes of 'law and order' politics. When tougher criminal sanctions demand more prisons, state authorities at many levels must decide how they will be provided. In doing so they influence the message that punishment sends to inmates and outsiders. State agencies are organized like other units of production, and have always been sensitive to private sector models. Prisons in particular have developed in close association with factories and the technologies of mass production – not only because they faced common organizational dilemmas, but also because they instilled similar and complementary notions of discipline.

These coincidences underline the importance (and weaknesses) of prisons as political tools. Buildings like Ontario's superjails may showcase new – and very expensive - technologies for purposes that are economic, ideological, or related to deterrence in some general way. Critics argue that these institutions play a more specialized role, creating "spectacles of terror" directed primarily at the poor. But what mechanisms link the shifting order of industry with the 'modernization' of penal production? And how are their production lines meshed?

Governments receive ongoing advice from auditors, lobbyists and suppliers, but for really major changes - especially when a new party has come to power, they often turn to "outside" advisors in Royal Commissions, special task forces, and so on. This has been the pattern in corrections and elsewhere for quite some time, and it was repeated after the Harper Conservatives won the federal election of 2006. They quickly appointed a panel to review the mandate, organization, and methods of the Correctional Service of Canada (CSC), and in late 2007 this panel issued its report, entitled *A Roadmap to Strengthening Public Safety* (CSC Review Panel, 2007). The 109 recommendations contained therein were embraced by the new government, and by all indications are well on their way to being implemented (CSC, 2009).

This *Roadmap* bears the imprint of the "tough, no frills" approach to corrections adopted during Ontario's "common sense revolution." That influence is not surprising, considering that the CSC Review Panel was chaired by Rob Sampson, a Harris-era minister responsible for privatization, and later, prison reform. His Review Panel's advice was directed at a federal cabinet that contained three other former Harris

ministers, now prominently placed in Ottawa (Jim Flaherty in Finance, Tony Clement, now in Industry, and John Baird, now in Transport, Infrastructure and Communities.) The Ontario link can tell us much about the direction the *Roadmap* has chosen, and in the pages below I will use it to shed light on the federal reforms now underway. After first establishing the relevance of corrections *per se* to political economy, this paper will examine the nature of the Ontario reforms, which I have argued elsewhere were motivated by a kind of "Tory high modernism" (McElligott, 2008). The influence of that ideology on the federal *Roadmap* will then be traced more systematically, with some of its attendant dangers highlighted. In the end it should be clear that there exists tremendous potential for waste and disruption in following this route – a route only marginally connected to crime and crime reduction.

Corrections and Political Economy

Political economists since Marx have argued that capitalist economies are founded on coercion, and, periodically, campaigns of intense state coercion. In the early stages of capitalism, "great masses of men [sic] are suddenly and forcibly torn from their means of subsistence, and hurled as free and 'unattached' proletarians on the labor-market" (Marx, 1977: 716). "Primitive accumulation" in such times relies heavily on the state both to dispossess, and later control, the new working classes. Perelman (2000) argues that:

Primitive accumulation cut through traditional lifeways like scissors. The first blade served to undermine the ability of people to provide for themselves. The other blade was a system of stern measures required to keep people from finding alternative survival strategies outside the system of wage labor (14).

"Stern measures" have traditionally taken the form of laws against vagrancy and petty crime that are enforced almost exclusively on the dispossessed classes. Marx (1977: 734) describes 16th century England's "bloody legislation against vagabondage" in these terms. Stern measures of a similar sort were applied to freed slaves in the American South, through the "Jim Crow" laws of the 1860s (Oshinsky, 1996). Industrializing countries in our own time frequently rely on the heavy hand of the state to enforce the transition from rural agrarianism to urban capitalism (Scott, 1998).

Police and policing are obviously crucial in this regard, and Neocleous (2000) has explored their role in controlling and shaping the working class. Gordon (2006) uses a similar approach to analyze the recent resurrection of vagrancy laws in Canada, linking intensified law-and-order policing to the demise of the welfare state. In Ontario, the Harris government wielded the twin blades of dispossession and coercion with notable vigor, disenfranchising thousands of welfare recipients while cracking down on non-wage survival strategies like panhandling (Gordon, 2006). To institutionalize a new ethos of discipline and self-reliance, the Harris Tories embarked on a wide-ranging

reorganization of provincial institutions, which included a massive consolidation and expansion of the provincial prison system (McElligott, 2007,2008).

If one accepts the foundational role of coercion in a capitalist market, then the significance of the means of coercion (including at least the police, prisons, and courts) should be obvious from a political economy perspective. But if doubts linger on this score, or perhaps on the modern relevance of primitive accumulation, there are at least three other effects worth noting about corrections in particular.

First, it costs about \$3 billion a year to operate and maintain all the prisons and correctional programs in Canada (Griffiths, 2008: 11, 29). This spending is overwhelmingly focused on incarceration – about 80% of it supports federal or provincial jails, where each inmate absorbs from \$82,000 to \$170,000 per year in custodial and living expenses (Griffiths, 2008: 29). Corrections also employs thousands of people: about 30,000 in adult services alone (CSC Review Panel, 2007:10; Statistics Canada, 2005). Prisons tend to have a large impact on their local economy, so those promoting new or refurbished ones often trumpet the new jobs and contracts that will result. Critics are dubious about “Carceral Keynesianism” as an economic strategy (Mosher et al 2007), but as a variety of civic boosterism it may rebound to the benefit of local politicians, at least.

