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LA THÈSE A ÉTÉ
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PRISON LABOUR
PUNISHMENT OR REFORM
The Canadian Penitentiary System
1867-1960

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1982

"Submitted to the Department of Criminology, University of
Ottawa, in partial fulfillment of the requirements for the
degree of Master of Arts".

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UNIVERSITÉ D'OTTAWA
UNIVERSITY OF OTTAWA

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CONTENTS

Acknowledgements	i
List of Tables and Charts	iv
Quote	v
 CHAPTER ONE	
Introduction	1
References	8
 CHAPTER TWO	
The Issue	
Cause or Effect	9
Work-Central to Society	18
Work-Central to Imprisonment	22
Work-Punishment or Reform	28
References	35
 CHAPTER THREE	
The Approach	
Demand for Labour and Type of Punishment	38
Studies on Punishment and Labour	48
Labour and Prison in Canada	52
References	61
 CHAPTER FOUR	
The Setting	63
Traditional: 1605-1867	66
Preconditions to Take-Off: 1867-1896	68
Take-Off: 1896-1914	72
Drive to Maturity: 1914-1950~	73
Age of High Mass Consumption: 1950-1960	78
General Overview of Labour Force Composition	79
References	95
 CHAPTER FIVE	
The Infrastructure	
Establishment of the Penitentiary:	
Pre-Confederation	97
Confederation Until the First World War	101
Between the Wars	126
Second World War Until the Sixties	138
References	145

CHAPTER SIX

The Interpretation

Traditional: 1605-1867	152
Preconditions to Take-Off: 1867-1896	153
Take-Off: 1896-1914	161
Drive to Maturity: 1914-1950	170
Age of High Mass Consumption: 1950-1960	176
Summary	183
References	184
	188

CHAPTER SEVEN

Conclusion

Reference

192
197

Quote

198

CHAPTER EIGHT

Bibliography

199

CHAPTER NINE

Appendix: Labour Force Statistics

General Labour Force	214
Penitentiary Labour Force	219
References	231

LIST OF TABLES AND CHARTS

Tables

I	Sectoral Distribution of the Canadian Labour Force, 1901-1961	81
II	Industrial Distribution of Employment, 1946-1961	85
III	Occupational Distribution of the Labour Force, Canada, 1881-1961	218
IV	Definitions of Occupations prior to Admission	221
V	Definitions of Occupations during Incarceration	222
VI	Occupational Distribution of Prison Labour, Canada, 1881-1960	223

Charts

I	Percentage Sectoral Distribution of Canadian Labour Force Select Years 1901-1961	82
II	Percentage Industrial Distribution of the Labour Force, 1946-1961	86
III	Changes in Occupational Composition of the Canadian Labour Force, 1901-1961	88
IV	Per cent Distribution of Labour Force, Major Occupation Sectors, 1901-1961	89
V	Per cent Distribution of Occupation Divisions, 1901-1961	90

v.

The most securely imprisoned population that exists is the general public that is uninformed about the nature and consequence of imprisonment as practiced in America today. They are imprisoned in a mass delusion which, in the long run, punishes society far more severely than society can ever punish a convicted criminal.

Dr. Hans W. Mattick
University of Chicago

Chapter One

INTRODUCTION

"Factories and not human warehouses" was the proposal made by Chief Justice Warren Burger in a speech before the University of Nebraska. This was seen to be a "new approach" to resolving the perplexing issue of prison labour. Society assumes a "moral obligation" through the act of incarceration according to Burger. The model for prison industries "would accomplish the dual objective of training inmates in gainful occupations and taking off the back of the American taxpayer the enormous load of maintaining the prison system". In doing so, there would be "a better chance to release from prison a person able to secure gainful employment" (2, p. 80).

By no means is this a novel proposal. The penitentiary system had been founded upon similar statements. Its continued existence, furthermore, has been based upon similar statements. Employment and crime have long been interrelated. The offender's failure in the labour market has been cited as a reason for his having

turned to crime in the first place as well as a reason for recidivating. Through the establishment of the penitentiary; it was anticipated that the principles of work would be transmitted to the offender. It was believed work was productive; work was equated with building self-esteem; work meant reform.

However, work had not always been seen as a positive act. The Latin meaning of labour implies trouble or distress. For the Greeks, work and trouble were synonymous (1, p. 5) and the only possible solution to social problems was hard work. Thus, while the majority engaged in labour, the elite were able to indulge in thought (8, p. 5). The Hebrews and early Christians also saw work as a form of punishment, a means to atone for sins (8, p. 11-29). Throughout the eleventh to fourteenth centuries, work was still not seen as good but was a necessity of nature. Subsistence level was a sufficient standard, with any surplus labour to be given to the church (8, p. 38). The protestant ethic promoted the merits of work and the damnation of idleness (8, p. 47-58). With industrialization, the importance of the machine showed profits to be the measure of success (8, p. 69).

Adam Smith wrote that the wealth of nations is to be found in the quality of labour produced. Work was the start of all wealth (8, p. 87). Karl Marx saw the capitalist employer paying wages not equal to the value of production, but equal only to the cost of production. Thus the worker was being robbed of the profit (8, p. 109).

The prevailing opinion of man and work in general reflects an attitude towards prison labour (3, p. 196). In pre-industrial society, the products of labour belonged to the individual. In post-industrial society, the products of labour belonged to the employer. This change in the social structure led to conflicts which required a change in the type of formalized social control. Thus, the penitentiary developed in the post-industrial period out of the expectation that the offender would become a productive member of society and at the same time yield a return to the state to cover costs. Despite its failure to meet these objectives, the penitentiary has continued to exist with labour being the focal point of its program. The system has withstood many attacks.

The 1970's exploded with riots and investigations exposing the degradation of prison life. This, together with the momentum of the movement towards community corrections, led to the emergence of a faction that expressed the hope prisons would become obsolete. This will not be a reality in the near future. The penitentiary system is here to stay!

In many ways, prison labour exhibits similar characteristics to the general labour market. Both are part of a system in which the worker does not have control over the process or the purpose of his labour. Yet Prison Industry does not mirror the industries found in society due to its unique labour supply. Prison labour has been described as belonging primarily to the secondary labour market, having poor education, few job skills and frequently unemployed (4, p. 36; 5, p. 19).

The intent of this study is to examine the social process within which the penitentiary system has evolved, changed, and continued to survive through the conduct of prison labour. There are two perspectives from which this may be evaluated, consensus and conflict. The former

recognizes the divisions in society, the primary and secondary labour market, upholding that all practices of the community are done in the interest of all of its members. Here, the Criminal Justice System serves to rehabilitate the offender through labour practices. The basis of the latter perspective originates in the Economic Theory of Punishment. The conflict position recognizes the divisions in society to be the domination of one group, those who own the means of production (members of the primary labour market) over the workers (members of the secondary labour market). Here, the Criminal Justice System serves to control surplus labour through its practices.

The evolutionary changes and survival of the penitentiary system do not occur within a vacuum. This institution is "deeply rooted within the social system in which it operates and cannot be studied without taking the social system into account" (7, p. 42). The social structure, in turn, is reflected in the occupational composition of its labour force. Furthermore, "the crucial phenomenon to be considered is not crime per se, but the historical development and operation of the capitalist

economy" (6, p. 31-32). It is for these reasons that the use of prison labour in the Canadian Penitentiary System will be examined through the changes that have occurred in the occupations of the general labour force as well as the occupations of the prison labour force.

The study covers the years 1867-1960, from the point of view of economic activity and economic development. These years are divided into five distinct periods each of which is characterized by a particular type of industrial activity and industrial structure. The industrial activity and industrial structure of society during each period is studied, as is the labour activity in the prisons, to ascertain the relationship between the two. Before this is undertaken, **THE ISSUE**, the issue of prison labour, and the arguments for and against it are presented in Chapter Two. In Chapter Three, the approach to this study, the theoretical orientation with which prison labour is examined and the methodology that will be adopted is presented. **THE SETTING** - the social context, the industrial activity and the industrial structure of the society in which the Prisons exist is described in Chapter Four. Chapter Five describes the infrastructure, the

nature of the penal institution in which prison labour is instituted. The last chapter, Chapter Six, concludes with the interpretation of the situation.

REFERENCES

1. Braude, L. (1975) Work and Workers. A Sociological Analysis. New York: Praeger Publishers.
2. The Gazette. (1981) December 17.
3. Grunhut, M. (1948) Penal Reform. A Comparative Study. Oxford: The Clarendon Press.
4. Lightman, E.S. (1979) Industrial work by Inmates in Correctional Institutions. Toronto: Centre for Industrial Relations, University of Toronto. Report No. 7903.
5. Miller, M.J. (1972) Vocational Training in Prisons: Some Social Policy Implications. Federal Probation, 36, 19-21.
6. Quinney, R. (1977) Class, State, and Capitalism. New York: Longman.
7. Rusche, G. (1980) Prison Revolts or Social Policy, Lessons from America. Issues in Criminology, V, 41-11.
8. Tilgher, A. (1958) Homo Faber. Work through the Ages. Chicago: Henery Regnery.

Chapter Two

THE ISSUE

Work is a central principle to man's daily functioning. Participation in the labour market, to a large extent, reflects a person's lifestyle. Employment is often a considered factor at the time of sentencing. Imprisonment has been justified as a measure through which both punishment and resocialization may occur. Prison Labour has been promoted as the means through which these may be achieved. What, in actuality guides the utilization of Prison Labour? Punishment or reform?

Cause or Effect

Whether it is a cause or an effect of criminality, offenders, according to Robert Taggart (1972) are usually failures in the labour market. As an effect of criminality, it is not difficult to sketch a series of events. Involvement in illegal activities may lead to arrest and detention when the offender is removed from the active labour force. He is, by definition, even omitted

from official employment statistics. If convicted and sentenced to a term of imprisonment, the offender continues to remain outside of the active labour force. In prison, little productive work is accomplished (26). Upon release, once having paid his debt to society, the offender returns to the active labour force only to find that his return is marked by definite handicaps. There is first the effects of a lag due to his separation from the marketplace (16) and second the stigma associated with a criminal record (8). While the first effect touches anyone who has been absent from the labour force, the second touches only the offender and that not only at the very outset of his return but also throughout thereafter whenever he applies for a position. Application forms may inquire as to whether the person has a criminal record. At this point the applicant, if an ex-offender, must decide whether to 'tell all' or withhold some information. If everything is told, then the position may be given to someone else. If some information is withheld, later administrative processing (bonding, etc.) may uncover the gaps and then the ex-offender may be dismissed for having withheld information (8, p. 453-454). The position is well described in a United States Department of Commerce Report (23, p. viii-ix): "With

every new study of crime in America, it becomes increasingly clear that a person who is once convicted of a criminal offence, regardless of the nature of the offence or the cause for it, is not likely ever to escape the destructive and self-desolating ethos of criminal activity. The offender may move through a succession of certifiable stages, from arrest to rehabilitation, but he is likely to remain forever in an invisible prison... eventually given his physical freedom but denied access to normal and non-criminal patterns of life. Each time he emerges from the visible walls of the correctional institution, he will face the prospect of a dismal half-life on the edge of society, continually confronting barriers erected to prevent his integration into the community of free men. Unable to penetrate or often even to identify those barriers, he will likely be reduced to an endless repetition of the cycle of arrests, conviction, incarceration, and release".

Employment problems have been identified as important with regards to recidivism (16) (23). Follow-up studies of released prisoners have shown ex-offenders to

be unemployed three times the national average (16). Artificial barriers to employment, based upon the criminal record and unrelated to actual employment qualifications have been cited as contributing factors (22), (16). The American Bar Association and the United States Department of Labor have undertaken measures to decrease the impact of such barriers through the use of formal regulations and informal practices (24).

Not all barriers indentified, however, were directly related to the criminal record. Some practices such as hiring and firing were governed by labour supply and labour market conditions, and as such were innate to the capitalist (free market) structure of society. In a 'tight' labour market, when the educational requirements are increased displacing even well trained skilled workers, the employability of offenders is further diminished (24, p. 59). The social occupational climate which influences job satisfaction is another barrier exogeneous to the criminal record. This climate evolves from social and production pressures and affects the ex-offender's performance in the labour market (24, p. 67). Finally, the transition to work, in itself, is a barrier. "To introduce

a man who has been locked up for five years to a world that he has forgotten, that he has never learned how to live in effectively in the first place, to a community that is as uncertain of him as he is of it, can be cruel as keeping him locked up..." (24, p. 68).

A problem in post-release reintegration is the absence of certain necessary vocational and social skills (25, p. ii). Other post-release employment problems include the inability to transfer those skills that are learned in prison to community employment and the inability to use leisure time properly (24, p.68). A study of released offenders in the labour market (5) noted it is difficult for them to obtain an adequate job. The reasons for this difficulty include employer attitudes but only as a secondary hinderance. The primary reasons cited were that the released offender was identified as having the characteristics of a marginal employee:

1. no stable family relationships;
2. low level of education;
3. work experience in unskilled/semi-skilled category;
- and 4. race.

According to a study made by Evans, released prisoners were less educated than the rest of the general population. The work experience and training which offenders had acquired was characteristic of those employed in low skill occupations. Technological development had a negative relationship to the numbers which are employed in these occupations. The economy having evolved towards an occupational composition which required higher educational levels, and which consequently implied a possible decrease in employment opportunities for offenders.(10). A study of California youth found that the unemployment rate of those on parole was greater than that of the regular population, and that the recommitment rate for economic crimes, explained as a possible substitution for gainful employment, was rising (5).

N. Holt (1978) noted parolees are essentially participants of the 'secondary' labour market, characterized by irregular demand, low wages, and lack of opportunity to advance. Even when the participants are in the 'primary' labour market (steady work, good pay, promotions) parolees tend to be so only in a marginal way, belonging to non-unionized shops, working for small

producers and having no seniority. The relationship is marginal to the economy as well as marginal to other social institutions. Few are involved in politics. Few have stable marriages and few have club memberships (7, p. 106).

While parolees may not become members of the secondary labour force by going to prison, incarceration (institutionalization) and the stigma attached may help to strengthen the association. The process of becoming part of the secondary labour force can be traced to originating in public school by irregular attendance and the search for an alternative status, thus failing to become sufficiently competitive for the primary market. After a period of institutionalization, in which everything has been provided, and few opportunities to compete, the ex-offender's situation is worsened. Even though able to acquire the technical skills for primary market jobs, personality, schooling, life-style and legal stigma make it difficult to obtain such employment and even more difficult to keep it (7, p. 108).

As a cause of criminality, examination of the relationship has been undertaken from various perspectives, prominent among them being the economic position of 'opportunity costs' and the sociological position of 'anomie'.

The economic position assumes man to be a rational being who chooses between alternatives in order to maximize his utility defined as a measure of satisfaction. In this context, the offender makes a choice between conventional and criminal behavioural alternatives. The choice is based upon weighing the trade-offs (the opportunity costs - sacrifice vs acquisition) between involvement in legal and illegal activities. A rational man would not commit an illegal act if the cost was greater than the return (benefit). Thus, "...persons become 'criminals', therefore, not because their basic motivation differs from that of other persons, but because their benefits and costs differ" (1, p. 176).

The sociological position is that the social structure influences people within a society to exhibit

conformist or non-conformist conduct. Predominantly in this connection are two elements, culturally defined goals which people are required to adopt, and socially defined means which people are required to follow in order to achieve those goals (9). Antisocial behaviour stems from a differential emphasis placed upon the goals and the means. For example, Lohman has shown that in certain areas of Chicago vice has developed as a "normal response to a situation where the cultural emphasis upon pecuniary success has been accepted, but where there is little access to conventional and legitimate means for attaining success" (9, p. 120). In the Chicago area under study, manual labour was the predominant occupation, but given the cultural stigma attached to it, Merton deduces that a "strain towards innovational practices" (9, p. 120) resulted in vice as an outlet.

In this theory of anomie, Robert Merton claims that conventional values of culture and class structure involve different exposure to opportunities for the legitimate 'pursuit' of cultural goals. When there is a lack of integration between the culturally dictated goals and the

means the class structure makes available to people, antisocial conduct can result. He points out that limits exist with respect to the attainment of goals despite the open-class ideology. It is difficult for those lacking formal education and economic resources to advance. The constraints placed upon vertical social mobility is also conducive to antisocial behaviour. Thus "the high frequency of deviant behaviour is not simply due to the lack of opportunity, but may be due to class structure" (9, p. 121).

Work-Central to Society

Work has undergone a transition from its seventeenth century position as being good in itself, giving rise to the protestant ethic, through its nineteenth century position of being intrinsically good, depending upon the actor, to the twentieth century position of not being necessarily good, but necessary. "Work has always retained a central position to life" (12, p. 13-15). Work is recognized by society as a process of socialization, achievement, maintenance of the status quo, and the development of socially acceptable patterns of life (3).

In penal institutions, work has also played an important role. "The rise and fall of penal systems coincides with change in conditions of work" (Max Grunhut, from 12, p. 7). The President's Commission on Law Enforcement (1967) noted "Since the earliest days of correctional institutions, work has been an important part of its life". Furthermore, "it may well be the most important single aspect of a program" (correctional program) (11, p. 558). Grunhut agrees, noting "useful work is indispensable for any reformative programme", however with reservations, that "enforced labour may not be an infallible method of achieving a lasting social readjustment" (Grunhut, from 13, p. 7).

A Director of Research at the Social Restoration Center in New York commented "The problems with which we are struggling arise in part because we haven't decided whether the work required for the maintenance of society is a curse or a blessing. This is unfortunate because work and occupation are linked to social status in our industrial society and have a profound effect on the development of self-confidence, personal identity and the capacity to be an effective self-manager. Therefore, if

society seriously desires to reduce recidivism, prisoners should have an opportunity to know that work or training for work has the same nature, as much meaning and the same social value as work or training in the free community. The right of society to punish the offender and restrict his freedom may limit the full exercise of his right to work, but should not deprive him of that right. The problem of competition between his work and the work of the free world outside should not be judged strictly as an economic matter but should be approached as a fundamental problem of respect for human rights. Finally, the idea that work in prison is more closely related to punishment than to general patterns of work in the world at large, should be abandoned completely. This is quite true, and work is punishment only if we make it so" (28, p. 22).

Aside from rehabilitation, prison work serves security, economics of operations and maintenance of discipline (3). Prison labour has been described as the essence of prison discipline (Grunhut, from 13, p. 7). Thus prison labour serves a number of objectives, occasionally conflicting but not necessarily mutually exclusive.