Second, prisons are part of a core state function, but they have always relied heavily on private sector suppliers and volunteers. Not surprisingly, the current political climate has raised questions about where the public/private line should be drawn, and how much of the means of coercion should be producing private profits. Private prisons are now a major international industry, and they have had some success in penetrating the Canadian market, especially in Ontario. Their success elsewhere has come at the expense of those who live and work within prison walls, and has contributed to the emergence of a “Prison-Industrial Complex” whose interests are tied to increasingly punitive laws and mass incarceration (Coyle, Campbell, & Neufeld, 2003; Herivel & Wright, 2007; Parenti, 2000; Sudbury, 2005; Weiss, 2007-08)

Finally, prisons, like schools, have always embodied and helped to construct the work ethic that is supposed to motivate everyone in a capitalist labor market (Foucault, 1995; Ignatieff, 1978; Rothman, 2002). Like schools, they tend to be seen as mechanisms through which a wide variety of social ills can be addressed, and like schools, they often take the blame when things go wrong. Periodic campaigns against “idleness,” low productivity, or “unrealistic expectations” are likely to involve both schools and prisons, as the former are tasked with implanting the work ethic, and the latter with disciplining those who deviate from it. But criminal law and its institutions are hardly universal in their application. As Riemann notes in the American context: “the label 'crime' is not used in America to name all or the worst actions that cause misery and suffering to Americans. It is primarily reserved for the dangerous actions of the poor” (cited in

Taylor, 2002: 106). As a result, prisons teach their lessons primarily to the poor and marginalized, although others may be affected by their example.

Tory High Modernism

As noted above, under Mike Harris's Progressive Conservatives (1995-2003) the government of Ontario undertook a particularly ambitious program of state restructuring that involved consolidation of schools, school boards, hospitals, municipalities, and prisons. Each consolidation had the effect of "rationalizing" government services in line with fashionable "lean production" precepts, but often at the expense of accessibility and democratic control. Arbitrary performance measurements and funding formulae kept the remains of the welfare state on a short leash, while various privatization initiatives proceeded apace. Dramatic cuts to the provincial welfare budget, the advent of workfare, the rollback of union organizing rights, and the loosening of overtime limits marked the government's commitment to a cheap labour strategy reminiscent of those in the American South. Rhetorically, there was an overarching emphasis on restoring discipline – to provincial finances, to "coddled" welfare recipients, prisoners, and students, to wayward youths, and to provincial public servants (McElligott, 2007, 2008).

The speed and breadth of these changes were almost unprecedented in a Canadian context, and they expressed ambitions grand in scope. Taken together, they reflected a desire to remake not only the provincial state, but also the population itself. Such ambitions underline the inadequacy of labels like neoconservatism or neoliberalism when describing the Common Sense Revolution. Its proponents, I have argued, following James Scott (1998), actually share an ideology of "high modernism" with people like F.W. Taylor, Le Corbusier, Lenin and Robert McNamara (McElligott, 2008).

High modernists "envisioned a sweeping, rational engineering of all aspects of human life in order to improve the human condition" (Scott, 1998: 88). Typically they seek to impose a vision of rational order that is as tidy and symmetrical as a blueprint or a scale model – something that "*looked* regimented or orderly in a geometric sense" (1998: 4). If such models are actually realized, they have the effect of making parts of society more *legible* to the state – easier to know, easier to tax, and easier to control (1998: Ch. 1). Yet legibility is often built on simplification and delusion, and grand plans tend to be imposed with little regard for local context or the "practical knowledge" of workers and their communities (1998: Ch. 9).

Histories of the first penitentiaries describe them in remarkably similar terms, as new institutions designed to restore a particular kind of order to societies in flux (Ignatieff, 1978; Rothman, 2002). Kingston Penitentiary, built in 1835, was one of the earliest, and it responded not just to flux, but also to incipient rebellion (Wright, 1996). The vision it embodied reflected not so much the high modernists' sense of irreversible progress, but rather a Tory yearning for the restoration of an older order, "a community ... where the

old values of obedience by the lower orders to a higher power were implicit” (MacLeod, cited in Wright, 1996: 100, n. 23). State institutions – criminal law and the walls of the penitentiary itself – were deployed to this end, consistent with “the fundamentalist Tory belief in the possibility of reshaping human character through strong institutionalism” (Oliver, 1998: 110).

This Tory version of modernism confined itself to the few state apparatuses available to a colonial regime in the early 19th century. A century and a half later, the Common Sense Revolution engaged a much wider range of institutions, while retaining the basic Tory impulse, and thus is best understood as an expression of “Tory high modernism.” This revolution was a product of economic and political crises linked primarily to globalization, but it was also profoundly influenced by the spread of lean production techniques in the private sector. The latter were crystallized for public officials in books like *Reinventing Government* (Osborne & Gaebler, 1993), which advised managers to offload as many non-essential functions as possible, and jettison buffers, redundancies, inventories and other overhead costs.

This implies a much greater reliance on work that is contracted out or casualized, and a host of political decisions about which functions are really essential and/or necessarily part of the public sector. Aside from helping to justify cutbacks and privatization, this particular definition of efficiency presumed a major attitude change among workers who might once have expected some degree of job security from their employers. Thus delivering a more pliable and less demanding workforce was a central goal of the Harris government, and enhancing, rather than alleviating, the “dull compulsion of economic relations” (Marx, 1977: 737) was its *raison d’être*.

It is in this context that jails became an increasingly important part of provincial labour market policy, directed at boosting the work ethic of those that schools or workfare could not reach. Here the superjail can be seen as the symbolic flagship of the whole revolution. Based on “supermax” prison designs in the United States, the superjails replaced dozens of “obsolete” local jails with much larger, centralized, high-tech facilities. Their design embodied the key principles of lean production (offloading, contracting-out, and so on), while concentrating production and decision making, maximizing economies of scale, and using impersonal security technologies (and sheer size) to provide a deliberately “tough, no frills” environment to deter offenders and would-be offenders. Not surprisingly, these were impressive and symmetrical panoptic structures, designed to intimidate the thousands who passed through them while blending in with their cottage-country or suburban surroundings. Government officials were enthusiastic. They gushed over the massed power of video surveillance and computerized controls, exhibiting what Scott calls a typically high modernist “hyperfaith” in machines and large-scale projects (1998: 242).

Tory high modernism in Ontario, then, was an attempt to restore traditional Tory values (like deference and hard work) in the lower echelons of the labour market through

institutions reengineered to look rational, to employ the latest technologies, and to offer up more of the state to private investors. This project was designed both to serve and to reflect the general degradation of work that accompanied increasing globalization. As jobs were lost and welfare cheques cut, the coercive edges of the provincial state were sharpened to reinforce labour market discipline. The twin blades of dispossession and stern measures had returned.

Of course the Harris government was itself displaced in 2003, due in large measure to the widespread disruption and opposition its “revolution” had engendered. But some of its key players simply moved on to the federal level, winning places at the cabinet table of the minority Conservative government elected in 2006. Within a year that government had received the CSC Review Panel’s *A Roadmap to Strengthening Public Safety* (2007) from Rob Sampson, Harris’s former Minister of Correctional Services. The Panel’s report contained 109 recommendations, organized under five thematic headings. These will be discussed below in three sections that condense those themes: Accountability; Employability; and Infrastructure.

As will be seen, the ethos of Tory high modernism suffuses the report, making its conclusions as relevant to the labour market as they are to the punishment and prevention of crime. It should be noted, however, that the Harper government has not (yet) embraced the Harris strategy of massive and widespread change, nor has it declared war on public sector unions the way Harris did. Notable in the the *Roadmap*, for example, are repeated attempts to incorporate, rather than exclude, the concerns of frontline corrections workers and their unions. This difference, however, may actually make the *Roadmap* more sustainable, and thus, more dangerous.

Accountability

The panel argued for a new model of offender accountability that stressed the obligations, as well as the rights, of citizenship inside prison walls. Rehabilitation was now to be an explicitly shared responsibility, in which the offender would be more or less obliged to participate. The Panel held it to be “a fundamental principle of democracy ... that individuals are responsible and must be held accountable for their actions. This should be no different simply because an individual is incarcerated” (CSC Review Panel, 2007: 15). Later a similar view was reiterated with respect to parole eligibility. To encourage enthusiastic use of rehabilitation opportunities:

... different privileges should be afforded those offenders who are positively engaged than to those who are not. Life inside penitentiaries should mirror Canadian society, and the core concept should be the same: earn your own way (2007: 109).

The repeated suggestion that offenders should be more exposed to normal social obligations was matched, paradoxically, with equally strong assertions that they should

not have access to normal social rights. The Panel suggested that the guiding principles contained in the key federal corrections legislation (the *Corrections and Conditional Release Act*, or CCRA) be amended so that the CSC, in managing offenders, would no longer be constrained to use “the least restrictive measures” consistent with public safety. Instead, CSC would use “*appropriate measures*” consistent with public safety *and* the need to encourage rehabilitation (2007: 6, 17). More explicitly, the Panel argued that offenders should no longer “retain the rights and privileges of all members of society,” except those necessarily limited by their sentence. Instead, they should “retain the *basic* rights and privileges” of other Canadians, and only if these did not conflict with their sentence *and* the need “to encourage the offender to begin and continue to engage in his or her correctional plan” (6, 17).

The Panel had concluded that too many inmates were balking at rehab programs, and blamed the incentive structure at work inside federal prisons. Keen program participants usually lived in the same conditions as those who merely served their time, while most non-participants were automatically eligible for Statutory Release after serving two-thirds of their sentence (2007: 109). The keeners would have a better chance at earlier parole (Day Parole could start at the one-third mark), but the Panel argued that trends to shorter sentences (or alternatives to prison) allowed too many offenders – especially younger ones – to avoid changing their ways, and simply wait out the sentence (4, 109).

The Panel, echoing complaints by the Corrections Officers’ union, decried the lack of consequences for non-participation, and for more aggressive behaviour aimed at COs or other inmates (2007: 24-5). According to the Panel, internal disciplinary processes too often led nowhere, external criminal charges were rare, and segregation in many institutions was so much like other cells that many inmates actually sought it out to avoid double-bunking (23-4). The language in which the Panel condemns this situation is instructive:

The Panel believes that life inside a penitentiary should promote a positive work ethic. **Today, an offender working hard at rehabilitation is often treated no differently than an offender who is seeking only to continue his criminal lifestyle.** The Panel believes that this is detrimental to promoting offender accountability (2007: 20, original emphasis).