Prison industries have been described as the most misunderstood of all correctional programs (2) and at times held in low esteem (13). The recent resurgence of interest in prison industries, overlooked for a lengthy period of time as a potential training resource (14) and described as the "poor stepchild of corrections" (26, vol. V, pg. iv), has led to the development of a position which sees the conflicting objectives that prison labour serves, economic and rehabilitative, as being resolved. This is outlined in the Free Venture Model. The model maintains outside working conditions are to be simulated as closely as possible, thus exposing the offender to good work habits which are applicable in post-release. Taken into consideration in the model is the financial management of both the industry and the offender as well as post-release job placements for the offender (26). The model has been seen as an integration of the economic aspects of industry and the rehabilitative aspects of corrections, and a reconciliation of the two often conflicting goals of prison industry:

1. increase revenues to offset cost of services. Large scale productions, which take advantage of division and specialization of labour, and the use of advanced technological development and larger machines;
- and 2. increase post-release employment chances of offenders, and the means to attain them. Small scale production oriented towards vocational training.

Work-Central to Imprisonment

Prison labour has been promoted as a measure of punishment and rehabilitation, depending perhaps upon the economic, social and political climate of the times. Should prisoners work? Robinson devoted an entire book to the issue and concluded the motives of the general public to want work, and hard work, equating it with punishment. Penologists, on the other hand equate work with rehabilitation, family support, restitution, an aid to penitentiary administration and as a means to decrease institutional costs (18).

Both the theory of Opportunity Costs and the theory of Anomie provide support for a claim that prison labour is functional. According to the theory of Opportunity Costs, the tendency to participate in criminal activities can be influenced ideally by changing the net utility expected from such an action, but altering the opportunity costs through wage rates, incomes, unemployment rates for legitimate activities, available wealth, as well as the probability of conviction and expected sentences for illegitimate activities so as to produce a net negative utility for criminal activity. It also suggests that the offender's experience could alter his utility function by altering his opportunity costs. The opportunity costs can be changed by increasing the options available to an individual to participate in legitimate opportunities as well by getting him to acquire good work habits and the like. Similarly, opportunity cost can be negatively influenced by prolonged idleness as well as involvement in meaningless and useless employment. This theoretical position thus indicates that vocational training and such other positive measures that could be provided in a prison

could broaden the range of choice available to the offender so as to encompass a wider base of legitimate alternatives after release.

According to the theory of Anomie, the defective factor is the lack of coordination between the means made available to people and the goals the people are required to pursue whatever the source of that lack may be. In this context, the educational and vocational opportunities made available to offenders through facilities offered in prison can conceivably bridge this gap by increasing access to legitimate means.

Historically, work in penal institutions has progressed, Neal notes, "from an essentially punitive element in penal regimes through an occupational role, to the status of a viable activity designed to make a positive contribution to the rehabilitative treatment of offenders" (12, p. 7). The difference, however, is not that obvious.

The effect of rehabilitation depends upon the offender's ability to apply his acquired skills upon

release. A trade is defined by specialized skills, strong demands, steady work and good wages. Data suggests useful training is that which increases the marginal value of the trainee in other fields, while increasing its primary value with respect to a particular trade (7, p. 108). The ultimate test of any rehabilitative effort is the ability of the offender, upon release, to find employment. The goal of training programs ideally is rehabilitation through the provisions of means and skills to earn a livelihood, thus facilitating the offender's reintegration into the community. "The tragedy for the inmate is that the employment process is often too rigid to defeat even their best efforts" (23, p. 92). The President's Task Force on Prisoner Rehabilitation notes: "To subject people with poor work habits and low work motivation to the enforced idleness that prevails in most prisons ... or to the meaningless chores and humiliating working conditions that are characteristics of many prison programs, is simply to reduce further their capacity to derive satisfaction from or even take part in a work-day community life" (23, p. 52).

In a review of European penal systems (1978), it was noted that all countries had laws which required sentenced offenders to work or to partake in some form of vocational training. Prison labour was seen as a means through which good work habits could be developed, primarily through industrial work. The idea of promoting the employability of the offender through training was of secondary consideration. This was due to the length of sentence being too short to permit completion of training programs. Typically, prison work was unskilled or semi-skilled tasks, which prison officials maintain is the same type of work available to offenders upon release. Work was thus provided and promoted for the benefit accruing from exposure to a work environment and the development of good work habits, and not for the improvement of skills. The goal of training through prison work was unrealistic and the type of work available in prison rarely provided training. Furthermore, with regards to skills, the offender was seen as being no better off when he leaves than when he entered. Prison labour was seen as a way to fill time, increase inmate's self-respect and to provide a sense of achievement (27).

A United Nations (1955) survey of 38 countries, while noting the issue of prison labour to have been debated by various international criminology congresses since 1846, found the stated purpose of prison labour to be primarily rehabilitative, promoting vocational training to differing degrees. While this may have been the verbalized statement of purpose, it has not been translated into practice (15). The prevailing systems apparently do little to train offenders for future employment and skills acquired are for the most part non-transferable to post-release requirements (15).

Prison labour is of such an artificial character, serving "only to widen the gulf separating the prisoner from the society to which he will return" (4, p. 26).

Economic analysis has been applied to the utility of prison labour in order to determine the potential labour productivity based upon National Prisoner Statistics compiled by LEAA and the United States Census Bureau data, and related to educational level, occupational background, earnings and income statistics. The gross potential

earnings of males in prison working in prison industries, work-releases, vocational training and maintenance has been estimated to be 2.5 billion dollars per year. The realized productivity was estimated as 1.0 billion dollars per year. This inefficient use of labour was attributed to restrictive markets, high turnover rates and decreasing average sentences (21). Promoting prison work, prison labour and prison industries has been suggested to eliminate this waste. However, Schaenback and Lipton see what is needed to be "an examination of the correctional system". They claim that "those who go to prison, come out no better", and that "the time has come to put an end to the wasteful process, the wasteful drain of human lives, the wasteful use of the tax dollar" (20, p. 6).

Work-Punishment or Reform

What purpose does prison labour serve? This is an important issue to the offender, the penal system and the social system, but one whose answer is not straightforward. As noted previously, punishment, rehabilitation, restitution, administrative aid and the

decrease of institutional costs have all been put forward as explanations. Some of these explanations have stemmed from introspection; some of them have stemmed from an examination of the effect of prison labour on the offender and some from a justification of the utility of prisons. A further explanation lies in the dynamics of the social processes of social change, of social development and of social control. This is outlined in the conflict-consensus framework.

In a feudal community, the product of labour belonged either to labour in the case of farmers and craftsmen or to the landowner when the labour was that of serfs or slaves. At that time, religious institutions were able to exercise a sufficient amount of social control to maintain social order. The law was drawn upon to settle disputes between the classes of people and not between people within a class (19, p. 9). Industrialization however, saw a change in the structured order, and conflicts, which existing institutions were not able to handle in the maintenance of order, arose between classes. The shift of the emphasis upon material wealth led to an

increase in demand for the protection of property. The operating society called for the collection of taxes necessary to deal with some of the social problems that had arisen. Social control had to be formalized and it was formalized through the Criminal Justice System (6, p. 33). Associated with this formalization of social control was a change in the conception of work. In industrial society, work is seen as a focal point of human progress. It is both economically and socially important. Status and options are often determined by type of work. The choice of occupation marks a person's background, legitimizes his social class and his lifestyle in it. It is within this context that prison labour must be examined and understood.

In an industrial society a dominant role is played by what is known as the primary labour market. It is this market that determines the direction of industrial society. The norms, conventions and practices adopted by society are determined by the primary labour market and by the direction it gives to the development of society. In the determination and development of these norms,

conventions and practices, the interests of those who are members of the primary labour market appear to play a prominent part.

Customs which are basically crystalizations of the norms, conventions and practices, according to Karl Marx, reflect the status of the economic institutions of society. In a capitalist society, where conflict, competition and confrontation comprise important components of the social process, the criminal law is seen to reflect the result of a struggle between the classes. As the struggle is over the means of production whose primary factors are identified as capital and labour, the class conflict is between those who own the means of production and those who serve it. In this context, formalized social control calls for the development of a legal or justice system which ensures the organization and development of society guided by the interests of a dominant group. The values and norms are defined by the dominant group and deviations from them are defined as crime. The power of the state is used to get the masses to serve the interests of the ruling elite. The law thus serves the interests of

this group. In this setup the working classes, members of the secondary labour market, are seen to be a pool of surplus labour to be exploited in times of progress and to be dealt with by the justice system when the economy is unable to absorb or control the surplus. As capitalism evolves to more advanced stages, there is an increase in the conflict between the ruling classes and the workers (exploited classes) and as a result the behaviour of the latter is increasingly defined as criminal (Chamblis, from '17, p. 139, 168-70). This sets out the conflict perspective.

An alternative view of the situation is presented in the consensus perspective of criminal justice. This perspective, while recognizing the divisions in society, upholds that the existing norms, conventions and practices serve to promote the interests of all members and no one group to the exclusion of any other. Thus members of the primary and secondary labour markets are both served by the standards set by a society. Furthermore, existing norms, conventions and practices serve as a measure to facilitate integration of the secondary group into the primary group if the former so desires.

The consensus position is based upon the concept of shared interests of every member of society. The multi-wants of man expected from a social structure are met through the established laws which reflect a consensus and are the means through which these objectives are met. The goal of law is seen as the maximization of human wants with the minimum of friction and waste for the overall improvement of society. The preservation of societal values is achieved through commonly agreed upon legal norms and not externally imposed norms. An act is defined as criminal if it offends these commonly shared moral beliefs of that society (Chamblis, Pound from 17, p. 168-170, 173).

If criminal justice follows the consensus position, then society's reaction to crime is to promote rehabilitation through its use of prison labour. Offenders are removed from society because they have not conformed to the established norms which are in the best interests of the entire groups. Imprisonment is promoted as a means through which the offender may be exposed to acceptable norms and values which can be internalized and maintained in the post-release period to facilitate reintegration into

the mainstream of society. Imprisonment is essentially for the purpose of correcting an erring but nevertheless desirable member of society. The conflict position on the other hand sees the social reaction to crime designed not to promote rehabilitation but to serve the needs of a dominant group which is basically to manipulate surplus labour in order to promote its own interests. According to this position, the offender would gain nothing through imprisonment. Non-productive in the economic sphere, he has been removed from it to be contained and controlled in the justice system only to be returned further handicapped.

It is within this context that this study of the use of prison labour in Canada will be conducted. The basic question here is whether the use of prison labour in Canada, viewed in its historical perspective, indicates motivation towards the rehabilitation of the offender and his reintegration into society or whether it indicates a motivation towards retribution, separation and exploitation of the offender in society.

REFERENCES

1. Becker, G. (1968) Crime and Punishment: An Economic Approach. Journal of Political Economy, 76, 169-217.
2. Carlson, N.A. (1977) Prison Industries. American Journal of Corrections, 39, 12.
3. Curran, J.W. (1961) Prison Industries: Achievements and Challenges. American Journal of Corrections, 23, 4-7, 36-37.
4. England, R.W. (1961) New Departures in Prison Labor. The Prison Journal, XLI, 21-26.
5. Evans, R. (1966) The Released Offender in a Changing Labour Market. Industrial Relations: Journal of Economics and Society, 5, 118-124.
6. Gurr, T.R. (1960) Development and Decay: Their Impact on Public Order in Western History. in J.S. Inciardi, and C.E. Faupel, History and Crime: Implications for Criminal Justice Policy. Beverly Hills: Sage Publications, 31-52.
7. Holt, N. (1978) Problems and Prospects of Vocational Training in a Prison Setting. in United States Department of Commerce, Crime and Employment Issues: A Collection of Policy Relevant Monographs. Washington: Government Printing Office, 97-110.
8. Kirpatrick, A.M. (1976) After-Care and the Prisoners' Aid Societies. in W.T. McGrath, Crime and Its Treatment in Canada. Toronto: Macmillan Co. of Canada Ltd, 443-469.
9. Merton, R.K. (1978) Social Structure and Anomie. in L.S. Savitz and M. Johnston, Crime in Society. New York: John Wiley & Sons, 115-123.

10. Miller, M.J. (1972) Vocational Training in Prisons: Some Social Policy Implications. Federal Probation, 36, 19-21.
11. Morash, M.A. and E.A. Anderson (1978) Liberal Thinking on Rehabilitation - A Workable Solution to Crime. Social Problems, 25, 556-563.
12. Neale, K.J. (1976) Work in Penal Institutions. Strasbourg: Council of Europe.
13. Neale, K.J. (1977) Managing Work in Penal Regimes. Ringe, Denmark. Unpublished paper.
14. Parker, W.C. (1978) Offender Training and Employment: The Potential of Prison Industries. in United States Department of Commerce, Crime and Employment Issues: A Collection of Policy Relevant Monographs. Washington: Government Printing Office, 111-118.
15. Pati, G.C. (1974) Business can make ex-convicts productive. Harvard Business Review, 52, 69-78.
16. Pownall, G.A. (1971) Employment Problems of Released Prisoners. Manpower, 3, 26-31.
17. Reasons, C.E. and R.M. Rich (1978) The Sociology of Law: A Conflict Perspective. Toronto: Butterworths, & Co. (Canada) Ltd.
18. Robinson, L.N. (1931) Should Prisoners Work? Chicago: J.C. Winston.
19. Rusche, G. and O. Kirchheimer (1968) Punishment and Social Structure. New York: Russell and Russell.
20. Schaenback, B. and D. Lipton (1974) Special Proposal: An Alliance of State and Industry for the Rehabilitation of Our Correctional System. Albany Law Review, 39, 5-13.

21. Singer, N. (1976) The Valve of Inmate Manpower. Journal of Research in Crime and Delinquency, 13, 3-12.
22. Taggart, R. (1972) The Prison of Unemployment. London: John Hopkins University Press.
23. United States Department of Health, Education and Welfare, Office of Education, Division of Manpower Development and Training. (1972) Invisible Prison - An Analysis of Barriers to Inmate Training and Post - Release Employment in New York and Maine. Springfield, Va.: Reproduced by National Technical Information Service, United States Department of Commerce.
24. United States Department of Labor, Manpower Administration. (1973) A Review of Manpower R. and D. Projects in the Corrections Field (1963-1973). Manpower Research Monograph Number 28. Washington: United States Government Printing Office.
25. United States Department of Labor, Manpower Administration. (1975) Vocational Preparation in United States Correctional Institutions: A 1974 Survey. Washington: Office of Research and Development.
26. United States Department of Justice, (1978) National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration. Study of the Economic and Rehabilitative Aspects of Prison Industry. Vols I - VII. Washington: Government Printing Office.
27. United States General Accounting Office (1978) Observation on Correctional Programs and Policies in Selected European Countries. Washington: United States Government Printing Office.
28. Vining, J.E. (1969) Prison Industry: Curse or Blessing. American Journal of Corrections, 31, 22.

Chapter Three

THE APPROACH

Demand for Labour and Type of Punishment

The development of an institution has its roots set in the past. Through a review of past events, it is possible to obtain an understanding of what has happened and how it has happened and thereby demonstrate why the institution has evolved to its present state. Historical analysis has been used in the search to understand crime and society's reaction to it. According to Rusche, (1931) one of the earliest to use this approach, earlier sociological studies which did not use this approach have been limiting in their view of society. These studies presumed society to be a fixed social structure. They gave, in their analysis, little or no consideration to changes. Rusche, on his part, goes on to point out the value of historical examination which would include an all encompassing view of the relationship between social, economic and psychological forces.

In a paper presented at the start of the Great Depression, Rusche used historical analysis in coordination with economic analysis to explain how the type of punishment seeks to deter by promoting a situation in which the offender would be worse off by committing a crime than if he had abstained from illegal activity. As criminal law is directed primarily against the lower classes, Rusche found it difficult to perceive a punishment whereby the offender could be made worse off. Rusche quoted George Bernard Shaw "if the prison did not underbid the slum in human misery, the slum will empty and the prison will fill" (7, p. 4) to support this position.

Punishment however would be meaningful, Rusche claims, if the nature of punishment was understood in terms of society's class structure. In a productive society with the primary factors of production being capital and labour, the only good or service the lower classes had to bargain with, was labour. Thus it was labour and the nature of the labour market that was the defining and determining factor in the application of punishment. The hypothesis derived from these considerations saw punishment used to keep the masses in line when labour was in surplus, and when labour

was in high demand, used to ensure that the needs of production was met. That the supply-demand nature of labour determined the type of penal sanction imposed, was basically his Economic Theory of Punishment.

To test the relationship between sanctions and the nature of the labour force, Rusche points out that the examination of the relationship at one point in time would not serve to support or reject the hypothesis. However, through the examination of the criminal law and the labour force over an extended period, similarities and differences would become evident and conclusions could be drawn.

Beginning with analysis of the Middle Ages, Rusche identified four distinct periods and their dominant form of punishment:

1. the early Middle Ages - penance/monetary fines;
2. the Middle Ages - corporal punishment/death sentence;
3. the seventeenth century - prison sentence for profit;
- and 4. the eighteenth century - prison sentence to warehouse.

Each period corresponded to a different position given to labour and its relative value. Thus:

1. the early Middle Ages saw farmers to be the dominant labour group, land was readily available, and few crimes against property occurred;
2. the Middle Ages saw the development of class distinction; a decrease in the amount of land available, and an increase in the number of property crimes;
3. the seventeenth century saw a scarcity of labour, the commencement of the industrial revolution and the use of prison labour for the profit of their labour;
- and 4. the eighteenth century saw a large underutilized labour force and prison labour being nothing more than torture.

The analysis goes on to contrast the development of the penal system in Europe with the United States.

Highlighted are the differing emphases placed upon labour, the different sources of labour and the different welfare structures.

Later, Rusche together with Kirchheimer in the text Punishment and Social Structure, expanded the original discussion. The development of the factors of production are seen as the determining elements of the type of punishment adopted as well as of the value placed upon human life. The analysis commences with the early Middle Ages. Prior to this period, crime was taken to be resolved within the class structure and not between classes. Formal state structures only began to deal with crime towards the end of the Middle Ages. In this beginning period fines were levied as punishment but only against those who could afford to pay. Those who could not, were required to pay with corporal punishment being the substitute towards the end of the Middle Ages, there was a surplus of labour, and a corresponding increase in the use of capital punishment and serious mutilation.

The end of the sixteenth century saw a change in the type of punishment imposed. The movement was away from capital and corporal punishment, from torture and

mutilation to the use of labour in galleys, deportation, and imprisonment. This change came about, not as a result of humanitarian considerations, but as a result of the high demand for labour. Other sectors of society also reflected the same symptoms of this high demand; population growth was encouraged, soldiers were paid high wages, emigration was forbidden by the state and child labour was dominant. Houses of Correction were established in this period to make labour of unwilling people conform to the needs of industry. Vagrancy, which had been tolerated by the wealthy classes, was frowned upon and legislated against. The dominant philosophy of the time, the Protestant work ethic, also supported the necessity for the lower classes to be productive. Within the Criminal Justice System, there was a reduction in the use of the death penalty, while prison work was promoted. By the seventeenth century, the prison system had evolved "in order to keep men, not to punish them" (8, p. 62). The high demand for labour had brought the products of prison onto the open market.