Here accountability and discipline are aimed at instilling a “positive work ethic,” which is posed as the opposite of a “criminal lifestyle.” Formal prisoner rights were to be sacrificed to this end, and many remaining rights were to become highly conditional privileges. A new structure of “incentives” would force inmates to convince a series of discretionary decision makers that their work ethic had been restored. This would be accomplished by abolishing Statutory Release, and replacing it with a system the Panel called “Earned Parole” (2007: 114-18).

As outlined by the Panel, Earned Parole clearly responds to the hot-button issue of offenders committing violent crimes while on parole or after Statutory Release. The Panel rightly notes that inmates who avoid programs and emerge “unprocessed” after Statutory Release are more likely to re-offend (2007: 113-14). But it does not note that they make up a small minority, even within the SR category. Those who are gradually released through Day Parole or Full Parole have higher success rates, and offenders in all categories are much more likely to return to prison because of “technical” violations of their release conditions (associating with criminals, using alcohol or drugs, etc.). Those who return because of new crimes are much more likely to have been convicted of a *non-violent* offense (National Parole Board, 2007: 140, 148-9). So the Panel is recommending a much tighter system of gradual release that is, overall, likely to keep many more “deserving” prisoners in jail for longer terms. Yet the statistics it cites might equally be used to argue for more, earlier, access to conditional release programs like Day or Full Parole.

The Earned Parole option makes major assumptions about program availability (i.e., that spots are available in the right program in the right institution at the right time) which are discussed later in relation to prison infrastructure (see below). But if availability issues are not adequately addressed, it will be impossible for offenders to do what is required of them to earn parole. The Panel’s rationale also makes more basic assumptions: that people can be coerced into genuine participation in rehabilitative programming; that enforced programming can lead to real personal change; and that personal change (rather than family, community or social change) can really reduce crime. Misapprehensions or logistical problems in any of these areas will again mean that Earned Parole keeps more people in prison longer, and leaves them less less prepared for their eventual return to society.

These potential effects sit uneasily beside the premises with which the Panel begins its report. The call to urgent action and dramatic change is based on what the Panel conceives to be fundamental shifts in the federal offender population. The latter is said to contain more violent and repeat offenders, more substance abusers and gang members, and more people with serious mental health issues (2007: 3-4). And, crucially, they are apparently housed in federal facilities for shorter periods – due to “a trend to shorter sentences” (4). That is a disputable claim – offenders may simply be taking longer to reach federal prisons because trial delays keep them warehoused in provincial remand facilities (John Howard Society of Ontario, 2007). But the Panel advances it to justify most of their *Roadmap*: “CSC now has an offender population that is **more violent and requires either more interventions or different types of interventions, which must be provided in an even shorter timeframe** (CSC Review Panel, 2007: 4, original emphasis).

Of course, if the new Earned Parole system does in fact result in more time served in prison (or if other Conservative changes, like an increase in mandatory sentencing, have

the same effect), then there will be less reason to opt for different, more intense interventions. As will be seen in the next section, the main “difference” foreseen by the Panel is a much more thoroughgoing commitment to employability and the work ethic. And the whole range of rehabilitative programming would be made more intense by punishing inmates who do not participate (with tighter security, fewer privileges, etc.). Any sort of early release would be conditional on “a case-by-case assessment of risk, progress in addressing criminogenic, behavioural and skills deficits, with a focus on employment options in the community” (2007: 115, diagram).

These constraints would be supplemented by measures to curtail “frivolous and vexatious grievances by offenders” (168), and, in the name of guard safety, compulsory testing on entry for AIDS/HIV and other infectious diseases (62). This latter drew objections from the Canadian HIV/AIDS Legal Network, which noted that such a measure would be both unwarranted, and a major violation of Charter guarantees, privacy laws, and UN guidelines (Elliott, 2007). The John Howard Society objected to the former, and to the erosion of gradual release provisions through Earned Parole. Gradual release was crucial to building citizenship, it argued, because “one cannot learn citizenship in prison any more than one can learn to play tennis in a submarine” (Stewart, 2007).

As we have seen, however, the Panel was committed to reducing the rights, and boosting the duties, of prisoners. Those duties were crystallized in a proposed new section on “Offender Accountabilities” for the CCRA, which would have demanded that prisoners “obey penitentiary rules..., respect the authority of staff at all times; and actively participate in programs...” (CSC Review Panel, 2007:16). Since active participation was to focus increasingly on work, it is fair to say that the Panel sought a more effective way to instill obedience, respect, and the work ethic in federal prisoners. Those goals were shared by the Tory modernists who built Kingston Penitentiary, and by the Tory high modernists who built the superjails. The Panel was also keen to ensure that offenders, once released, would bring their habits of obedience and respect into the workplace. After briefly discussing this aspect of the report, the section on infrastructure should demonstrate more clearly the high modernist dimensions of the Panel’s *Roadmap*.

Employability

The Panel recognized that attitude adjustments of the sort described above were not, in themselves, sufficient preparation for the modern labour market. So much of the remainder of the report examined CSC programs and structures to assess their contribution to an offenders’ employability upon release.