By the eighteenth century, the balance of labour had shifted the other way and was in surplus. Imprisonment was used increasingly to drain the surplus population into

warehousing conditions and the markets were closed to the products of prison labour.

The development of the penitentiary system in the United States was originally founded upon the idea of solitary confinement. This principle soon went out of vogue because of the high demand for labour. In its place the Auburn system was adopted. The solitary system dominated the European scene because the stage of industrial development attained had made labour to be a surplus commodity.

In their treatise on punishment, Rusche and Kirchheimer emphasize the dominant part that the prevailing values placed upon labour played in society. They show how even intellectual activity is influenced by it, relating it to the emergence of various theories such as Malthus Wage Fund; The Protestant Work Ethic; Marx's theory of political economy; and the reform theories in criminology such as those of Beccaria and Bentham. They also show how it has influenced legislative and political changes even to the extent of providing Marat's base for the French Revolution legislation.

Sellin in Pioneering in Penology takes one of the stages in the development of the penal system, the House of Correction in England and Amsterdam, and delves into its origins and contribution to the evolution of the system. He uses historical analysis relying on documents such as government memos, the writings of political prisoners and magistrates' practices. The houses were promoted as a method to provide the chance to learn a trade, with the occasional sentence being remitted if the trade was learnt in less time. This was the verbalised rationalization but in actual fact inmates were sent to work upon their arrival, and the post-release value of the trade learnt was often negligible. He cites, as an example, the case of wood rasping, where the houses held a monopoly on the industry (10, p. 53).

Sellin goes on to point out, the establishment of the houses did not displace the use of other types of punishment. The houses merely emerged during the period of protestant reform. This was a period when the profitable use of labour was critical. It was believed, at the time, that if the idle and poor could be exposed to vigorous work habits, then they would be ready to enter the labour market

in post-release. The Houses of Correction mark a critical point in the domination of the penal system.

In Slavery and the Penal System, Sellin expands upon and reviews the stages of Rusche and Kirchheimer's original treatise. He does this by applying Radbuch's hypotheses, which states the "punishment for crime embodied in criminal law were originally punishment reserved for slaves". A review of the types of punishment since ancient Greece to contemporary America shows the position given labour to be relative to its overall contribution to society. Labour is in fact, the analysis deduces, to be the slave of the dominant means of production and its respective owners.

Using the format of analysis presented by Rusche and Kirchheimer in a third set of studies, Scott and Scull (1978) note public policy to be influenced by the health of the economy. This, they claim, is especially true with respect to its application towards the lower classes. Relief programs rather than being a humanitarian venture are seen as a tool by which labour is regulated. Scott and Scull try to support their hypothesis by examining the

extent to which social reform policies and institutions dealing with crime are related to the economic cycles during the 16th through 19th centuries in England. They point out that a superficial examination of the situation would lead to the deduction that the type of punishment adopted evolved from humanitarian concerns. Yet upon closer examination, they show "reform and repression are correlated with ebbs and flows in economic cycles" (9, p. 149). They trace the types of economic policy and sentencing practices for the period and conclude that "living standards of prisoners within the institution will always fall just below the average for the lowest level of the free population" (9, p. 157). Thus a closer examination exposes that the type of punishment adopted was subject to the demands of the economy.

The studies of Rusche and Kirchheimer, Sellin, and Scott and Scull have, through their use of history, examined the evolution of the concept, punishment, and considered how changes in social institutions, the development of class structure and formal methods of dealing with crime have influenced that evolution. They have found the evolution to be dependent on the economy's need for labour.

Studies on Punishment and Labour

An alternative approach to the study of the problem is to start with the deductions from a general historical analysis and see how these deductions stand up when applied to specific cases. This has been done by Jankovic with data from the United States and Kellough and his colleagues with data from Manitoba. The first study examines how incarceration has been used to control surplus labour. The second examines how society applied sanctions to control a particular segment of the population.

Jankovic's study of punishment and post-industrial society in the United States (1926-1974), tests the hypothesis derived from Rusche and Kirchheimer's treatise, that "every system of production tends to discover punishment which corresponds to its productive relationship" (3, p. 2). The approach was to show:

1. punishment increases in times of economic crises;
- and 2. prison serves industrial society to remove part of the surplus population from the labour market.

These two processes, it was claimed, demonstrate that the prison is used as a means to control surplus labour.

The study commences with a hundred year review of literature pertaining to crime and the economy. This review results in the conclusion that the relationship varies. While some studies provide supportative evidence for the hypotheses, others do not. To empirically test the hypothesis, unemployment and prison population data was analysed. The analysis showed a positive, statistically significant relationship between unemployment and imprisonment. The analysis also showed imprisonment to have a certain effect upon unemployment rates, but the effect was not statistically significant. This was explained to be due to the size of the population imprisoned being extremely small in relation to the numbers unemployed.

In the second study, Kellough, Brickley, and Greenaway (1980) review incarceration practices in Manitoba. They claim the historical focus is an important facet of the political analysis of crime. They quote Quinney to support this position noting that the

historical perspective shows most clearly that the law, its creation and interpretation is a reflection of the social temperament of the times. Economic and political factors, they hypothesize, has the greatest influence on the resolution of differences in society and the creation and interpretation of law. In consequence the law functions primarily to protect the prevailing economic doctrine through social control (sanctions) of powerless groups (reserve army of labour). To support their theoretical position they seek to demonstrate that:

1. historical conditions effect prison patterns;
- and 2. the effect is felt primarily by the least powerful group.

The study covers the period 1918-1939, a period of expansion (1920's) internationally, with little dissidence expressed nationally and the economy experiencing the wheat boom regionally. The study also covers a period of world wide depression and unemployment with high national dissidence and locally, the economically disturbing Winnipeg General Strike. The constrasting periods allow

for comparisons to be undertaken. These comparisons involve:

1. Manitoba provincial jail records: relating to persons awaiting trial, persons on remand, persons sentenced to less than two years, and persons sent to federal institutions;
2. Concensus data for each five year period covering 1921-1936 and a sample drawn from the incarceration figures, corresponding to the respective census year;
- and 3. Offences and severity of sanctions for the sample were rated. As well, social class standing as an indicator of powerlessness, developed through the use of an occupational rating to score each person.

The outcome of this study was that:

1. incarceration rates increased during periods of economic depression and political dissent. They also increased unexpectedly in times of economic expansion;

2. it was the politically powerless that were incarcerated;
3. incarceration was used extensively for less serious offences;
- and 4. the lower classes were more likely to serve the entire sentence.

Labour and Prison in Canada

An historical expose allows for a global view of an institution's growth within the broader social context. It permits an appreciation of those factors and forces which have contributed to the formation and development of an institution. Since crime is defined by society and reacted to by society, the institution that have evolved for society to deal with the phenomenon of crime are specifically subject to the influence of other social institutions.

One means through which society has opted to react to crime is the penitentiary system. The building of this

institution is subject to the stage set by the three major societal institutions - political (government), economic (level of industrialization) and social (education).

Within this context, labour as an activity whose purpose is to produce marketable goods and services appears to have played a dominant role mainly because it is the only good the lower classes possess for the bargaining process, as Rusche (1931) has claimed. The use of labour in the Canadian Penitentiary System has been promoted as a rehabilitative measure to ensure the acquisition of skills which the prisoner could use in post-release employment (2). Its use has also been promoted as a means to defray public costs (2).

Studies that have been done to date on prison labour focus on its use as a possible means of controlling surplus labour. No attention has been paid to its actual utilization, directly or indirectly, to achieve the stated purposes of its use - the rehabilitation of the offender and his reintegration into society as well as the defrayment of some of the costs of imprisonment. The following will examine these aspects of prison labour

within the Canadian context utilizing the Penitentiary Act; the Canadian Penitentiary Annual Reports; and the Penitentiary Files.

In terms of the Economic Theory of Punishment it could be hypothesised that the use of labour for the purpose of rehabilitation and reintegration negate the theory. While these may be the stated objectives behind the use of prison labour, upon closer examination of events, the actual utility of prison labour may lend support to the theory's basic premise.

The Penitentiary Act is the overriding document which sets out the mandate of the Canadian Penitentiary System and states how its components are expected to function. The Act requires that an annual report be submitted detailing the management of the institution by the Inspector as well as individual reports by Wardens containing financial and statistical statements. The Penitentiary Files contain recordings of correspondence between departments and within the department, regarding the administrative functioning and decision making process.

Through the use of these documents, a review of the Canadian Federal Penitentiary System's practices with regard to prison labour will be undertaken. The shortcoming of such an approach is the loss of information due to the lack of available documentation. The description of events contained in such documents as the annual reports, reflects the author's perception of events, and is subject to his discretion in the recording of occurrences. Any statistical figures cited are also subject to question as to their accuracy and method of compilation. Thus, interpretations and deductions are based upon limited information. Another drawback, Platt notes in using the historical approach, is the accuracy in choosing the time frame. In his study on juvenile delinquency, Platt began his analysis in the nineteenth century. In the introduction to the second edition of The Child Savers, Platt refers to critics who observed state intervention in juvenile delinquency dated back to the seventeenth century. However, a systematic rationalization of reforms Platt notes, did not occur until two centuries later.

The use of prison labour from Confederation to 1960 spans a time frame in Canadian history whereby numerous

changes are seen to occur. Confederation marks the year a unified government was established in Canada as an independent state. While it may be argued the uniting of Upper and Lower Canada in the 1840's really saw the establishment of a unified government, Canada as a nation was not recognized until twenty years later. During the pre-Confederation period, the colonies had individual methods of applying sanctions. At Confederation, the division of responsibilities were clearly outlined in the British North America Act. "The establishment, maintenance, and management of penitentiaries" (1) became the responsibility of the federal authorities. While provincial versions of penitentiaries called gaols, existed prior to Confederation, it was decided at the time of Confederation that the provincial penitentiaries of Kingston, St. John and Halifax would become federal institutions, and their directives would be from a central administration. The cut-off date of 1960 was chosen due to changes in the new Penitentiary Act of the following year which brought about administrative changes affecting the format of annual reporting. As there was no systematic recording of the Penitentiary files, only fragments are available commencing in 1895 and ending in 1950. The

cut-off date is 1950, due to the thirty year restriction placed upon all government documents.

Taken individually or collectively, the above penitentiary documents form only part of an internal examination of the institutional use of prison labour, and does not relate how its use is influenced by general social conditions. The external influences will be examined through a study of the development of the economy.

Economic growth, the increase in output of goods and services sets the framework in which labour plays a central role. The stages of growth have been theoretically defined by Rostow (1960) as:

1. traditional;
2. preconditions to take-off;
3. take off;
4. drive to maturity;
- and 5. mass consumption.

The traditional stage is characterized as highly agricultural, with the amount of industrial production

being limited. Socially, vertical mobility is also limited and organizations are composed mainly of families or other small units. A central government is non-existent with land-owners directing the economy, resolving conflicts and controlling politics in general.

Preconditions to take off is a transitional period from an agrarian based economy to an industrial one. The development of institutions takes root, with education important to certain segments, banks and financial institutions emerge, and politically a central government is formed. Socially, a new class begins to displace the former decision-maker, the land-owner.

Growth is irreversible once take-off is attained. New industries are rapidly expanding and with it a new dominant class, the entrepreneur, who, being unable to join the traditional class, takes the lead in directing economic and political affairs.

When the economy has the skills to produce the goods, it is on its way to reaching maturity. Here, new industries; chemical, electrical and machinery become the

leaders in the manufacturing sector, while former leaders such as textiles and agriculture level off.

High mass consumption is achieved when the standard of living is above the level of necessities, and the production of such durable goods as dishwashers is undertaken. The structure of the labour force is such that the urbanized skilled worker is in high demand and is catered to. The use of social welfare policy grows as social structure looks to and can support the improvements for the welfare of the population (6).

Within these stages, growth is subject to booms and recessions. The framework outlined by Rostow however, does not take these into account. The theory assumes progress without setbacks. Nevertheless, the stages of economic growth has relevance to a discussion of the utilization of prison labour, as they determine the general value that is placed on labour. Booms and recessions operate within these stages.

The following study of the utilization of prison labour in the Canadian Federal Penitentiary System will

commence with an overview of economic growth in Canada and how this growth has affected the composition of the labour force to change. Reflected in the composition of the labour force are the occupations which are dominant, at specified periods of time. The use of prison labour in practice will be shown through the accounts in prison records. If the tenets of the Economic Theory of Punishment are being followed, then prison labour will be seen to function as a means through which operating costs of the penitentiary may be offset; discipline may be maintained; and security assured. If, however, prison labour is seen to function as a means through which skills applicable to the dominant occupations are acquired; skills such as good work habits which would aid an offender in post-release to be reintegrated into society, then the Economic Theory of Punishment, would be negated.

REFERENCES

1. Canada: (1867) An Act for the Union of Canada, Nova Scotia, and New Brunswick, and the Government thereof; and for Purposes connected therewith. Chapter III. Ottawa: Queen's Printer.
2. Canada: (1962) Penitentiary Act, Penitentiary Service Regulations. P.C. 1962-302. Ottawa: The Canada Gazette Part II, Vol. 96.
3. Jankovic, I. (1977) Punishment and the Post-Industrial Society: A Study of Unemployment, Crime and Imprisonment in the United States. Santa Barbara: University of California, Ph.D. Sociology, Criminology.
4. Kellough, D.G., S.L. Brickey, and W.K. Greenaway (1980). The politics of incarceration: Manitoba, 1918-1939. The Canadian Journal of Sociology, 5, 253-271.
5. Platt, A. (1977) The Child Savers. Chicago: The University of Chicago Press.
6. Rostow, W. (1960) Stages of Economic Growth. New York: Cambridge University Press.
7. Rusche, G. (1978) Labor Market and Penal Sanctions: Thoughts on the Sociology of Criminal Justice. Translated by G. Dirwiddie. Crime and Social Justice, 10, 2-8.
8. Rusche, G. & O. Kirchheimer (1968) Punishment and Social Structure. New York: Russell & Russell.
9. Scott, R. and A. Schull (1978) Penal Reform and the Surplus Army of Labour./ in W.K. Greenaway and S.L. Brickey, Law and Social Control in Canada. Scarborough, Ontario: Prentice-Hall of Canada Ltd., 147-158.

10. Sellin, T. (1944) Pioneering in Penology. Philadelphia: University of Pennsylvania Press.
11. Sellin, T. (1976) Slavery and the Penal System. New York: Elsevier Scientific Publishing Co. Inc.

Chapter Four

THE SETTING

There exists a close tie between the stages of economic development of a country and the composition of its labour force. A major determinant of the economic activity is the extent to and the manner in which its human resources are utilized. The economic activity of a society has been broadly described in terms of primary, secondary and tertiary industries: with primary industry comprising such activities as agriculture, forestry, mining, quarrying, fishing, and hunting; secondary industry comprising manufacture and construction; and tertiary industry comprising services such as transportation, communications, trade (both wholesale and retail), finance, insurance, real estate, community and personal services and public administration. All these forms of industry co-exist in any society but with economic development it is believed that there is a decrease in the proportion of the population engaged in primary industry and corresponding increase in the proportion engaged in tertiary industry. Through an examination of a country's economic history it is possible to identify the different types of labour that are required in that country at different periods of time.

Rostow (1953), who has described the economic development of a country as falling into five stages, maintains that the evolution of the domestic sector is the key to national development. Once this is achieved, he claims, production for outside markets is undertaken. Mackintosh (1923), on the other hand, believes that the key to development is found in the outside markets. He claims, that "progress does not take place unless a colony possesses markets, where it can dispose of its staple products" (11, p. 14). Once outside markets are secured and production geared towards them, Mackintosh claims, the domestic industrial sector will benefit and grow, filling the needs the exported staple creates. This forms the basis of the Staple Theory.

Economists such as Buckley (1958), however, argue that this theory is of limited value for analysis in an advanced industrial society. Referring to Canada, he points out that the theory renders an insufficient explanation of economic development after 1820. While timber, and then wheat were the dominant staples in this period, industrial growth could not be considered solely a by-product of their dominance. Furthermore, the staple

the wheat boom of the early twentieth century as proof that one product shaped the course of development. When tested empirically however, the influence of the boom on the economy has been found to be overrated (1).

The staple theory is apparently useful in interpreting the economic development in certain periods of history. For an overall explanation of economic development, it appears preferable to use an alternative approach such as Rostow's stage framework, even though explanations involving the stages of economic growth do not account for the fluctuations that occur which the staple theory does. In any event, as far as this study is concerned, what is of essence are not the factors that influence the economic development of the country but the evolution itself and the manner in which this development shifted the emphasis from occupation to occupation or from segment to segment of the labour force.

The stages in the economic development, are identified having taken into consideration the economic, social and political changes that occur in a country. In a study of the development of the educational system, of

Canada, O.J. Firestone (1969) has identified the stages of economic development accordingly:

1. 1605 - 1867 traditional;
 2. 1867 - 1896 preconditions to take-off;
 3. 1896 - 1904 take-off;
 4. 1914 - 1950 drive to maturity;
 - and 5. 1950 - on age of high mass consumption
- (9, p. 99).

This stage description offers a framework, which could be utilised to study the economic development in Canada, paying special attention to the dominant occupations of each period.

Traditional: 1605 - 1867

This apparently was a period when the economic activity in Canada was determined to a large extent by the demand for raw material in industrializing Britain. Preferential tariffs were granted by Great Britain to encourage the colonies to export raw materials to that country. In addition to this, the closure of the Baltic

timber markets increased the importance of lumber imports from the British North American colonies to Britain. Thus the activity in these colonies, which were to later become Canada, was mainly directed towards the production of raw materials for export (3). Small industries such as breweries, saw and grist mills, bakeries and brickyards did exist and were particularly characteristic of Toronto in the 1830's. By 1850, a fifth of Toronto's population was working in the manufacturing sector (19, p. 1). Yet, the industries of the 1850's were organized primarily on the craft principle whereby the owner's with the help of the family, ran the operations (5, p. 12). Thus while industry could be considered to have been flourishing, it remained small scale. The only sector which saw continually high demand for labour throughout the 1850's and the 1860's was agriculture (10, p. 217).