The word employability, it should be noted, is an artifact of the new economy that embodies diminished expectations about jobs and the labour market. It suggests workers should be flexible enough to adapt to whatever the market and employers demand, and in particular it suggests that workers are to expect many different jobs and

very little security in the course of their working life (McElligott, 2001). The word also reflects the harsh reality that demand for unskilled male labour has declined precipitously in recent years, in tandem with the decline of manufacturing and related jobs. People who end up in prison are likely to have fewer educational credentials than other Canadians to begin with, and when released they are further encumbered by a criminal record. In the current economy, this can make finding and retaining work a real problem – especially for those dealing with other disadvantages, as most are.

These realities are processed by the Panel into demands that programs and structures inside prison be directed more emphatically toward employability. Behavioural and educational programs are research-based and conceptually sound, notes the *Roadmap* but “the Panel did not witness any extensive CSC work on integrating these programs with job readiness programs” (CSC Review Panel, 2007: 37). Adult basic education and vocational training were worthwhile, said the Panel, but only 31% of participants completed these programs, and “if education is a critical component of an offender’s successful return to society as a productive, law-abiding citizen, the completion rate must be improved” (44). Similarly, only 15% of offenders found places in CORCAN, the work and training program that used prison labour, sometimes in partnership with private employers, to maintain and supply prisons and other public sector institutions (45).

Tellingly, the Panel expressed concern that “**employment has been eclipsed as a priority over the past decade by programs that address other core needs (e.g., substance abuse and violence)**” (47, original emphasis). The Panel had used the growing number of violent and addicted offenders to justify the dramatic changes it proposed, but now placed employability ahead of anti-violence and anti-addiction programs. Work-related training inside prison, it argued, should be more directly linked to the needs of employers outside because: “basic education and specific skills can guarantee immediate employment and can offer a solid base that an employer can use to build increasing expertise through on-the-job experience and training” (47).

This meant that CORCAN should shift its focus from public sector maintenance to what the Panel deemed its “core responsibility to produce fully trained and job-ready offenders ready for release to positions in the community” (49). More concretely, the Panel suggested that CORCAN develop links and apprenticeships in the construction industry, so that employers there could have detailed input into CORCAN’s training program (72). CORCAN supervisors were encouraged to develop personal relationships with individual offenders, taking on a role that lay somewhere between mentor/employment counsellor and paternalistic boss, in order to smooth the transition between prison and work (79).

These suggestions parallel the progress of workfare when it was introduced by the Harris government in Ontario. That program (Ontario Works) initially tried to have recipients do community service, then shifted them to charities, and finally provided

subsidized forced labour to low-wage private employers. Prison populations in the United States have been rented out as tightly controlled workforces to large companies like Microsoft and Starbucks (Parenti, 2000: 230), and have played an unheralded role in fueling America's war effort in Iraq and Afghanistan (Urbina, 2007). In neoconservative Ontario, prison labour was used primarily as exemplary public punishment (uniformed inmates gathered trash beside highways). But linking Canadian federal prison labour to the construction industry at this point, given the infrastructure plans discussed below, raises the intriguing possibility that incarcerated or just-released offenders might find themselves at work building more prisons. If so, this would echo history at Kingston, Sing-Sing and elsewhere, where prisoners built the walls that would confine them.

Another echo of the Common Sense Revolution can be found in the Panel's suggestion that prisoners be forced into much longer workdays. The Harris government was the first in decades to pass legislation that effectively lengthened the working day in Ontario (by making overtime restrictions very loose, and raising maximum allowable hours). Similarly, the Panel targetted what it said was excessive "offender idleness," and criticized inmates' access to recreational activities (like weightlifting) that seemed unconnected to their diagnosed rehabilitation needs (CSC Review Panel, 2007: 64). It argued that "a good work ethic" would best be taught by imposing a "structured work day" (63). This would keep offenders at work or in school for twelve rather than eight hours each day, and in "structured leisure time" with rehab-related recreation after that (63-65).

Each of these activities should be "meaningful," according to the Panel (65), but a 50% boost in work and programming would also be expensive, and logistically challenging in existing correctional facilities. Costs could be reduced by changing prison infrastructure (see below), but one can see that the logic of "structured" work and employability may lead inexorably toward recovering costs by "training" prisoners in actual profit-making ventures. Contracting work into the prison, or contracting prisoners out into the workforce, seem inevitable in this model.

One last indication of the primacy of employability can be found in the Panel's treatment of release programs for Aboriginal (and other) offenders. The *Roadmap* argues that employability should be "a key priority" in determining not just when, but also *where* an offender is released on Earned Parole (71). As in some immigration programs, release would be conditional on specific employers being "engaged prior to release and ready to accept pre-screened offenders for immediate employment" (71). Such a measure would effectively give private employers a veto over the early release of offenders – perhaps encouraging obedience and respect, but also marking a further diminution of inmate civil rights.

The Panel recognized that this proposal raised questions about "spatial mismatch" – many offenders came from communities where there were very few jobs to be had (72). CSC is supposed to encourage offender reintegration with family and community

support networks, but for Aboriginal offenders in particular, these are often very far away from realistic job prospects. The Panel was very clear on how this dilemma should be resolved, recommending that: “employment be the first priority in supporting Aboriginal offenders in returning to the community” (90). Prison would teach offenders obedience, respect, and the work ethic, and it would command these on behalf of itself and future employers. But it would also teach offenders to know their place in the market, at the disposable edges of the bottom rung.