During this period, though the colonies were isolated from one another, and they lacked the necessary capital to develop economically, they matured politically. Yet the drawbacks, such as isolation, made industrialization difficult. The lack of transportation and communications, the lack of foreign exchange, meant that the incentive and means to develop secondary industry

did not exist. Thus it became increasingly evident that if progress was to occur, a strong economic infrastructure would be necessary. A union of the colonies could provide the foundation. Furthermore, events both in Britain and in America made uniting eminent. In Britain, the adoption of a free trade policy in the mid-1800's meant the loss of guaranteed markets. In the United States, both the reciprocity treaty and the civil war led to an increase in demand for the manufacturing of Canadian goods. Confederation thus set the foundations for the development of secondary industry.

Preconditions to Take-Off: 1867 - 1896

During this period, Confederation occurred making way for the federal government to give strong political and economic leadership. The economic objective of Confederation and the National Policy saw the use of immigration, settlement, railroads, and tariff policies to achieve government objectives. The building of the transcontinental railroad in itself saw large amounts of foreign capital being invested in Canada. Both the transportation and communication infrastructure were



further strengthened, allowing for the population to be more mobile. In essence, this meant that industry, especially secondary industry, was given the means by which it could diversify and expand.

At the time of Confederation, three quarters of the labour force was employed in agriculture, while only 16% engaged in simple industries servicing such local markets with materials such as lumber (9, p. 10 & ch. 3). Under the impetus for economic growth during this period, secondary industries began to develop. Among these industries were shipbuilding, agricultural tools, furniture, flour mills, woollens, boot and shoe factories, sugar refiners, breweries and distilleries. These industries, especially the manufacturing ones, the Rowell-Sirois Royal Commission Report (1940) noted, became increasingly important during this period. The report stated "manufacturing expanded in the most important categories: the provision of capital equipment, consumers' goods of general consumption and the processing of natural products for export. The program of railway construction saw the growth of cities and towns as well as equipping western farms. The iron and steel industry especially made

progress. The production of railroad rolling stock became a major secondary industry. New demand for western farm equipment brought an increase of 250% to the output of agricultural implements" (6, p. 175).

The development of the railroad in itself led to an increase in the size of industry and facilitated their growth and concentration in large centers. Yet despite this rapid growth, the total production of industrial factories remained small. This was due to the strong hold craftsmen maintained in the general market. The 1871 census found craftsmen to produce 20% of the manufacturing output (5, p. 13). These sheltered manufacturers or shopcrafts accounted for only 12% of total production (total GNP). Domestic raw production accounted for 43%, or the bulk of production (12, p. 27). The industries were small and until this point mainly decentralized. The labour force was thus still comprised primarily of agricultural workers. Yet the numbers employed in secondary industry were increasing gradually.

Six years after the progressive years Confédération had brought, a depression began in 1873, bringing to a

standstill almost all economic expansion. The lumber industry was hit the hardest. Between 1873 and 1879, the export of forest products decreased by one half, and the price of manufactured goods fell more than those in agriculture. Throughout the depression, there was a call for the protection of secondary industries. The National Policy (1879), through the use of protective custom duties (tariffs) promoted domestic industrialization, especially manufacturing through the limiting of certain imports. A result of the National Policy was to create such a high demand for labour, especially manufacturing, that child labour was often substituted (10, p. 217).

By the end of this period, although Canada remained primarily agricultural, the foundations had been laid for an advanced industrial economy. While the size of the agricultural labour force was seen to fall 10% (50%-40%) between 1870 and 1900, this decline was attributed primarily to mechanizing agricultural procedures (7, p. 6). Overall, the number employed in manufacturing had increased by 161% for the same period (9, ch. 3). Manufacturing was thus emerging as an important employer for the next period.

Take-Off: 1896 - 1914

This period was one of general recovery from the slump experienced towards the close of the previous period. Except for the last two years, 1912-1914, when depression adversely affected the economy, expansion was the main characteristic of this stage. Throughout Canada, agriculture underwent many changes with the prairie wheat boom being heavily involved. Technology was increasingly used in agriculture, causing a decline in the demand for farm labour. This, together with internal migration and urbanization, resulted in expansion of government services and the numbers employed therein.

The number of workers in the manufacturing industry increased by 15% for the first decade of the twentieth century, and their overall contribution to G.N.P. increased to 23%. Industries, such as the iron and steel industries witnessed extensive expansion (9, p. 107-110) (3) (21).

By the end of the first decade of the twentieth century the growth of secondary and tertiary industries and the mechanization of agriculture had increased the demand

for skilled labour and saw a surplus of unskilled labour. This situation was exacerbated by the movement eastward of the immigrants who had come from Europe earlier to settle in the Prairie provinces hoping to cash in on the wheat boom. They, like others who had migrated from the east, soon returned to central Canada, the heart of industrialization, where employment opportunities appeared to be greater.

Drive to Maturity: 1914 - 1950

This stage covers two world wars and the intervening period constituting a decade of rapid growth, followed by a depression and a period of post-war economic reconstruction. There were large changes in the industrial structure with secondary industries experiencing the biggest expansion. Among these, the fabric industry and the newly established aircraft industry grew rapidly during the first World War. During the war costs were secondary to production, a situation that had to alter after the war, creating difficulties for Canadian industry. Following the war, European industrial recovery provided competition for Canadian firms. The first two years of the 1920's saw an

end to the wartime boom. The following three years (1921-1924) reconstruction and recovery of industry was undertaken, leading once again to booming times to close the decade. The auto, chemical, electrical equipment, machinery and metal processing industries all benefitted from investments. The depression of the next decade delayed most of the industrial progress, but hit the manufacturing sector the hardest. By mid-1930's, industry started its climb to recovery, managing to have attained former levels by the start of the second world war. The war years saw conversion from manufacturing to military needs leading to increased diversification and increased demand for skilled and technical personnel (3).

The effect of these events on the labour force during the 1920's was to decrease the number of farmers. This meant that agriculture no longer absorbed as many entrants into the labour force. The unfavourable economic climate of the 1930's meant a decrease in the amount of social expenses, of particular interest was the decline in public expenditures for education and training. This signified an interruption in the expected evolution of labour. The employees of the following decade were not.

as prepared as they might have been. The surplus labour of this decade soon found employment in the war effort of the 1940's and in filling the high demand for goods and services in the 1950's (13, p. 257) (8, p. 211-215) (9, p. 110-114). During the war years, tool making, electrical equipment, chemicals and steel were among the new factories and new industries created. In the post-war period, science and technological advances changed the composition of the labour force.

These changes in the industrial structure were reflected in the occupational composition of the labour force. Between 1917 and 1959, the number of administrative and office employees increased five times, while the number of production workers - those engaged in actual manufacture - only doubled. A further breakdown of the time periods indicate a 9% increase of production workers for 1917-1939, corresponding to a 50% growth in the manufacturing labour force. In the following twenty years, the number of the production workers doubled while the administration sector grew by 148%. In the inter war period (1917-1939), manufacturing developed at a slow pace, but in the post World War II years, technological change led to greater advancements (17) (18).

The open immigration policy during the wheat boom period and the mass immigration that had occurred contributed to extensive unemployment at the beginning of this period. The movement eastward of both the Europeans who had migrated to the Prairies as well as the Canadians who had gone west during the wheat boom, increased the size of the available labour force in the industrializing and urbanizing parts of the country. The exacerbation of the unemployment problem in the urban areas, however, was to some extent checked by the depression of the 1930's by a retardation of the rural-urban immigration flow as well as a movement in the opposite direction - a return to the farm during the depression. In the 1940's, the second World War altered the situation. The war made demands on the agricultural sector as well as the manufacturing sector. Attempts to meet these demands saw an increasing demand for labour and this commodity which was earlier in over abundant supply became a relatively scarce one in high demand. After the war, reconstruction and transition from production led to a high demand for goods and services. Labour continued to be in high demand but with a change in occupational structure.

Meltz (1965), using the classification of occupation adopted by the Census of 1951, divided the occupations into 12 categories and analysed the changes in the labour market during the period 1931-1961. The general conclusions of this analysis of the occupational composition of the labour force indicates that for this period:

1. there was a decrease in the number engaged in occupations in the agricultural sector. In 1931, 28.8% of the labour force was employed in agricultural positions, by 1961 this figure had fallen to 10.5% or an overall decrease of 66% had occurred;
2. another large decrease that occurred in the primary sector affected the labour occupation. In 1931 it was ranked third, while by 1961 it ranked ninth;
3. the greatest increase occurred in the service sector. During the thirty years under study, 1931-1961, this sector doubled in size;

4. the manufacturing and construction sectors also double in size;
- and 5. overall the numbers employed in the professional occupations in the service sector also increased (14, p. 24).

Age of High Mass Consumption: 1950-1960

In this period technological maturity is assumed to have been attained, and the benefits of industrial progress are to be reflected in a higher standard of living. The expansion of manufacturing sector has been attributed to the search for new sources of natural resources, western expansion and the demand for aircraft, electronics and shipbuilding generated by the Korean War (18, p. 3).

The cold war years (1950-1954) led to an increased demand for minerals. This demand in turn gave a push to the rate of productive development, and the number of skilled labour to fill these positions was high. By the mid-1950's, technical and professional manpower was in a shortage.

The service sector became increasingly important as welfare and retraining programs were expanded (3). The labour force reflects these changes through a shift away from secondary industries as the prime employer to service producing industries.

General Overview of Labour Force Composition

The study of changes in the economic structure of a society and the changes in the composition of its labour force may be undertaken from three different perspectives. The first examines the percentage of the labour force employed in each sector of the economy. Colin Clark (1960) related the economic development to the sectoral distribution of the labour force stating that over time there is a relative drop in demand for agricultural occupations followed by a corresponding rise in the demand for manufacturing occupations. This rise however does not last. The relative demand for manufacturing jobs eventually declines. When this decline occurs, the number of service sector jobs is seen to be increasing (4, p. 492).

As technology is introduced into agriculture, less manpower is required to produce the same amount of output. The freeing of manpower from rural communities together with availability of increased technology lead to their increased involvement in the manufacturing sectors of the urbanized areas. Once the industrial structure is well established, the economy is in a position to support local welfare programs. It is important that the tertiary sector develops as it is often the best means through which high levels of employment can be maintained. Any excess labour that is displaced due to increasing technology may be absorbed by this sector.

The fluctuations in the proportion of the labour force engaged in the different sectors in Canada during the period 1901-1961 is shown in Table I. The data shows that labour force involvement in the primary and secondary sector decreased during the period 1901 and 1921 (more in the primary than the secondary) while the labour force involvement in the tertiary sector increased. The changes during the period 1946-1961 on an annual basis is shown in Chart I. Throughout this period, labour force involvement in the primary sector is seen to be declining, while

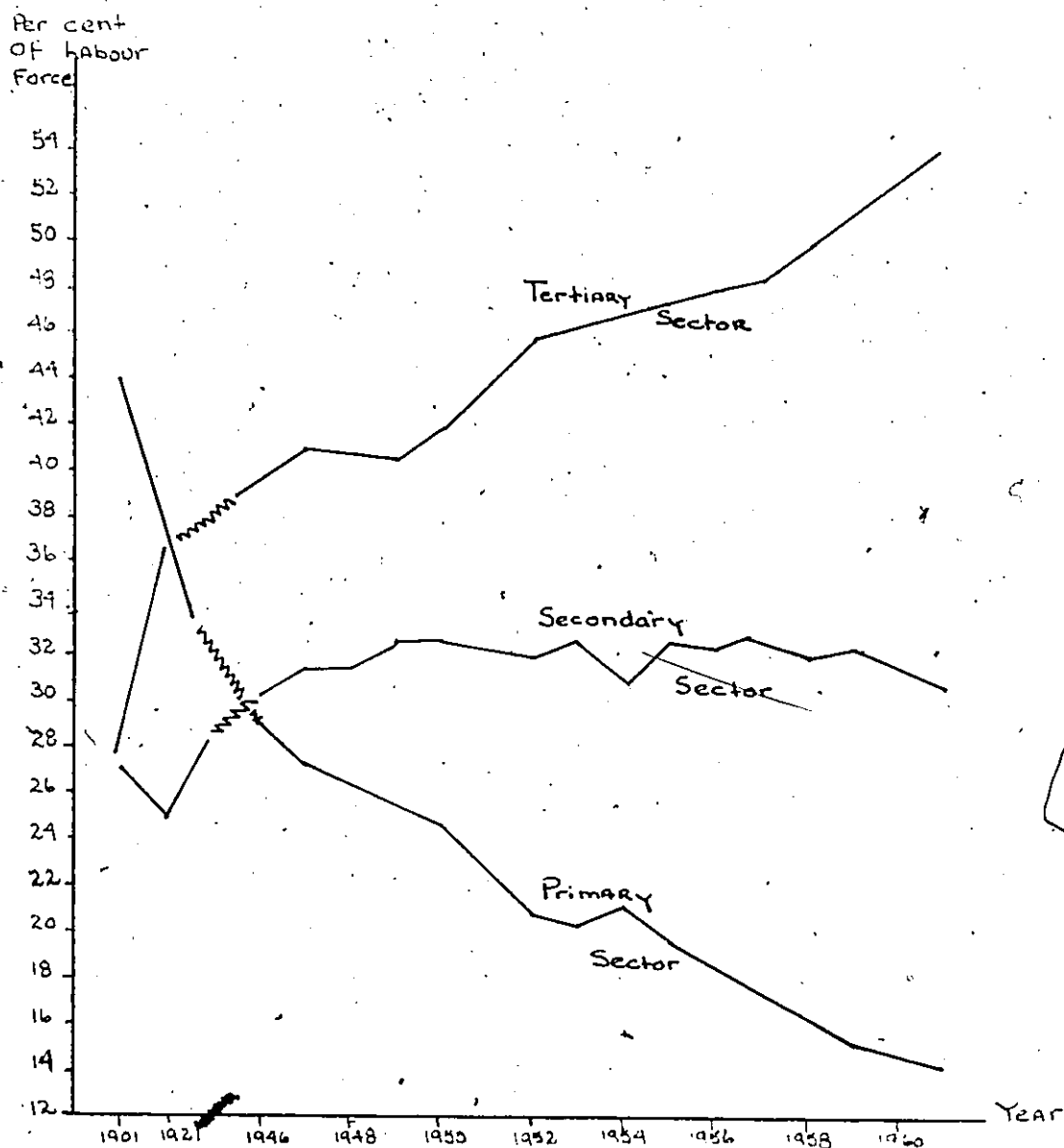
TABLE ISectoral Distribution of the Canadian Labour Force,1901 - 1961

Sector/year	Primary	Secondary	Tertiary
1901	44.3%	27.8%	27.9%
1921	36.4%	25.8%	37.8%
1946	29.4%	30.8%	39.8%
1950	24.4%	33.1%	42.5%
1955	19.8%	32.5%	47.7%
1961	14.1%	31.7%	54.2%

Source: S.G. Peitchinis (1965) The Economics of Labour:
Employment and Wages in Canada. Toronto:
McGraw-Hill, pg. 101, Table 5.1.

Chart I

Percentage Sectoral Distribution of the Canadian Labour Force Select Years, 1901-1961.



Source: S.G. Peitchinis (1965) The Economics of Labour: Employment and Wages in Canada. Toronto: McGraw-Hill, pg. 102, chart 5.1.

involvement in the tertiary sector continually increases and involvement in the secondary sector remains more or less constant. There apparently has been an increase in the labour force involvement in the secondary sector during the period 1921-1946.

The second approach examines the industrial distribution of the labour force. In this approach, the employment capacity of industrial groups within each of the three sectors outlined above are described according to the people employed in a particular industry or production unit. The industries or production units are listed as:

1. agriculture and non-agriculture primary industries which include - forestry, fishing, trapping, mining, and quarrying;
2. manufacturing and construction, categorized as secondary industry;
- and 3. trade, transportation, and other utilities, service and real estate, insurance and finance all grouped together to constitute the tertiary industry.

The industrial distribution of the labour force for the period 1946-1961 is shown in Table II and Chart II.

Labour force involvement in agriculture and other primary industries are seen to decline steadily for this period. The involvement in the secondary industries of manufacturing and construction hold steady. With regards to the tertiary industries, the involvement in transportation remains the same as trade increases, as does the involvement in finance, insurance, real estate and service sectors.