Infrastructure

As has been indicated above, the *Roadmap’s* plan for a more intense, more compulsory commitment to work and employability made a number of assumptions about program availability and cost reduction that it hoped could be addressed through changes to the CSC’s prison infrastructure. When the Panel’s report was prepared, CSC operated 58 active penitentiaries in 5 regions across the country, and half of these were over 40 years old (CSC Review Panel, 2007: App. A). The Panel made much of the age of the existing facilities, noting that older prisons are more expensive to maintain, and often reflect prison philosophies that are no longer current (154). This was also an important rationale used by the Ontario Tories in justifying the expensive “modernization” program that produced the superjails, and it is the same kind of argument that is routinely used by Conservatives to advocate new equipment for the armed forces or police. Whether by ideology or interest, Conservatives seem to have a deep interest in large-scale capital projects.

Other arguments for infrastructure modernization suggested that existing facilities had too few internal divisions (to separate rival gangs, those needing protective custody, and so on); too many external divisions (relatively small institutions provided a range of security levels but were scattered over each region); too many blind spots (also a prominent complaint before the superjails in Ontario); and perimeter controls that were far too porous, especially to drugs and contraband (2007: 29-31, 154-56).

The problem of drugs in prison is actually given significant attention in the report. Drugs are blamed for the “climate of disrespect” inside prison, the growth of gangs, and the increasingly dangerous working conditions for prison staff (26-27). But as noted above, the Panel does not see substance abuse counselling as the solution to these problems. Instead it demands a host of changes aimed at enhanced interdiction and perimeter control, setting the very ambitious goal of “eliminating drugs in penitentiaries” (27, 61-2). Many of these suggestions involved cutting off or cracking down on prison visitors, who are assumed to be a major source of drugs and contraband. One even suggests creating a national database of all those who visit prisons (all free citizens and/or family members) so that CSC always knows who is visiting whom, and when (62). But the Panel also advocates the increased deployment of drug-detecting dogs, and it seems particularly keen on unspecified new drug-detection technologies (61).

All of these considerations pointed to the need for major consolidation and renewal of prison facilities, according to the Panel. Rather than working around the constraints of existing buildings to advance its vision, the *Roadmap* pushes for entirely new structures to make its vision more workable. In order to create a “seamless continuum of care,” take advantage of economies of scale, and enhance security both within and around institutions, the Panel enthusiastically endorsed CSC management’s proposal to move toward “regional complexes” rather than stand-alone prisons (156-7). These were described as follows:

Overall, a regional complex would comprise minimum-, medium- and maximum-security accommodation areas, appropriately separated within a common perimeter fence but sharing common services and/or space at different times ... A regional complex approach would provide an opportunity to more effectively and efficiently manage larger groups of inmates and use a larger pool of resources to address the inmates in a more targeted manner (157).

As envisioned by CSC and the Panel, these complexes would each house between 1500 and 2000 offenders (the current range is from under 100 to over 500) (158, App. A). This would make them nearly exactly the same size as the Ontario superjails, and closer to the standard in American prisons, which can be even larger. If the regional complexes were truly regional, and they replaced all existing federal prisons, and total offender populations stayed roughly the same (three big assumptions), the distribution of federal prisons might be as follows:

Number of Federal Institutions by Region
(Compiled from CSC Review Panel, 2007, App. A)

| | <i>Current</i> | <i>Proposed</i> |
|-----------------|----------------|-----------------|
| Atlantic Region | 6 | 1 |
| Quebec Region | 13 | 2 |
| Ontario Region | 13 | 2 |
| Prairies Region | 16 | 2 |
| Pacific Region | 10 | 1 |

If carried to this extreme (again, a dubious proposition), this consolidation would clearly make it much more difficult for many offenders to maintain ties with their families and local communities. Given the drug interdiction proposals mentioned above, this must be regarded as at least partly intentional. However the Panel actually argues that regional complexes would promote stronger family ties, because offenders would spend their entire correctional career within one set of walls, rather than being transferred to lower security levels in different locations (2007: 159). Presumably the logic is that families

would only have to move once (near the complex), but it seems likely most would not move at all, and would visit less often due to the greater distances involved. Some costs saved by CSC, then, would effectively be offloaded onto victims' families (or onto the volunteer agencies who support them).

In Ontario, superjail planners were faced with the legal problem that offenders had to be tried in the community where the crime occurred. They responded with solutions like "video remand," which has offenders taking part in court proceedings elsewhere though video links to a studio in the superjail. It is a relatively impersonal process, but perhaps justifiable in some situations. In federal complexes, such court appearances might be less necessary (federal offenders have already been convicted and sentenced) and National Parole Board hearings would presumably travel to the complexes, as they do now to federal prisons. But the Panel also suggests that growing mental health needs in prison might be met by new techniques like "telemedicine and telepsychiatry," and there is a danger here that the effectiveness of mental health programs in particular might be diluted by such impersonal approaches (2007: 55).