The change in the labour force involvement in the agricultural sector has been attributed to the increased mechanization. Mechanization also occurs in manufacturing, however, the labour involvement in the manufacturing industry experienced little change throughout this period implying that the introduction of new technology was associated with an expansion of the industry to take up the slack in labour use that the improved technology entailed. This is because manufacturing unlike agriculture is an industry that is income elastic that is, an increase in the real income per capita is associated with an increase in

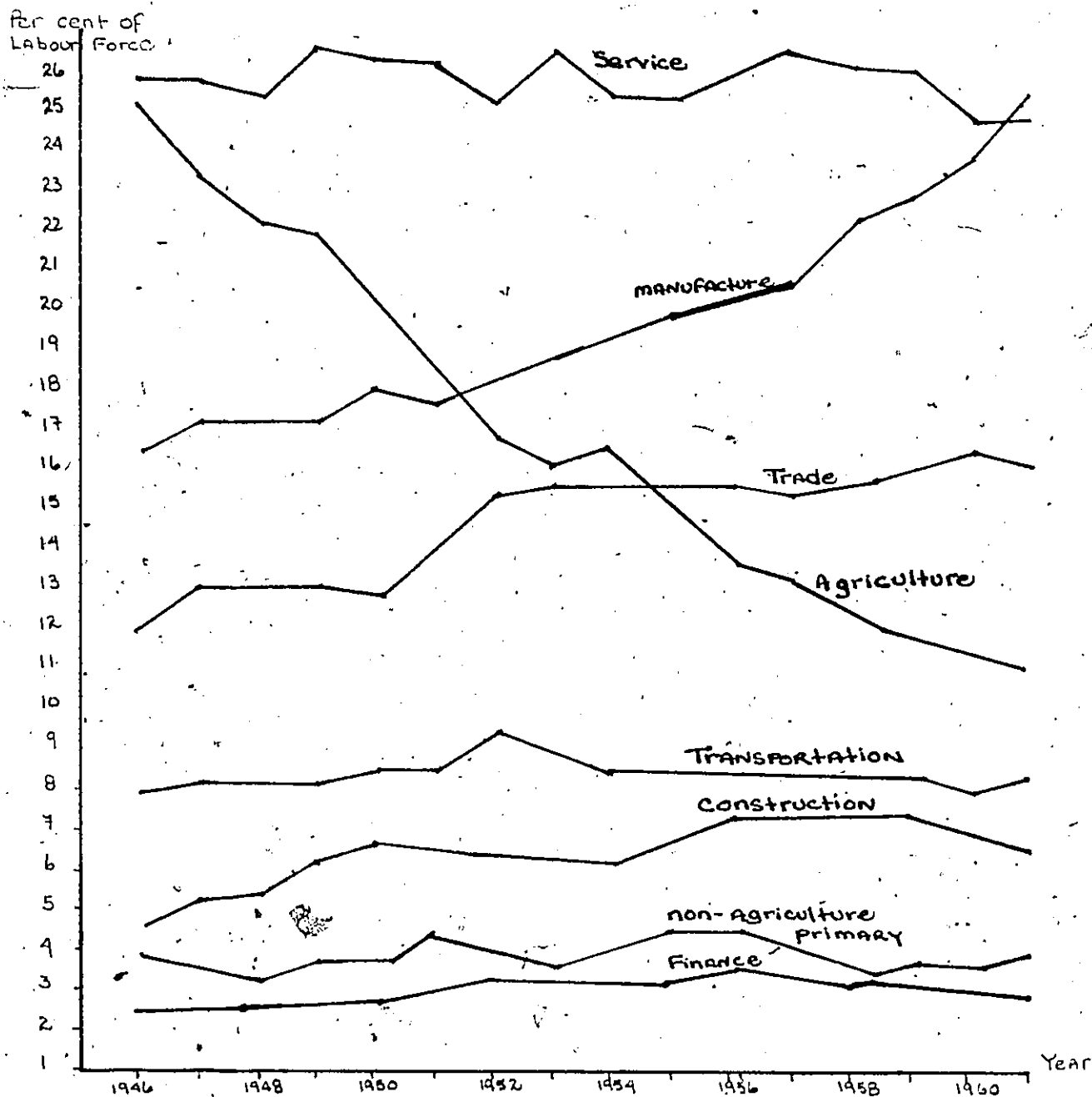
TABLE II
Industrial Distribution of Employment, 1964-61

Primary				Secondary			
Year	Agriculture	Other Primary	Manufacturing	Construction			
	1000's	1000's	1000's	1000's	%	%	%
1946	1,185	187	1,213	224	26.0	4.8	4.8
1950	1,020	194	1,314	333	26.4	6.7	6.7
1955	821	241	1,373	370	25.6	6.9	6.9
1961	671	181	1,512	405	25.0	6.7	6.7
Tertiary							
Year	Transportation & Other Utilities	Trade	Finance, Real Estate, Insurance	Service			
	1000's	1000's	1000's	1000's	%	%	%
1946	378	574	121	784	2.6	16.8	16.8
1950	423	642	144	906	2.9	18.2	18.2
1955	467	842	177	1,073	3.3	20.0	20.0
1961	508	986	242	1,542	4.0	25.5	25.5

Source: S.G. Peitchikis (1965) The Economics of Labour: Employment and Wages in Canada. Toronto: McGraw-Hill, pg. 103, Table 5.2.

Chart II

Percentage Industrial Distribution of the Labour Force
1946-1961



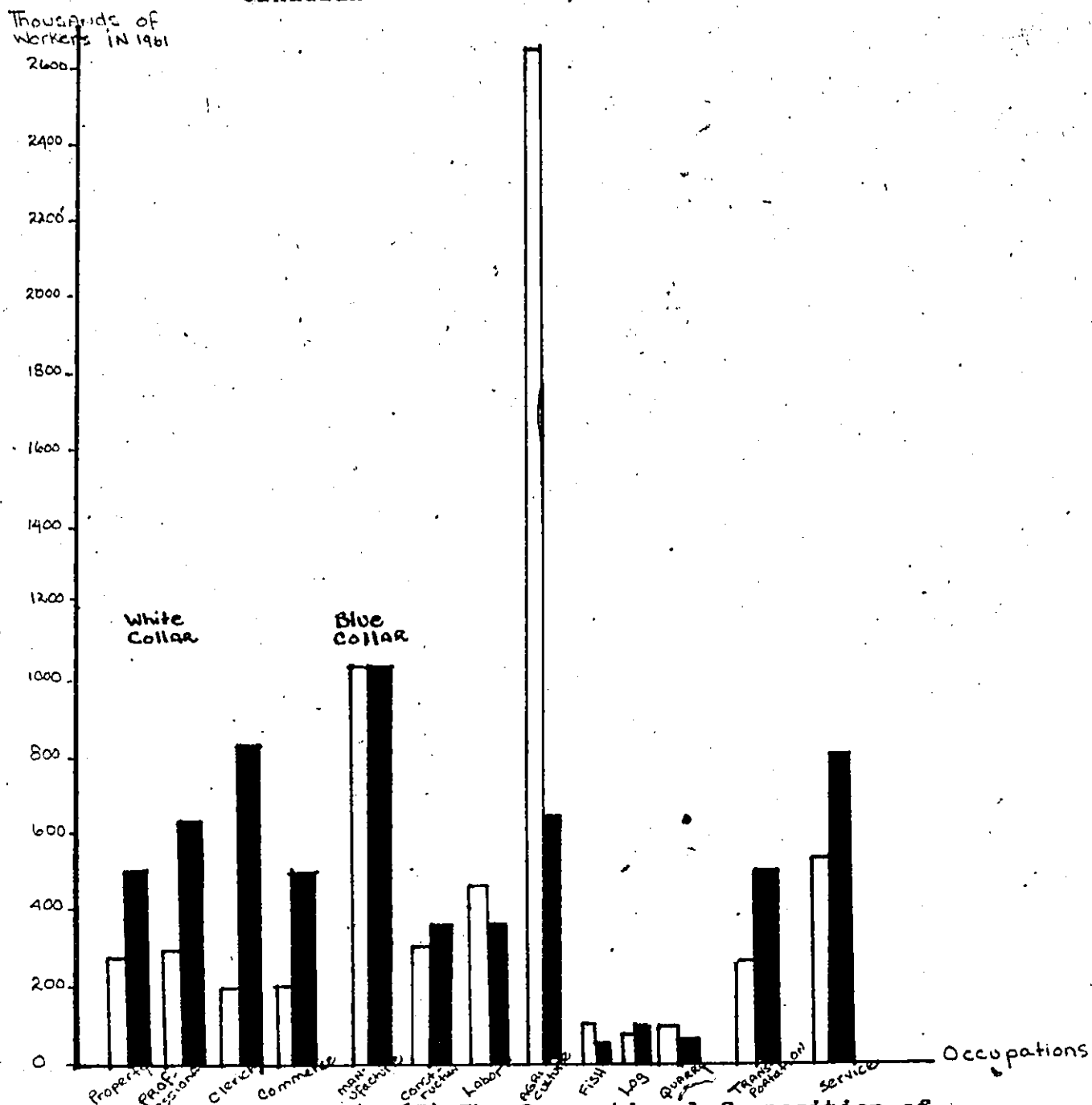
Source: S.G. Peitchinis, (1965) The Economics of Labour: Employment and the Wages in Canada. Toronto: McGraw-Hill, pg. 104, chart 5.2.

the amount of production. In agriculture, which is not income elastic, an increase in the real income per capita is not necessarily associated with an increase in the amount of production. Usually it is found to decrease. The difference may be due to industrial substitution such as synthetics for cotton and processed food for fresh foods. The service industry in 1961 was twice that of 1946. This indicated that much of the expanded labour force was absorbed by the industries in this sector.

The third approach examines the number of people in the same employment with the same skills according to occupational categories. Chart III shows the changes in the occupational composition of the Canadian labour force between 1901 and 1961. Among the primary occupations, agriculture shows the greatest decrease while fishing and mining are seen to decline. The secondary, or blue collar occupations, see no change in manufacturing or mechanical positions. Construction indicates a slight increase while labourers show a decline. Labour force involvement in all of the tertiary, or white collar occupations between this period show an increase..

Chart III

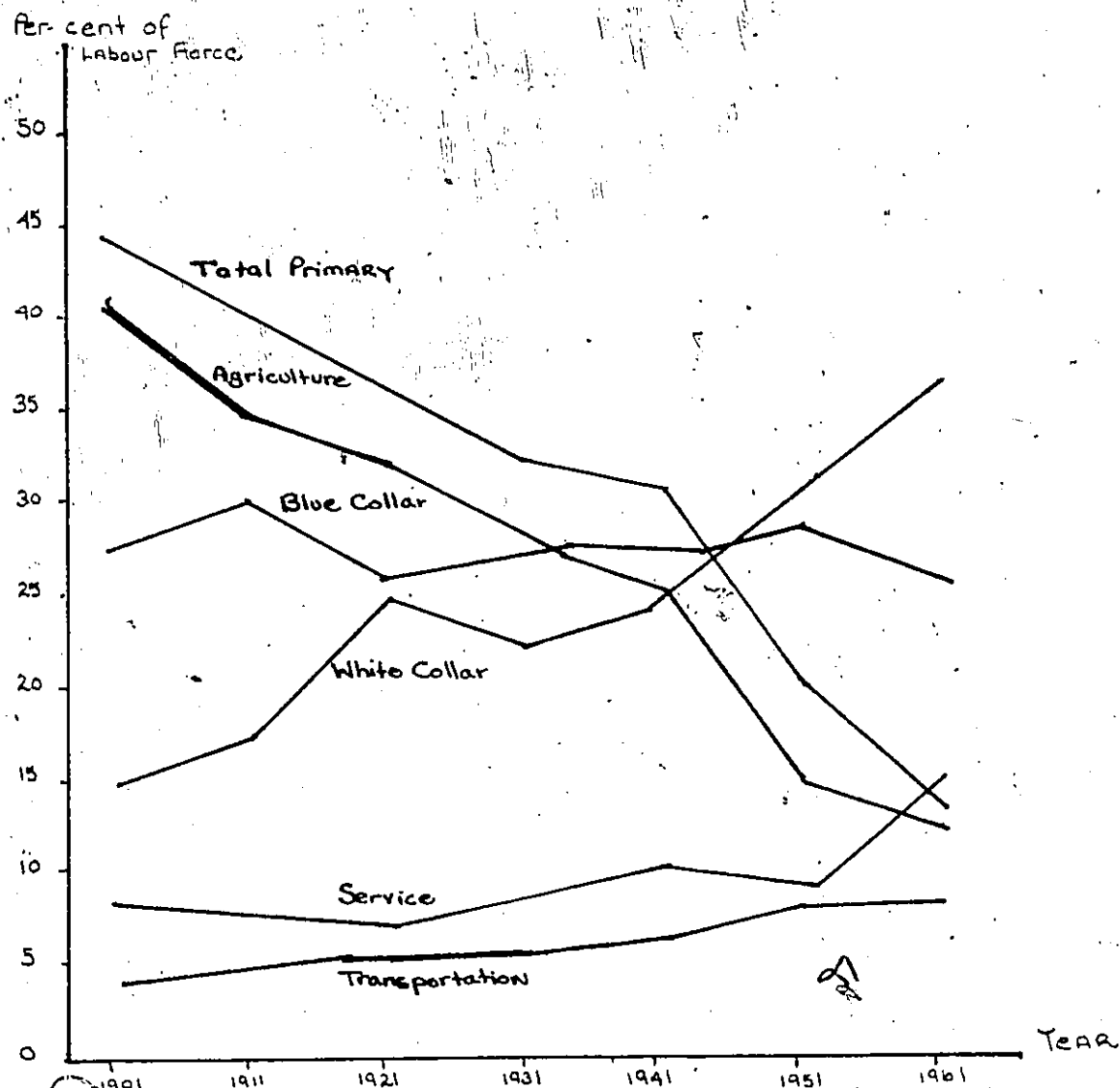
Changes in Occupational Composition of the
Canadian Labour Force, 1901 to 1961*



Source: S. Ostry (1967) The Occupational Composition of the Canadian Labour Force. Ottawa, DBS, pg. 4.

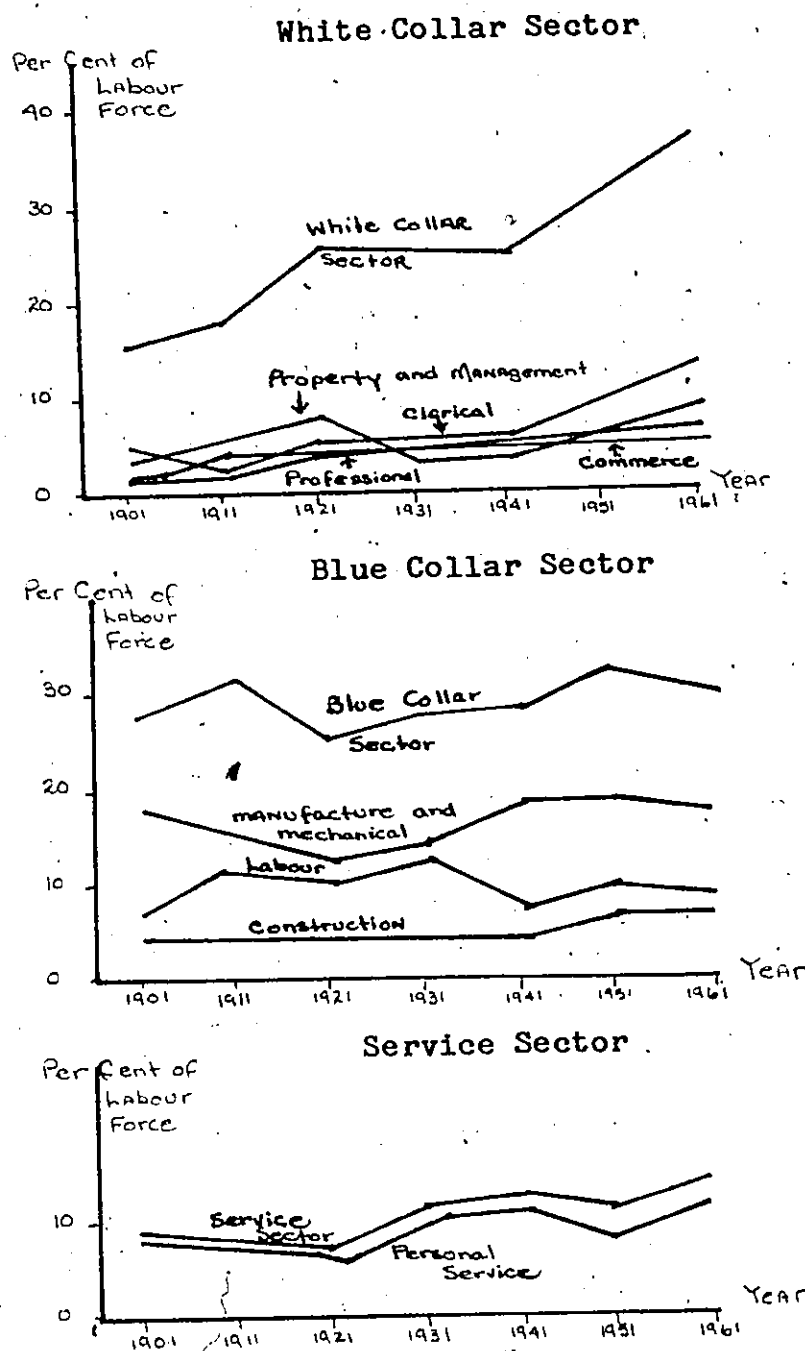
Chart IV

Percent Distribution of Labour Force
Major Occupation Sector, 1901-1961.



Source: S. Ostry (1967) The Occupational Composition of the Canadian Labour Force. Ottawa DBS, pg. 10.

Chart V
Percent Distribution of Occupation Divisions
1901-1961



Source: S. Ostry (1967) The Occupation Composition of the Canadian Labour Force. Ottawa DBS, pg. 12.

These changes are also shown in Chart IV. The Chart shows that at the beginning of the twentieth century agriculture occupations dominated the labour force employing 41% of the labour force. By 1941, however, manufacturing had replaced agriculture as the dominant occupation, accounting for 27% of those employed. Ten years later, the service or white collar sector led, employing 33% of the labour force. Overall this sector had grown by 75% between the 1911 - 1921 decade and by 50% between 1941 and 1961. The dates at which the blue collar occupations decline correspond to the dates whereby the white collar occupations are seen to increase.

Chart V presents the changes in the labour force involvement in the occupational divisions for the three sectors; white collar: blue collar: and service. In the white collar sector, an overall increase was seen throughout the 1901 - 1961 period. For the first decade, clerical, property, managerial, commercial and financial have all shown an increase with the professions having shown a slight decrease. The 1911 - 1921 period saw a significant overall increase. The commercial and financial areas stayed the same, with all other areas increasing.

There was little or no change experienced during the next two decades, 1921 - 1931 and 1931 - 1941. The next two however saw an overall increase in all areas except for commerce and finance in 1941 - 1951 which saw a slight decrease. Property and management also leveled off between the years 1951 - 1961. In the blue collar sector, construction showed very little change. Labourers, on the other hand, showed an increase of 150% for the first decade, 1901 - 1911, decreasing slightly between 1911-1921, only to increase slightly between 1921 - 1931, decreasing greatly between 1931 - 1941 and showing little or no change between 1941 - 1951, and closing the period under study by declining between 1951 - 1961. It is noted, however, that census data often used the labouring category to include all occupations that were unlisted. Furthermore, immigration tended to influence this category more so than the industrial or technical categories. The decrease in unskilled labour seen between 1931 - 1941 is associated with an increase in manufacturing and mechanical skills and semi-skilled production workers. The service sector grew continually since 1920, experiencing only one decade of decline, (1941 - 1951). This was due perhaps to the large increase in the number of workers in this sector during the

1930's where their services were often used in 'make-do' jobs such as public works.

The composition of the labour force has been seen to reflect on the level or stage to which the economy has evolved, whether this evolution is examined from a sectoral, industrial or occupational perspective, the general overview is similar. During the period 1867 - 1961, the overall changes that occurred were with the agricultural sector experiencing a continual decline while the manufacturing and service sectors increased in size annually. From Confederation until the early quarter of the twentieth century, agriculture was the dominant sector. Manufacturing by the 1920's was the leading sector and retained this position until the 'post-World War II' period. The service sector continued to increase in size becoming the leading employer in the developing years of the 1950's.

In examining the use of prison labour in Canada, this study will relate the trades promoted within the penitentiary system to their position held with the general labour market. If the trades promoted are found to be

related to the acquisition of skills which would be useful to the prisoner after release in getting into the labour market, then it may be said rehabilitation is the objective sought to be achieved by the prison labour program. If, however, trades are outdated; are merely used to fill idle time; are a discipline tool, then it may be said the offender has been removed from society for a period of time only to be returned further handicapped.