Perhaps the most persuasive logic of the "big-box" design is its disciplinary logic. When grouped within the same complex, units ranging from minimum to maximum security provide a very visible reminder of where the straight and narrow path leads, and what the consequences of deviation will be. This arrangement also makes it much easier for prison officials to quickly transfer inmates (as punishment or reward), because they do not have to wait for space to become available elsewhere, and transportation is relatively cheap and painless (compared to escorting prisoners on long trips to other institutions). It is a highly rationalized model that assumes prisoners make rational, self-maximizing decisions of the sort assumed by classical economics.

As the Panel argues, the regional complex design allows officials "to reinforce an overall correctional management model that stresses offender accountability" (2007: 158). Prisoners would serve their whole sentence in one complex, "but their overall location within the complex would be dictated by their motivation and participation in their correctional plans" (158). Rights and privileges in prison would be earned, and Earned Parole would link these efforts directly to the prospects of eventual release. For those who resisted, the complex design would also allow "a more consistent approach" to segregation, meaning that segregation units would clearly be the most unpleasant places in the entire compound, and variations due to decentralization would be eliminated (159).

This again mirrors history in Ontario, where provincial authorities have struggled since Confederation to control the means of coercion, in the face of persistent opposition from local jails and local municipalities (McElligott, 2008). The advent of the superjails after 2002 marked a major victory for the province, and because the superjails were all maximum security (the local jails they replaced had a wider range of security levels), it

also marked a major escalation in the overall coerciveness of the provincial system. This effect was heightened by the “tough, no frills” design of the superjail itself.

The *Roadmap* offers few hints as to exactly what these new complexes would look like inside, but it seems reasonable to guess that the segregation and maximum security units would reflect the “tough, no frills” approach. A costing model worked out by independent auditors in cooperation with CSC assumes that there would be slightly more maximum security cells in the complexes than in the facilities they replaced (CSC Review Panel, 2007: App. F: 3). The Panel and CSC are clearly enthusiastic about employing the latest technologies of surveillance and control. The size of the proposed complexes helps to justify this high-tech approach, which in turn may be used (as it was in Ontario) to justify substantial staff reductions, and, by necessity a much more impersonal prison experience. As well, the whole ethos of the *Roadmap* seems to celebrate the application of coercive market sanctions to those who are imprisoned by the state, in hopes that obedience, respect and the work ethic will somehow be produced in the process. Yet history has repeatedly shown that coercion does not always teach subservience, and may in fact produce prison riots, insanity, or diseases and violence that spill into the surrounding community.

Perhaps these risks would be worth taking if there were real prospects for cost savings in the regional complex approach. However, the Panel could not even rely on this possibility. They commissioned an investigation by auditors Deloitte and Touche, which compared the cost of constructing a notional Ontario regional complex to the cost of sustaining the six (relatively well-performing) institutions it might replace. Deloitte and Touche found that it might take over 8 years to plan and build the Ontario complex, and that construction would cost from \$136 to \$188 million dollars per year for up to five and a half years (CSC Review Panel, 2007: App. F: 15). That could total over a billion dollars simply to construct (not operate) a single regional complex.

Deloitte and Touche could not find substantial savings over the status quo option, and in the end resorted to magical thinking to try to restore life to the complex idea. The company questioned the assumptions it had developed with CSC, considered that they might be too “business as usual,” and speculated that the complex might be “a transformational business model, potentially requiring new operating approaches and standards” (2007: App. F: 22). More realistically, they suggested that funding the complex through a P3 (public-private-partnership) model might succeed in transferring much of the initial risk (related to cost overruns and delays) to the private sector (22). The company does not mention that private sector financing would have to eventually produce private sector profits – and this would mean the government paying rent on its prisons, or private operators running the prison for profit, or more private access to prison labor, or some combination of all of these. Given the experience in Ontario, it would be a safe guess to suggest that these are the government’s preferred options, and that whatever action flows from the *Roadmap* will help to prepare the ground in this regard.

Conclusion

This paper has explored the role of corrections from a political economy perspective, with particular emphasis on the growing role of prisons as labour market policy instruments. Lately, these have been wielded prominently by Conservatives in Ontario. In a spirit of Tory high modernism, they sought to restore deference and compel harder work through a dramatic reengineering of state institutions. Their efforts displayed a notable faith in the effectiveness of coercive power, centralization, and the latest technologies of surveillance and control. And they were keen to cooperate with private employers in boosting worker productivity, and employer profits.

As should be evident by now, this same spirit moved through the report of the CSC Review Panel, and seems to be shaping corrections policy at the federal level. The Panel's focus on accountability allowed for a broad-based attack on prisoners' rights, and would facilitate the application of more rigorous work standards, and more intensive attitude adjustment. Asserting the primacy of employability within and beyond federal institutions, the Panel extended the logic of workfare and tried to bend prison work programs so they served the needs of business more directly, slotting offenders firmly into the lower ranks of the labour market. And in advancing the cause of big-box prisons, the Panel supported a vastly expensive attempt to restore the work ethic through isolation, intense control and (probably) economic exploitation of offenders, in partnership with private employers.

In the United States and elsewhere, similar patterns have entrenched private prison companies and other vested interests in what was the state's coercive arm. This prison-industrial complex has become a powerful lobby for ever-longer sentences and punitive conditions, which together boost its own profitability. Similarly, the CSC Review Panel has laid down a *Roadmap* that will boost employers' reliance on prisons, and contractors' interests in an expanding prison system. The pressure to raise prison capacity – irrespective of its actual impact on crime – will be increasingly intense. And it should be resisted.