REFERENCES

1. Bertram, G. (1973) The Relevance of the Wheat Boom in Canadian Economic Growth. The Canadian Journal of Economics, 1, 545-566.
2. Buckley, K. (1958) The Role of the Staple Industries in Canada's Economic Development. The Journal of Economic History, 18, 439-450.
3. Careless, J.M.S. and R.C. Brown (1967) The Canadians, 1867-1967. Toronto: The Macmillan Company of Canada Ltd.
4. Clark, C. (1960) The Conditions of Economic Progress. London: Macmillan and Company Limited.
5. Craven, P. and J. Littleton. R.M. Laxer, (editor), Technological Change and the Workforce. Toronto: The Ontario Institute for Studies in Education.
6. Creighton, D. (1970) Canada's First Century, 1867-1967. Toronto: Macmillan Company of Canada Ltd.
7. Denton, F.T. (1972) The Supply of Labour in Canada. Canadian Perspectives in Economics, E-2. Toronto: Macmillan of Canada Ltd.
8. Firestone, O.J. (1958) Canada's Economic Development, 1867-1953. London: Bowes and Bowes.
9. Firestone, O.J. (1969) Industry and Education. Ottawa: University of Ottawa Press.
10. Innis, M.O. (1935) An Economic History of Canada. Toronto: Ryerson Press.
11. Mackintosh, W.A. (1923) Economic Factors in Canadian History. The Canadian Historical Review, 41, 12-25.

12. Mackintosh, W.A. (1964) The Economic Background of Dominion-Provincial Relations. Toronto: McClelland & Stewart Ltd.
13. Marsh, L.C. (1940) Canadians In and Out of Work. Toronto: Oxford University Press.
14. Meltz, N.M. (1965) Changes in the Occupational Composition of the Canadian Labour Force, 1931-1961. Ottawa: Department of Labour.
15. Ostry, S. (1967) The Occupational Composition of the Canadian Labour Force. Ottawa: Dominion Bureau of Statistics.
16. Peitchinis, S.G. (1965) The Economics of Labour. Employment and Wages in Canada. Toronto: McGraw-Hill.
17. Peitchinis, S.G. (1970) Canadian Labour Economics: An Introductory Analysis. Toronto: McGraw Hill.
18. Peitchinis, S.G. (1975) The Canadian Labour Market. Toronto: Oxford University Press.
19. Piva, M.J. (1979) The Condition of the Working Class in Toronto, 1900-1921. Ottawa: University of Ottawa Press.
20. Rostow, W.W. (1953) The Process of Economic Growth. Oxford: University Press.
21. Smith, J.M. (1957) Canadian Economic Growth and Development from 1939-1955. Royal Commission on Canada's Economic Prospects. Ottawa: Queen's Printer.

Chapter Five

THE INFRA-STRUCTURE

At the end of the 18th century, gaols and Houses of Correction were the institutions used in the execution of justice. Soon, however, these institutions were seen to be inefficient as a means of reducing crime. Prisoners it was claimed, had been passing their time in "idleness and sloth" (4, p. 135). Consequently, it had been suggested that an alternative method of punishment be found (1, p. 188). This suggestion was influenced by the classical school of criminology which dominated correctional philosophy in Britain at this time. In America, the penitentiary had been founded and had promoted the idea that "by its example, by its discovery and verification of proper principles of social organization, (it) would serve as a model for the entire society" (64, p. 84).

Establishment of the Penitentiary: Pre-Confederation.

The first penitentiary in Canada had been built and the practice of prison labour firmly established prior to Confederation.

H.C. Thompson, newspaper editor and Member of Parliament, had suggested a penitentiary for Upper Canada as early as 1826. Five years later he was chosen to chair a Select Committee whose final report proposed a penitentiary based upon hard labour, silence and solitary confinement.

In the following year there was the Thompson-Macaulay Report. The Auburn and Philadelphia systems were compared and discussed in the Report with the suggestion that the former be adopted. The recommendations of this report became the foundation for the first Penitentiary Act of 1834 with the claim being made in the preamble: "Whereas, if many offenders convicted of a crime were ordered to solitary imprisonment, accompanied by well regulated labour and religious instructions, it might be a means under Providence, not only of deterring others from the commission of crimes but also of reforming the individuals, and insuring them to habits of industry" (65, s. 1).

The first Canadian penitentiary opened in 1835 in Kingston. When the two provinces of Upper and Lower Canada united six years later, it remained the penitentiary for Canada (36, p. 764). In the early days of its existence,

the work done by prisoners in this penitentiary was primarily in the building of the Rockwood Lunatic Asylum. The large amount of prison labour readily available permitted a considerable amount of work to be accomplished and the warden was apparently pleased not only with this accomplishment but also with the public's response to the amount of work being completed. "Construction is proceeding rapidly due to the large amount of convict labour which is 'within call'" the warden has written (2, p. 150). Those incarcerated here were not all employed in the building project. Outside contractors, such as the iron company of Thompson and Roux provided jobs for prisoners. This arrangement supposedly permitted the prisoners to benefit in acquiring skills, while the institution benefitted from additional revenue (56, p. 151). In addition to the revenue, the contract system was thought to have the advantage of relieving the administration of much responsibility.

The warden notes that the initial appraisal of this system of contracting prison labour may have been a short-sighted economic evaluation. Events in the United States also indicated disfavour with the practice. The

system, it became evident, hurt discipline, was unfavourable to reform, interfered with the instruction and enabled only a small percentage to learn a trade. Furthermore, the monetary returns were less than if the prisoner worked for the state (3, p. 5). Annually, the warden points out the shortcomings of the system. In his administrative report of 1865, he writes: "It will no doubt please some to think that the expense incurred in the maintenance of our criminals might be repaid in the labour, but it should be remembered that society has a higher obligation to acquit itself of this unfortunate class than to extract from it the reimbursement of its cost to the country - it is no less than the restoration to a low life of industry, intelligence and honesty, a consideration every thoughtful mind should desire ardently in preference to pecuniary considerations" (2, p. 70). In his administrative report for 1866, he writes: "Contractors have no interest in the reform of prisoners. Their interest and the interests of the penitentiaries differ... more time should be spent giving prisoners a complete trade instead of a little piece of one" (3, p. 6).

In his report for 1867-1868, the warden proposes working for the state accounts and public works in projects such as the building of canals and the clearing of land for settlements as viable alternatives. As contract labour was not teaching prisoners a trade and facilitating their reintegration into society, work in such projects could not conceivably teach the prisoners a trade; the warden's recommendations must have been motivated by factors other than a concern for the rehabilitation of the offender and his reintegration into society.

Apart from contract labour and work on state projects, prisoners were also occupied in maintenance and other tasks related to sustaining the daily functions of the institution. Prisoners were also assigned to work on the institutional farms.

Confederation Until the First World War

At the time of Confederation, the penitentiaries were assumed as a federal responsibility, with "An Act Respecting Penitentiaries and the Directors Thereof" being enacted the following year. According to this Act, the

Director was responsible for the employment, instruction, discipline, corrections, punishment and reward of convicts. The rules and regulations in existence were to be followed until such time as they were amended (60, s. 8). The following general rules as to the treatment of convicts are outlined in the text of the Act: Every convict should be kept constantly at hard labour, except when incapacitated, or on holidays. When not employed, the convict was to be locked in his cell. The type of labour to be undertaken was left to the discretion of the warden, as was the decision to allow a convict to work for more than ten hours a day. Any overtime work could be remunerated with the monies being sent to the family or credited to the convict's account. Otherwise the convict was to receive no remuneration (60, s. 31).

The Act was amended the following year, 1869, in order to clarify that a penitentiary sentence implied a sentence of hard labour (61, s. 97). Another amendment of the same year defined a penitentiary sentence as a term of imprisonment for two years and more except for those sentenced in New Brunswick and Nova Scotia where the minimum sentence was one year (61, s. 5).

Imprisonment was to be in a federal institution for a term of more than two years apparently because any less "did not lend enough time to teach a trade or otherwise reform prisoners". Senator Campbell, in the third reading of the Penitentiary Bill, claimed that incarceration "for less than two years is not in the direction of reformation". The Minister of Justice agreed pointing out that at the time of Confederation it was agreed by all that such was the situation (38, p. 1017).

"The Rules and Regulations of the Government of the Penitentiaries of the Dominion of Canada" was published in 1870, outlining the responsibilities of the employees. As far as prison labour was concerned, these rules and regulations made it the responsibility of the warden to assign the prisoners to the various jobs. Education was a privilege granted. A schoolmaster conducted the classes in the individual cell according to a schedule determined by the institution's needs. Trade training, on the other hand, was not taken to be a privilege. The prisoner was sentenced to work at hard labour and was expected to learn the occupation to which he was assigned. There were however, certain specific trades designed specifically for

the purpose of trade training, and for which trade instructors were appointed. In addition to instructing the prisoner, the trade instructor was required to note in the 'conduct and industry book' whether the convict was careful to economize or whether he wasted materials. This book was used in determining sentence remittance. Thus, the main concern of the trade instructor was not instruction and training of the prisoner, but the exercise of economy (49, nos. 11, 21, 166, 176, 178, 179, 181, 318, 322 and 350).

The trades that were being taught in Kingston, 1868, included shoe making, tailoring, blacksmith and carpentry. The Warden of Kingston Penitentiary was of the opinion that the learning of these trades would make the prisoner an expert tradesman who could, upon release, have "an honest means by which to earn a living, and if he worked hard, he would receive a good wage". He also claimed that the use of machinery in the shoe and tailor shops would transmit knowledge that would be useful in obtaining employment in large cities. He consequently recommended the introduction of machinery in the blacksmith, carpentry and cabinet shops, claiming that it was "a well established fact that a person understanding

the work of machinery finds employment more readily than an ordinary tradesman" (4, p. 10). From the inception, it was recognized that the penitentiary was an expense. It was, however, felt that they ought to maintain a degree of self-sufficiency and that the failure to be so would be attributable to poor management (37, p. 443). Consequently, it may be questioned as to whether the warden's recommendation for the introduction of machinery was not prompted, at least in part, by the increase in production that could result. Trade training at Kingston Penitentiary at the time occupied only 134 of the 773 inmates, or merely 17.3%. The big question which remained to be answered was "What shall we do with our convicts?". Two solutions were possible. The first was contract labour and the second was public works. Concerning contract labour, the warden, in his report for 1868, contrasted the situation in Canada with that of the United States, especially with regards to outside contracts, implicitly suggesting that the contract of prison labour to private entrepreneurs was a desirable procedure. He noted the Canadian authorities had to place tenders for contracts while their American counterparts were approached by the entrepreneurs. The difference was attributed to the lack

of workshop space. The prison administration was not supportive of the proposition to lease prison labour to outside contractors. They regarded the contractors to be solely interested in profit and not the "moral or secular welfare or future fate" of the prisoner (5, p. 3). Public works seemed to be the preferred solution. This, it was claimed, allowed the prisoner to repay the state expenses while, at the same time, it ensured that his welfare was left "in the hands of those interested in restoring him to society" (5, p. 3). The continued employment of prisoners to break stone for roadwork, which was the major public works project, was seen by the Commissioner of Penitentiaries as an indication that the task assignments needed to be reassessed as there was already a large reserve of broken stone and a limited demand for it. It was suggested that tasks other than the breaking of stone for roads would be more profitable and more advantageous to both the prisoner and the institution. Even so, the Commissioner promoted stone cutting for construction purposes as a form of employment for prisoners more desirable than contract labour in anticipation of an expansion of the Kingston and Quebec systems, rationalizing that although "it would take two or three years to convert

such raw hands into skilled workmen and many of them will have no sooner become efficient than they will be entitled to discharge", the occupation was seen as a good one even if the ~~earnings~~ were not very much "it will add value to public property... at the same time (that) the convicts are being trained to the habits of industry" (5, p. 8).

Throughout the 1870's there was a decreasing number of prisoners being employed on contract. The Board of Inspectors noted the decreasing amount of revenue derived from contract labour and remarked that the trend away from contract labour was a positive move as the contractors did not teach trades. The primary objective of the penitentiary system, it was asserted, was reform while self-sufficiency was a consideration of only secondary importance. At this time there was a move in the United States of America calling for an end to the use of contract labour, and the Chairman of the Board of Inspectors in Canada supported it. Again the recommendation was put forth that the labour would be best used in public works. Such labour, it was claimed, would result in no loss to the public and would be of greatest benefit in reforming the prisoner. However, throughout this period, prisoners were

employed primarily in the construction and maintenance of the institution. At St. John's Penitentiary the demand for labour in such tasks as maintenance was so high that it was impossible to supply labour for manufacture (6, p. 58). Maintenance repairs and construction occupied the available manpower in Kingston Penitentiary to such a point that the warden remarked "if labour performed by convicts were paid in money, the institution would be self-sufficient" (7, p. 23).

The mid-1870's saw the introduction and implementation of a new Penitentiary Act with few changes affecting prison labour. While the new Act provided for the classification of labour, this classification did not refer to the type of work but rather to the nature of the labour. The first category was obligatory labour. It referred to hard labour for ten hours per day with a break for meal times. There was to be no work on holidays or when the prisoner was ill. The second category was voluntary labour. It referred to labour which prisoners in good standing were allowed to engage in for payment made either to the family or saved for post release. This was labour over and above the obligatory ten hours. The assigning of the prisoners to the various departments

remained the responsibility of the warden, as was the choosing of overtime workers. In all cases, the employer could either be the government or a private individual.

The revision saw the general administration come under the direction of one person, the Inspector, who reiterated the principles of the system to be deterrence, reform and the recouperation of maintenance costs (8, p. 7-9). The mandate of the warden was to instill habits of industry and to develop intelligence through useful employment bearing in mind post-release application of trades. Self-sufficiency, however, was not to be forgotten as the Warden of Kingston Penitentiary reiterated "the value of labour performed covers a considerable cost of maintenance" (9, p. 8).

At the time the new Act was implemented, the government had not decided its policy with regards to the leasing of prison labour. In Parliament, reference was made to the lease system of the Toronto jail program as a possible model for the Federal system. A drawback to the adoption of the Toronto system was that the work schedule often interrupted the routine of the administration. The

opposition reminded the Government that although it believed contractors could show a profit, it was, however, more important that maximum effort be put into reform (39, p. 641).

Meanwhile, in the institutions, the leasing of prison labour was on the decline. In Kingston, the administration reported the financial crisis of the times to be affecting the contracting of labour to the lock company. No more than a minimum of prisoners were employed at any one period. In addition, the contract for shoe-making had also ended and the unemployed prisoners had been reassigned to the quarries, the stone heap and the farm. None of these work programs was returning a profit, though it was believed they could in the future. The Inspector had frowned upon the system of contract labour, and had hoped that the government would take steps to end this practice. His attitude was reflected in a comment referring to the building of a prison wall. This type of construction work was considered beneficial as it continued to "employ a considerable number of prisoners for a long time", while at the same time adding to the security of the institution (8, p. 10).

The following year, the tenders for prison labour went unanswered. The Minister of Justice then approached the Department of Public Works and the Militia for orders (9, p. 14). The Warden of Kingston was delighted, commenting "no employment for a penitentiary can be more legitimate than government work" (9, p. 21).

Not every institution, however, suffered from this pressing need for alternative work projects to substitute for the loss of contracts. At the newly opened St. Vincent de Paul Penitentiary, sufficient employment was found in the construction of walls, buildings and cells (9, p. 67). The few who were employed in the workshops were expected to learn a trade. Any misbehaving on the part of the workers meant being sent to the quarries (10, p. 63).

In the Halifax penitentiary, only a few were employed in the broom and shoe shops. The majority was engaged in the clearing of land (9, p. 144). Both the broom and the shoe shops, once profitable enterprises, were laying off employees. The decline was attributed to the general depression and pressure from outside competition. Those prison workers displaced by the decreased amount of production were sent to labour on the farm (10, p. 112).

At St. John's Penitentiary, overcrowding made it difficult to employ the entire population. Those for whom employment could not be found were assigned to breaking stone, rebuilding the perimeter wall and making other general improvements to the institution (9, p. 159).

At the newly opened Manitoba institution, most prisoners were engaged in clearing and completing construction, while only a few prisoners were assigned to the farm (10, p. 125).

Thus the contracting of prison labour affected only those institutions (Kingston, Halifax and St. John's) which had been established for some time. While Halifax could allocate surplus labour to the farm and St. John's to general maintenance, Kingston still had a surplus.

By 1876, the issue of contracting labour was near resolution. Only government contracts were available at Kingston. Stone was prepared for roadwork and delivered to the Department of Public Works. Uniforms, boots and shoes were supplied to other departments. Locks and other iron work were manufactured for the new institution under

construction at Dorchester. Yet, the majority of prisoners at Kingston continued to be employed in the quarries and in farming (11, p. 18). Despite the number of government contracts, the workshops were being used only to a limited extent. Kingston was a fine example. Here, the tailor, shoe, carpentry and iron shops produced to meet the needs of the institution. Little opportunity was provided the prisoners to learn a trade, due to the use of labour-intensive methods. The Inspector suggested as possible employment the manufacturing of railroad equipment, iron works for public buildings and lighthouses, additional clothing for other government departments as well as printing. He argued that the objections raised to the use of prison labour by trade unions and private enterprise revolving around the amount of competition was grossly exaggerated. The prisoner was or ought to have been a worker prior to commitment. "The crime or offense for which he is now undergoing punishment... has not cancelled his existence... only made retirement from labour market compulsory... It is in the interest of society that those convicted should be made to repay part of expense caused by punishment - otherwise the expense falls on the taxpayers". Prison labour would then be both useful in

repaying expenses and in helping re-integration (12, p. 6-8). Consequently, employment of prison labour in industries which would make the institution self-sufficient or at least contribute substantially to its maintenance was considered desirable and a search for such industries was launched. The search, once more brought the question of competition into the forefront. In the Supply Committee, it was argued by the Conservative Government that one of the principles of prison labour was that there was to be a minimal of interference with free labour, and that this principle should be strictly adhered. Reference was made to the incident whereby cabinet makers in the city of Kingston had opposed the use of prison labour, and where the opposition had led to the withdrawal from the penitentiary of a government contract for furniture. This event had made it amply clear that it was impossible to engage prisoners in any employment without competing with the outside market. At the same time, it was believed that unless the convict was sentenced to hard labour, the sentence would have little effect. Furthermore, if the prisoner was not employed in prison, then on completion of his sentence he would leave worse off than when he entered. But employment implied that products had to be

put on the American market to avoid competition (40, p. 1536-9), but was never followed through.

The opposition argued, competition or no competition (Mr. Miller, M.P. for Bothwell) prison labour should be used to teach trades advantageous to prisoners in post-release. Up to that time, Mr. Miller stated, the government had been careful to ensure that a prisoner did not learn a trade that was of any value in post-release. "They must be employed in certain branches that do not come in competition with any branch of industry in this country, so that when they are discharged they will find they have been engaged in employment for which they cannot find any use... when these men are taken from outside and confined in the penitentiary, they are put to forceable labour... which hurts no one else. If working outside at an honest industry, they would not be hurting anyone else, but because of four walls, labour must be a disaster. If (this is) right, then these men are more detrimental to the ordinary interests of the country when confined than when at large. If this is the view of the government, then the penitentiary should be locked and criminals set free to do some mischief, but less than if working at industry that

competes" (42, p. 1179-1181). The position of the Government was that it was not its "duty to educate at public's expense. If the prisoner had a trade, then he can work at it when he comes out, if not, then be a labourer... (it was) not the duty of government to reward crime and vice by educating men beyond the trade with which they entered the penitentiary. That is not the object for which the penitentiary was built" Sir John A. Macdonald (42, p. 1180). The penitentiary had been built for the purpose of punishing crime, not for education.

The dominant industries of Canadian prisons in the 1880's were reconstruction and farming. Employment throughout this period remained a problem, especially at Kingston (14). Among the alternative proposals for employment was the construction of the grist mill (13, p. 10). At once the opposition in Parliament raised objections. They claimed labour intensive methods were more suitable than capital intensive ones as it was a "well known (fact) that expensive and delicate machinery was not best suited to convict labour" (41, p. 1010). But more important, it was contended that it was not enough for the warden to want a mill, but that a projected profit should

be proven. The Government responded by stating that the capital expenditure would be limited to physical capital and all labour would be done by the prisoners. Still the opposition raised doubts, pointing out that for the operation of the mill a skilled miller would have to be employed and it was unlikely that any of the prisoners had the required skills (41, p. 1010). No further mention is made of the mill in either the Annual Reports or the House of Commons until the subject was brought up again, three years later, in an observation made to the Supply Committee. The opposition then noted that despite earlier objections, and a statement from the Minister of Justice to say the idea had been abandoned, the people of Canada were now struck with the cost of a mill and the cost of a miller (43, p. 1127) and an industry which provided employment for one prisoner annually.

The issue of prison labour was not totally ignored by the media. Towards the end of the 1880's, a series of articles were published highlighting the difficulties facing the employment of prison labour. While the position that prisoners should be idle had no support, the difficulty the press maintained was "to determine the

pursuits in which they shall be employed. The tax-payer is apt to look upon the prisoners as a costly necessity and, without considering other questions, hastens to the conclusion that protection in prison management is reached when the prison is made self-sustaining" (15, p. xvii).

Newspaper editorials and interviews conducted with labour unions expressed the opinion that the labour of prisoners should be used in the construction and maintenance of the institutions or any other non-competitive government work. The Inspector responded to public opinion by stating that there was no need to fear competition from prison labour since it was a poor substitute. Labour for the most part was limited to prison maintenance which, in itself, provided little work. As to the proposed suggestions pointed out that major construction was best undertaken by skilled labour which was found primarily in Kingston and St. Vincent de Paul, thus limiting the possibility of such use of prison labour in the other institutions. He also pointed out that the idea of having labour engaged outside of the walls was 'absurd' due to the enormous security costs that would be involved. Thus, any type of government contracts would

have to be limited to the confines of the walls. To conclude, the Inspector saw the proposals made by organized labour to decrease the options available to prison labour and causing an overall increase in unemployment and in security costs. He went on to recall the objective of prison labour to be twofold:

1. decreasing the institution's expenses;
- and 2. benefitting the prisoner.

These were to remain foremost in the mind of the public, administrators and labour leaders.

The means by which these objectives were to be accomplished was work. Specifically, work as training for post-release. In summing up his rebuttal, the Inspector said "convicts should not only be compelled to work, but they should be trained to labour so that they may be able to support themselves when discharged... nobody can deny that the existence of the criminal classes is a burden and a loss to the community. It is devoted to the destruction of values instead of production. If it could be

transformed into an industrial class, would the added competition in the labour market be a disadvantage? If not, the employment of criminals in productive industry in prison does no harm to a living soul" (15, p. xviii-xvix).

In the seemingly endless search for additional employment, the possibility of opening a binder twine industry in Kingston was proposed. At first the Warden informed the Inspector that such an operation would depend upon its intended use. If the work was to employ the feeble minded, then it would be advantageous to both the prisoner and the penitentiary. In his memo, the Warden went on to say there were always some men who were unable to do heavy work, and as this industry required only a few employees to be successful, the undertaking would be worthwhile (50, Jan. 14, 1893). The factory opened in 1894.

The introduction of the binder twine industry, however, did not solve the difficulty surrounding the employment of prison labour at Kingston Penitentiary. The situation at Kingston was no different from the situation elsewhere. The position of the penitentiary is described in a letter

sent by the Inspector to the Ministry of Justice in 1895. He points out that as only half of the Canadian prison population was engaged in any type of production, there was a great need for additional work. Since no goods could be sold on the open market, the Inspector had approached other governmental departments for contracts only to find that those in charge were reluctant to place orders with the penitentiary system. Part of this reluctance the Inspector suggests is due to the quality of the products produced. He goes on to claim that there would be no reason to refuse orders if better machinery and a better class of trade instructors could be employed. He continued to argue that the present state-use of the labour system gave its profits and employment only to limited number of tradesmen. By increasing the number of government contracts this would give work to a wider number of workers and would furthermore cut government expenditures as all profits would be benefitting the Canadian tax-payer (54, Sept. 1895). Once again a memo was circulated seeking orders. The Minister of Militia and Defense responded inquiring whether a list of requisitions could be submitted. After consultation with the wardens, the Inspector replied noting the articles that could be

supplied (54, Nov. 14 - Dec. 16, 1895). Correspondence for this series of communications ended with the Department of the Militia considering the possibility of ordering products.

The quest for answers to the issue of prison labour was not just an internal dilemma, it was becoming a government concern. A special Department Committee on Prisons was established in 1895 to investigate the problem. The Committee made the following recommendations to Parliament:

1. abolish unproductive labour;
 2. extend the amount of productive work and technical instruction;
 3. increase production, especially that of farms, gardens and land clearings;
 4. secure additional orders from government departments;
 - and 5. enable prisoners to earn while imprisoned
- (16, p. 9-10).

Few of these recommendations were novel. They had all been stated in one form or another earlier and were bound to be repeated, usually with little or no changes made. Any changes regarding the management of prison labour were usually the outcome of an investigation. Such was the case in the late 1800's when, as a result of an inquiry into St. Vincent de Paul, the markets of the penitentiary system became officially closed to private individuals.

In 1899, a report was filed by a Board of Inquiry which had convened to investigate the management and the employees at St. Vincent de Paul Penitentiary. It found that the existing regulations regarding prison industry permitted prisoners to produce articles for private individuals if the material was supplied and a daily rate of 25 cents was paid to cover the cost of labour. In practise it was found that the officers were being served at the expense of the system and the prisoner. The stone from the penitentiary's quarry designated for the building of a wall was being chipped purposely in order to fill private requests. Furthermore, the daily rate more often than not went unpaid. Thus in order to prevent these abuses, the Board of Inquiry recommended that all

transactions between staff and prisoners be terminated (35). This recommendation was incorporated, together with others, in the revised Penitentiary Act of 1906. The new Act (62) did not make specific reference to the conduct of the staff, nor any major changes in the administration, but it did emphasize prison labour be limited to government production. Labour was no longer permitted to be contracted in any manner to any private person or company, although the practise had been abandoned for some time due to lack of demand.

Meanwhile, the employment situation had not improved in the institutions. By the start of the twentieth century, the market for the products of the binder twine industry was diminishing and the production had also to decline until eventually the industry at Kingston Penitentiary closed in 1909. Once again, this left labour geared totally towards the maintenance of the institution and fulfilling internal needs. Farming, masonry and the construction jobs occupied the majority of prisoners. These were referred to as the positions that could provide the best return from labour. Still, the Warden of Kingston Penitentiary felt too many men were engaged breaking stone,

yet he could only question how they could be otherwise employed (17, p. 22). What remained certain, however, was that in constructing, repairing and renovating, the prisoners reduced the maintenance budget while being instructed in what the warden maintained were useful trades (18).

Full employment, nevertheless, remained an objective that was not yet attained. The Inspector wrote the Minister of Justice pleading for a policy whereby the difficulties of the increasing prison population and limited employment would be resolved. The Inspector did not want the Department to appear to be negligent in the eyes of the public, yet all attempts at finding alternative work assignments were proving unsuccessful. The penitentiary system had approached officials in other government departments only to find supplies were contracted and that the staff was hesitant to cooperate for fear of antagonizing private industry. The Inspector urged that in the light of the various commission reports, the Minister of Justice reveal the government's policy (54, Oct. 22, 1909).

Between the Wars

A 1914 letter from the Dominion Parks Branch to the Minister of the Interior suggested prison labour be employed outdoors as much as possible. This would, it was claimed, benefit the prisoner and save the state expenses.

In favour of the proposition countries such as New Zealand were cited as having already used prison labour to reforest their parks. According to this letter, the parks in Canada were in great need of labour to clear fire trails and to open the land to tourists. With the prevailing market cost for a day's labour being three dollars, the prospect of having this work done was not feasible. The cost of maintaining a prisoner was seventy-five cents per day. Thus it was suggested that employment of prisoners in such projects would be economically advantageous to the State. The suggestions were passed on to the Ministry of Justice (52, Feb. 26, 1914) where the letter was filed and no known action taken.

Full employment in penitentiaries, the Annual Reports indicate, was an elusive goal, the attainment of which the

Annual Reports persistently recommended that prison labour be used in the manufacturing of products for public account. An investigation into the management of Kingston Penitentiary concurred with the recommendations of these reports. "The only excuse for the stone pile, for the production of which there is no pressing need, is that there is no other way of keeping the men at work. The idea that prisoners must work at hard labour all the time even if the product of their labour is of no value, has been carried to the extreme". The commission also found education to be limited to half an hour a day pointing out that the reason given to this situation was that a prisoner was sentenced to hard labour and not to school (57, p. 6). However, as the Inspector pointed out in his response to this criticism the stone pile was used only as a last resort, only as an alternative to idleness (19, p. 8).

The twenties began with the vision that the penitentiaries would be industrial factories producing government goods and helping in the 'remaking' of men. The Inspector commented upon the challenge presented to the wardens: "From the deprived, neglected, diseased and crooked materials received, their objective is to turn out

as their product, good citizens, reformed and fully qualified to take their place in the world of work". He went on to say, the penitentiary had been a former symbol of punishment and idleness, but now was emerging as a symbol of financial success, having the potential to be "the most desirable business enterprise possible for government to engage in" (20, p. 9).

The vision of the twenties was never attained. The warden's Annual Reports continued repeatedly to make requests for increased work from government sources, if only to make the institutions self-sufficient. "Inmates must work if any progress is to be made towards making them better citizens. It is needless to attempt to reform if they be kept in idleness or made to break stone. There is no valid reason why good citizens who obey the law should be taxed to support lawbreakers, in a penitentiary who can and should be made to support themselves and their dependents. Why not give the Canadian penitentiary a chance to pay their own bills? It may be easily done" (21, p. 14) wrote the Superintendent of Penitentiaries on behalf of the wardens.

A conference on prison reform held in Ottawa in the spring of 1923 resolved that the "Penitentiary has no right to exist if inmates are not turned out to be better citizens than (when) they entered". It was proposed that through the use of education, fair wages and trade training, an inmate could be turned from a liability into an asset (22, p. 13). Still, only one tenth of the work which the penitentiary was able to furnish was requested by the government. Due to this lack of demand, many make-work projects were implemented (23, p. 12). Some Members of Parliament were concerned that this fraction would be further reduced to one twentieth especially if sophisticated equipment was to be used in manufacturing in the prison. At the time, proposals were being made to modernize prison industries and make them more meaningful from both a production and a training point of view through mechanization (44, p. 1266).

This situation, however, changed abruptly when the effects of the Great Depression became evident. There was an increase in prison population towards the end of the 1920's and this increase partially solved the difficulty of employment. The need to construct temporary facilities to

house the increase took priority and therein employment was found for the prisoners. Yet the idea of modernizing and developing prison industry through mechanization was not completely forgotten. In a 1932 memo to the Ministry of Justice, the Superintendent of Penitentiaries remarked upon the proposed introduction of machinery and its general reception by the system. The Warden of Collin's Bay had recommended the purchase of a 5,000 dollar machine for the development of prison industries. The Warden of Kingston did not share this view. Instead he proposed the demolition of some old buildings and the re-building of others in order to provide employment. In the opinion of the Warden of Kingston's Penitentiary "Work could be done so efficiently by manual labour, thus giving employment to inmates for years to come and at the same time would save the expense of the machine" (52, Aug. 16, 1932). The differences in requests perhaps reflect the differences in the populations as well as the types of institutions. They also could reflect differences in the orientation of the administration. Most institutions were far too concerned with present needs to be concerned with the possible benefits of mechanization. Thus the opinion of the Warden of Collin's Bay was shared by a minority.

A review of the employment situation in the 1930's found the occupation of those entering the penitentiaries to be classified as:

1. 15% skilled tradesmen;
2. 15% professionals, clerical workers;
- and 3. 70% unskilled.

The report found that while there was no difficulty finding useful employment for the first two groups within the system, there was considerable difficulty to find employment for the last group. With regards to the actual work they were assigned it was found that the officers' schedules and requirements of security meant that 95% of the population rarely worked the prescribed ten hours per day. They worked, on the average, six and a half hours. The work was devoted mainly to construction and maintenance occupying 45% of the total population. The remaining prisoners were employed in the various shops:

10% woodwork;

20% stonecutting, cement bricks;

5% to 10% tailor shop;
5% to 10% laundry;
5% kitchens;
10% farms, gardens;
and 25% to 40% maintenance and construction
(24,p.48-52).

The constant problem of maintaining employment for all prisoners remained an unsolved issue.

The riot which occurred at Kingston Penitentiary in 1932 led to changes in the employment of prisoners. The fear of reoccurring disturbances led to a number of restrictions and changes. In Kingston, only 300 of the 948 prisoners, roughly one third, were permitted to work each day. Prisoners in the boiler room and the power house were replaced by institutional staff. Cages were built in the workshops in order that guards and inmates may be separated (24,p.11-12).

Following a second riot in the penitentiary system, this time at St. Vincent de Paul in 1933 (24, p. 17), J.S. Woodsworth, M.P. for Winnipeg North Centre, found this

to be an opportune moment to focus upon the problems of the penitentiary system, while the subject was still within the public spotlight... In his view, "prisoners are the most helpless of people because every man is set against them. We have been taught to believe that criminals are anti-social. (Despite this attitude), since they are wards of society, the House of Commons should look out for them. The (present) trouble in the penitentiary gives a chance to investigate the administration of the penitentiary and the whole matter of treatment of criminals" (45, p. 1635). This was only the start of a series of questions and statements registered in the House of Commons.

The entire internal inquiry into the causes of the Kingston riot was tabled and was seen to be insufficient in the eyes of the many Members of Parliament. Led by reformists such as A. MacPhail, they called for a thorough independent investigation. As few of the recommendations of the 1914 and the 1921 Commissions had been implemented and it was felt that now the time had come to investigate the causes of crime and what the penitentiary was doing about protecting society. Reformists went as far as to say that "the fault may not lie at the door of the

penitentiary, but the (entire Criminal Justice) system should be revamped" (46, p. 4284-4293).

This led to a flurry of comments within the House of Commons. A Member of Parliament asked the general question "if the prisoner is taken out of society for so long, is there no hope to re-enter if no trade is learnt?". The penitentiary request for improved facilities to provide trade training or suitable work seemed to be the best possible solution (46, p. 4602).

In anticipation of a reorganization in the Penitentiary Service, a 1938 statement from the Superintendent to the Minister of Justice highlighted the position given to employment. Industries, it was felt, should be among priorities for reform. Formerly the penitentiary had been looked upon as a commercial plant, but now work must be done with training as its objective (53, Vol. 1, Dec. 9th, 1938).

The report of the Royal Commission to investigate the Penal System of Canada concurred with the Superintendent citing employment to be part of the penal system's core,

even though the number of prisoners employed in productive labour had always remained small. The report pointed out that little assistance had been given to the trade instructors for the promotion of programs, and that in a 55 hour work-week, only a half hour had been made available for training. The commission concluded that in the future continuous and useful employment was not to be construed and used as punishment but as a measure of reform and discipline. The principles of 'prevention and rehabilitation' were strongly emphasized throughout the report. Regarding rehabilitation, it was argued that "apart from humanitarian grounds and purely from an economic point of view..., the task of prison should be, not merely the temporary protection of society through the incarceration of captured offenders, but the transformation of reformable criminals into law abiding citizens..." (58, p. 9).

A revised Penitentiary Act was passed in 1939 (63) with the spirit that rehabilitation and aftercare must be undertaken. If not, "the majority of prisoners would find their way back to prison". A Member of Parliament explained that "the graduate from the penitentiary found

it hard to obtain employment for the following reasons:

"firstly he had been out of touch with the world events and progress in society and sooner or later (he would) disclose the fact that he has been absent from society for a prolonged period.

Second, he has become accustomed to irresponsibility, he is told what to do, fed, clothed, relieved of responsibility, and therefore he is not fit to take a place in an employment line-up and get himself a job.

Third, sooner or later it becomes known he is an ex-convict. Even if his employer is willing to keep him, other employees may not want to work with him. Canadians must be made to realize that if they don't help to restore him to civil life, then they will pay taxes to have him in an institution.

Fourth, competition is too keen in the labour market for anyone but skilled tradesmen to get employment.

Fifth, ex-convicts have insufficient resources to keep them over a long period before they can secure work.

Sixth, an ex-convict cannot afford to be homeless, otherwise he would be picked up for vagrancy. Furthermore, the public will generally not accept them into society" (47, p. 1654).

Training consequently was important and this was what the new Act was supposed to do.

The new Act was not met with such optimism by all. The Leader of the Opposition, Mr. Hanson, suggested the Committee was merely a 'stop-gap' to criticism raised by former members and the press. The Penitentiary Act had

been passed but was not proclaimed. Thus Mr. Hanson felt that these recommendations may be unheeded as others had and "the major part of them will never emerge to see the light of day" (48, p. 1081-2).

Second World War Until the Sixties

In less than ten years, 1932-1940, the attitude of corrections towards industrial production had apparently changed. The Acting Superintendent circulated a memo requesting a survey of machines presently in the shops and those requiring replacement. While keeping in mind the restraint of the war years, he could not "overlook the fact that the penitentiary shops for years (had) continued operations with obsolete machines and others in frequent need of repairs. Production as a result (was) handicapped and convicts (were) not given the training they should acquire on modern machines before they (were) released to earn a livelihood outside". There was no intention to install new machinery that would not be used. The penitentiary system anticipated a marked increase in demand from government departments for the war effort (52, Jan. 6th, 1940).