Bibliography

- Coyle, A., Campbell, A., & Neufeld, R. (Eds.). (2003). *Capitalist Punishment: Prison Privatization & Human Rights*. Atlanta: Clarity Press.
- Correctional Services of Canada (CSC) (2009, April 16). *Transforming Corrections*. Retrieved May 12, 2009, from Correctional Services of Canada: <http://www.csc-scc.gc.ca/text/organi/trnsform-eng.shtml>
- CSC Review Panel. (2007). *A Roadmap to Strengthening Public Safety*. Government of Canada. Ottawa: Minister of Public Works and Government Services Canada.
- Elliott, R. (2007, December 21). Letter to the Honourable Stockwell Day Re: Recommendations of the CSC Review Panel. Toronto: Canadian HIV/AIDS Legal Network Available at: <http://www.aidslaw.ca/publications/publicationsdocEN.php?ref=815>
- Foucault, M. (1995). *Discipline and Punish*. New York: Vintage.
- Gordon, T. (2006). *Cops, Crime and Capitalism*. Halifax: Fernwood Publishing.
- Griffiths, C. (2008). *Canadian Corrections, 3rd ed*. Toronto: Nelson.
- Herivel, T., & Wright, P. (Eds.). (2007). *Prison Profiteers*. New York: The New Press.
- Ignatieff, M. (1978). *A Just Measure of Pain*. London: Penguin Books.
- John Howard Society of Ontario. (2007). *Second Report to the Board: Remand in Ontario*. Standing Committee on Prison Conditions in Ontario. Toronto: John Howard Society of Ontario. Available at: <http://www.johnhoward.on.ca/research/incarceration.html>
- Marx, K. (1977). *Capital* (Vol. 1). New York: International Publishers.
- McElligott, G. (2008). A Tory High Modernism? Grand Plans and Visions of Order in Neoconservative Ontario. *Critical Criminology*, 16, 123-144.
- McElligott, G. (2007). Negotiating a coercive turn: Work discipline and prison reform in Ontario. *Capital and Class*, 91, 31-53.
- McElligott, G. (2001). *Beyond Service: State Workers, Public Policy, and the Prospects for Democratic Participation*. Toronto: University of Toronto Press.
- Mosher, C., Hooks, G., & Wood, P. (2007). Don't Build It Here: The Hype Versus the Reality of Prisons and Local Employment. In T. H. Wright, *Prison Profiteers* (pp. 90-97). New York: The New Press.
- National Parole Board. (2007). *Performance Monitoring Report 2006-2007*. National Parole Board, Performance Measurement Division. Ottawa: Government of Canada. Available at: <http://www.npb-cnrc.gc.ca/rprts/rprt-eng.shtml>
- Neocleous, M. (2000). *The Fabrication of Social Order*. London: Pluto Press.

- Oliver, P. (1998). *'Terror to Evil-Doers': Prisons and Punishments in Nineteenth-Century Ontario*. Toronto: University of Toronto Press.
- Osborne, D., & Gaebler, T. (1993). *Reinventing Government: How the Entrepreneurial Spirit is Transforming the Public Sector*. New York: Penguin Books.
- Oshinsky, D. (1996). *"Worse than Slavery" Parchman Farm and the Ordeal of Jim Crow Justice*. New York: Free Press Paperbacks.
- Parenti, C. (2000). *Lockdown America*. New York: Verso.
- Perelman, M. (2000). *The Invention of Capitalism*. London: Duke University Press.
- Rothman, D. (2002). *The Discovery of the Asylum*. New York: Aldine de Gruyter.
- Scott, J. (1998). *Seeing Like a State*. New Haven: Yale University Press.
- Statistics Canada. (2005). *Adult Correctional Services in Canada, 2003-2004*. Statistics Canada, Canadian Centre for Justice Statistics. Ottawa: Minister of Industry. Available at: <http://www.statcan.gc.ca/pub/85-211-x/85-211-x2004000-eng.pdf>
- Stewart, G. (2007, May 22). Letter to Mr. Robert Sampson Re: SCS Review Panel Consultation. Ottawa: John Howard Society of Canada. Available at: www.johnhoward.ca/document/submissn/csc-revw.pdf
- Sudbury, J. (Ed.). (2005). *Global Lockdown: Race, Gender and the Prison-Industrial Complex*. New York: Routledge.
- Taylor, J. M. (2002). The Resurrection of the 'Dangerous Classes'. In B. Gaucher (Ed.), *Writing as Resistance: The Journal of Prisoners on Prison Anthology (1988-2002)* (pp. 99-109). Toronto: Canadian Scholars Press.
- Urbina, I. (2007). Prison Labor Fuels American War Machine. In T. Herivel, & P. Wright (Eds.), *Prison Profiteers* (pp. 109-19). New York: The New Press.
- Weiss, R. (Ed.). (2007-08). Securing the Imperium: Criminal Justice, Privatization and Neoliberal Globalization. *Social Justice (special issue)*, 34 (3-4).
- Wright, B. (1996). 'Harshness and Forebearance': the Politics of Pardons and the Upper Canada Rebellion. In C. Strange (Ed.), *Qualities of Mercy: Justice, Punishment and Discretion* (pp. 77-103). Vancouver: University of British Columbia Press.