For some of the institutions, the war years did resolve the problem of prisoner employment; their efforts contributed to the war productions. At Kingston, any maintenance or construction projects were undertaken if other 'essential' work was not available (25, p. 12). The essential work orders came from such departments as munitions and supplies and encompassed the tasks of repairing R.A.F. equipment (shoe repair) and some public work projects. "Efforts (were) being directed towards obtaining additional contracts to provide employment for convicts in other departments to assist war production and to provide more economical ways to manufacture articles within the penitentiary. Work of this nature (was) particularly acceptable, as a means for economy in government expenditures but also providing useful occupation for convicts of an educational nature, especially during the winter when the administration (found) it hard to provide sufficient employment" (26, p. 12). Upwards of 60% of the entire prison population at Kingston was employed in the war effort (27, p. 12), and full employment was the norm throughout the 1940's (28, p. 14).

Not all the institutions were engaged in the war effort to the same extent as Kingston. The other institutions filled army orders for shoes and clothing and supplied the Department of Agriculture with surplus produce. Full employment was by no means easily attained. This caused the Warden of Saskatchewan to remark "the lack of institutional employment has been a factor in the regrouping of gangs for employment inside and outside of the walls" (28, p.30).

The ongoing search for efficient employment of prison labour continued throughout the war years. The Penitentiary Service sent a memo to the Minister of Justice requesting aid in its endeavour to find employment. The criticisms of the 1938 Royal Commission regarding penitentiary industries were duly noted in the memo:

1. the shops and industries are poorly organized with respect to training and production;
- and 2. the farms are poorly managed.

This, the memo stated, required the attention of the Department of Labour and Agriculture respectively and was

not the concern of the Penitentiary System whose officers were primarily custodial officers and "should not be expected to know such matters!" (51, April 8, 1942). The insuing inquiry into the use of prison labour by the Department of Labour, 1942, reported no work programs existed that were orientated towards training. The existing programs compromised primarily of repair and maintenance tasks. Out of five hours of productive labour, they found on an average:

1. one hour to be producing revenue for the state;
2. four hours (just under) conducting maintenance;
- and 3. less than one hour given to custom work rendering some return to the state.

At the time, the Department of Labour called the prisoners a source of "cheap labour" (51, Sept. 25, 1942).

With the close of the war, the issue of employment was raised again by the Warden of Kingston Penitentiary who

forsaw difficulties in retaining the government markets acquired. He predicted a return to pre-war conditions with decreased industrial activity and unemployment as the norm (29, p. 14). The Warden of Dorchester remarked upon the large amount of discussion about the failure of the penitentiary to provide training for reform, but questioned the lack of facilities to meet this objective (30, p. 22). The explanation provided by the penitentiary service for inaction was the demand of the war effort, but that revisions would be forthcoming (30, p. 41).

The post-war period was subject to a reshuffling of the priority of objectives. Formal training programs were promoted for the staff and proposals were made for the classification of young offenders. Both were intended to increase prisoner exposure to training. Vocational training and education were heavily advocated throughout the 1950's. Facilities were expanded to increase production with the view of giving prisoners a greater opportunity to acquire trade knowledge and social improvement through work habits. Still a considerable amount of emphasis was placed upon the acquisition of orders from other government departments in hopes that the

revenue derived from production of these orders would decrease the overall maintenance costs (31, p. 32).

Referring to a statement made by the Director of the United States Federal Bureau of Prisons about the importance of labour in prison life, the Commissioner of Penitentiaries affirmed this position. He went on to contrast the former use of labour as being part of a profit-making enterprise to the current use as a tool in treatment. The principle of the penitentiary's industry was to strive to create employment for the prisoners, while at the same time presenting training for post-release. The policy of the Canadian system at the time, was to promote the manufacturing of products using the maximum amount of labour (32, p. 34-37).

A survey of government departments in the mid 1950's was conducted by an inter-department committee (Labour, Trade and Commerce, Defence, Finance and Justice) to establish a program for prison labour. The Committee found at the time only 40% of the population was engaged in the workshops. Further more there was a decrease in the amount of labour occupied in repairs and building each

year. Alternatives were becoming a pressing necessity. The report submitted included a survey conducted by an outside firm as to the industrial needs of other government departments. It concluded the penitentiary could, indeed, supply many of these goods. The inter-departmental committee established a three stage implementation plan (33, p. 25). It was felt that well organized prison industries could "play an important role in contemporary correctional systems and that such industry can only be successful if they are well supported by other government departments" (34, p. 43).

The decade closed with the Fauteaux Report supporting rehabilitation programs. Open work camps, classification, specialized treatment and extended vocational training facilities were the methods through which rehabilitation was envisioned. (59, p. 85-86).

REFERENCES

1. Baehre, R. (1977) Origins of the Penitentiary System in Upper Canada. Ontario History, 69, 185-207.
2. Canada: (1866) Annual Report of the Board of Inspectors of Asylums, Prisons, etc. for the year 1865. Sessional Paper No. 6.
3. Canada: (1868) Sixth Annual Report of the Board of Inspectors of Asylums, Prisons, etc. for the year 1866. Sessional Paper No. 40.
4. Canada: (1870) First Annual Report of the Director of Penitentiaries of the Dominion of Canada for the year 1868. Sessional Paper No. 5.
5. Canada: (1870) Second Annual Report of the Director of Penitentiaries of the Dominion of Canada for the year 1869. Sessional Paper No. 5.
6. Canada: (1871) Third Annual Report of the Director of Penitentiaries of the Dominion of Canada for the year 1870. Sessional Paper No. 60.
7. Canada: (1874) Sixth Annual Report of the Director of Penitentiaries of the Dominion of Canada for the year 1873. Sessional Paper No. 42.
8. Canada: (1876) Report of the Minister of Justice as to Penitentiaries in Canada for the year ending 31st December, 1875. Sessional Paper No. 14.
9. Canada: (1877) Report of the Minister of Justice as to Penitentiaries in Canada for the year ended 31st December, 1876. Sessional Paper No. 15.
10. Canada: (1878) Report of the Minister of Justice as to Penitentiaries in Canada for the year ended 31st December, 1877. Sessional Paper No. 12.

11. Canada: (1878) Report of the Minister of Justice as to Penitentiaries in Canada for the year ended 30th June, 1878. Sessional Paper No. 27.
12. Canada: (1880) Report of the Minister of Justice as to Penitentiaries in Canada for the year ended 30th June, 1879. Sessional Paper No. 17.
13. Canada: (1881) Report of the Minister of Justice as to Penitentiaries in Canada for the year ended 30th June, 1880. Sessional Paper No. 65.
14. Canada: (1883) Report of the Minister of Justice as to Penitentiaries in Canada for the year ended 30th June, 1882. Sessional Paper No. 29.
15. Canada: (1889) Report of the Minister of Justice as to Penitentiaries in Canada for the year ended 30th June, 1888. Sessional Paper No. 12.
16. Canada: (1897) Report of the Minister of Justice as to Penitentiaries in Canada for the year ended 30th June, 1896. Sessional Paper No. 18.
17. Canada: (1907) Report of the Minister of Justice as to Penitentiaries of Canada for the year ended June 30, 1906. Sessional Paper No. 34.
18. Canada: (1907) Report of the Minister of Justice as to the Penitentiaries of Canada for the nine months ended March 31, 1907. Sessional Paper No. 34.
19. Canada: (1920) Report of the Superintendent of Penitentiaries for the fiscal year ended March 31, 1919. Sessional Paper No. 35.
20. Canada: (1920) Report of the Superintendent of Penitentiaries for the fiscal year ended March 31, 1920. Sessional Paper No. 35.

21. Canada: (1924) Report of the Superintendent of Penitentiaries for the fiscal year ended March 31, 1923. Sessional Paper No. 20
22. Canada: (1925) Annual Report of the Superintendent of Penitentiaries for the year 1923-1924. Sessional Paper No. 20.
23. Canada: (1927) Annual Report of the Superintendent of Penitentiaries for the year 1925-1926.
24. Canada: (1934) Annual Report of the Superintendent for the year ending March 31, 1933.
25. Canada: (1941) Annual Report of the Superintendent of Penitentiaries for the year ending March 31, 1940.
26. Canada: (1942) Annual Report of the Superintendent of Penitentiaries for the year ending March 31, 1941.
27. Canada: (1943) Annual Report of the Superintendent of Penitentiaries for the year ending March 31, 1942.
28. Canada: (1944) Annual Report of the Superintendent of Penitentiaries for the year ending March 31, 1943.
29. Canada: (1946) Annual Report of the Superintendent of Penitentiaries for the year ending March 31, 1945.
30. Canada: (1947) Annual Report of the Superintendent of Penitentiaries for the year ending March 31, 1946.
31. Canada: (1952) Annual Report of the Commissioner of Penitentiaries for the year ending March 31, 1951.

32. Canada: (1954) Annual Report of the Commissioner of Penitentiaries for the year ending March 31, 1953.
33. Canada: (1957) Annual Report of the Commissioner of Penitentiaries for the year ending March 31, 1956.
34. Canada: (1958) Annual Report of the Commissioner of Penitentiaries for the year ending March 31, 1957.
35. Canada: (1899) Commissioners' Report on St. Vincent de Paul Penitentiary. Sessional Papers No. 18.
36. Canada: (1841) Debates of the Legislative Assembly of United Canada. Vol 1.
37. Canada: (1867-1868) Debates. House of Commons. 1st Parliament, 1st session.
38. Canada: (1870) Debates. House of Commons. 1st Parliament, 3rd session.
39. Canada: (1875) Debates. House of Commons. 3rd Parliament, 2nd session.
40. Canada: (1879) Debates. House of Commons. 4th Parliament, 1st session.
41. Canada: (1880) Debates. House of Commons. 4th Parliament, 2nd session.
42. Canada: (1880-1881) Debates. House of Commons. 4th Parliament, 3rd session.
43. Canada: (1883) Debates. House of Commons. 5th Parliament, 1st session.
44. Canada: (1925) Debates. House of Commons. 14th Parliament, 4th session.
45. Canada: (1925) Debates. House of Commons. 17th Parliament, 4th session.

46. Canada: (1934) Debates. House of Commons. 17th Parliament, 5th session.
47. Canada: (1939) Debates. House of Commons. 18th Parliament, 4th session.
48. Canada: (1941) Debates. House of Commons. 19th Parliament, 2nd session.
49. Canada: (1870) Department of Justice. Rules and Regulations of the Government of the Penitentiaries of the Dominion of Canada. Ottawa: Hunter, Ross & Co.
50. Canada: (1892-1894) Department of Justice. Penitentiary Branch. Administrative files for the Penitentiaries. RG-13. Public Archives of Canada. Vol. 1027, file 39. Binder Twine, Kingston 1892-1894.
51. Canada: (1874-1965) Department of the Solicitor General. Correspondence files of the Penitentiary Branch. RG-73. Public Archives of Canada. Vol. 38, file 12, sections 1/2. Department of Labour Inspections, 1942-1944.
52. Canada: (1874-1965) Department of the Solicitor General. Correspondence files of the Penitentiary Branch. RG-73. Public Archives of Canada. Vol. 48, file 1-1-39. General Policy Re: Employment of Convicts in the Penitentiary, 1914-1948.
53. Canada: (1874-1965) Department of the Solicitor General. Correspondence files of the Penitentiary Branch. RG-73. Public Archives of Canada. Vol. 66, file 1-13-3. Reorganization of Industries in the Penitentiary, 1938-1951.
54. Canada: (1874-1965) Department of the Solicitor General. Correspondence files of the Penitentiary Branch. RG-73. Public Archives of Canada. Vol. 139, file 1-21-13, section 1. Inmate Labour, 1895-1923.

55. Canada: (1864) Report of the Board of Inspectors of Asylums, Prisons, etc. for the year 1863. Sessional Paper No. 39.
56. Canada: (1865) Report of the Board of Inspectors of Asylums, Prisons, etc. for the year 1864. Sessional Paper No. 14.
57. Canada: (1914) Report of the Royal Commission on Penitentiaries. Sessional Paper No. 252.
58. Canada: (1938) Report of the Royal Commission to Investigate the Penal System of Canada. (Archambault Report). Ottawa: Printer to the King's Most Excellent Majesty.
59. Canada: (1956) Report of a Committee appointed to inquire into the principles and procedures followed in the Remission Service of the Department of Justice of Canada. Ottawa. (Fauteux Report).
60. Canada: (1868) Statues of Canada. An Act Respecting Penitentiaries and the Directors thereof and for other Purposes. Chapter 75. 1st Parliament, 1st session.
61. Canada: (1869) Statues of Canada. An Act Respecting Procedure in Criminal Cases and other Matters Relating to Criminal Law. Chapter 29. 1st Parliament, 2nd session.
62. Canada: (1906) Statues of Canada. An Act Respecting Penitentiaries. Chapter 38. 10th Parliament, 2nd session.
63. Canada: (1939) Statues of Canada. An Act Respecting Penitentiaries. Chapter 6. 18th Parliament, 4th session.

64. Rothman D. (1971) The Discovery of the Asylum.
Boston: Little Brown an Co.
65. Upper Canada: (1834) Statues of Upper Canada. An Act
to provide for the Maintenance and Government of the
Provincial Penitentiary, erected near Kingston, in
the Midland District. Chapter 37. 11th
Parliament.

Chapter Six

THE INTERPRETATION

Throughout history, prison labour has been interpreted to fulfill multiple goals. These differing goals fall under two broad categories: reform and punishment. Where reform is the focus, rehabilitation and reintegration form the underlying principles. Here, prison labour is the means through which "training for citizenship" (33, p. 18) occurs. Job skills, developing good work habits and other such characteristics needed in post-release, are seen to be provided and promoted. Where punishment is the focus, prison labour is an end in itself. It is to repay the wrong done to society. Labour is used to defray the cost of incarceration, to occupy otherwise idle time, and for other purposes that would be of negligible value to the offender in post-release.

Does prison labour provide the offender with skills and good work habits that would enable him to participate in the labour market in post-release?

Each of the following periods under examination is characterized by a particular type of industrial activity, which, in turn reflects the occupational composition of the labour force. The principle of reform would foresee changes in prison labour that would parallel those in the general labour force. The principle of punishment would not see any such changes. In the fourth chapter, the development of the Canadian economy with specific reference to changes in the composition of the labour force was surveyed. The fifth chapter reviewed the evolution of prison labour. This chapter sets out to relate the changes that have occurred, in order to answer whether prison labour in Canada is reform or punishment.

Traditional: 1605-1867

The mainly agrarian society was dotted with a number of cottage trades and small industries serving local needs. The agricultural sector was the primary employer throughout this period. There was a demand for labour in the manufacturing sector as a result of the American Civil War and the Reciprocity Treaty, however, both of these had ended just prior to Confederation causing a decrease in the demand for manufactured goods.

The movement for adoption of a penitentiary system evolved out of a general discontentment with the existing institution and its method of dealing with offenders. The reluctant use of the death penalty and the increased use of royal prerogative for mercy. (38, p. 128), led the populace to seek an alternative. Both British and American contemporary practices were examined. In comparing the approaches towards incarceration, H.C. Thompson favoured the American Auburn system over the Glasgow Method which was based on moral and religious instruction. In his opinion, the "penitentiary was not solely for education" (5, p. 190), and the Glasgow Method put too much emphasis on this aspect. The primary purpose of the penitentiary, according to Thompson, was punishment, reform was secondary. The Auburn system was further compared with the Philadelphia system. Based upon cost-effectiveness, the former was chosen.

This decision came at a time when the problem of the gaols had become acute. In a report to the Lt. Governor of Upper Canada, a district magistrate described imprisonment as a secondary consideration. This was not because imprisonment had proven to be ineffective,

but was due to the financial difficulties in maintaining the gaols. Government grants were difficult to obtain, thus salaries and the upkeep of offenders posed daily problems (24, p. 347). When the gaols had been introduced in the early 1800's, their construction was hampered by the lack of funds. In 1824, the legislature had passed a tax specifically to aid in the construction of the gaols. This revenue, according to the districts, was insufficient to cover maintenance costs (38, p. 122-123).

Thus, it was a combination of factors, evaluated primarily on the basis of finances, which led to the establishment of the penitentiary in Canada. Given the high demand for labour in the early and mid 1800's (26, p. 3), it was not surprising that the use of capital punishment was on the decline. Furthermore, since the gaols were not proving to be a viable alternative, and were seen only as "seminaries" kept at the expense of the public (38, p. 122), the system that would replace the gaol was required to be self-sufficient. Thus, the Auburn system was adopted, primarily because it was felt that those who were incarcerated would contribute to their own maintenance, causing least expense to the state.

Subsequent government policies and inquiries were to support this principle, amongst them the Royal Commission of 1848. The Commission defined the importance of prison labour as a function of discipline, training and in defraying costs. The principle that the labour of able bodied men should pay for its subsistence was embodied in the Penitentiary Act of 1851 along with the expectation that self-sufficiency of the institution should be attained (38, p. 136-144).

Upon completion of Kingston Penitentiary, there was a lobbyist movement to have the institution moved to Marmora. Peter McGill, who worked closely with a number of the members of the legislature on various corporate executive councils (34, p. 5), offered to sell Marmora Iron Works. It is unlikely that the suggestion would have been made if the site had not been offered for sale. In a legislative report filed in 1839, the majority of commissioners felt the move was feasible, with the investment expected to be returned within two years. The sale price was 25,000. pounds and the projected profit was over 13,000. pounds annually. With the prisoners operating the iron works at a profit, no objections were entered by two of the three commission members. The

dissenting commissioner, J. Fraser, stated his principle objection was that such a move would be denying "honest mechanics" employment (23). Fraser was supported by W. Powers, building superintendent of Kingston, who cited past complaints lodged by local workers regarding the contracting of prison labour as just reason for the penitentiary system staying out of the private labour market (24, p. 358).

Throughout the Traditional Period, a minority of prisoners as contracted to an iron works company. The contracting of labour was seen to be financially beneficial to the institution, as well as decreasing the amount of administrative responsibility. The proposal to move the penitentiary was based primarily upon the projected monetary gains. While there was the possibility that trades may have been acquired through association, this was not the main consideration. The dissenting commissioner stated that sufficient funds had already been expended in the construction of Kingston and that furthermore, whether the plant was located at Marmora or Kingston, the operations would be competing with free labour. It was this competition with free labour that would keep prison

labour out of involvement with trades that would soon be part of the growing industrial core. The iron works were to emerge as an important industry within the next ten years (1850's) in eastern Canada and even more so, when large-scale railway construction became the realized promise of Confederation. Yet, over time, the iron works would decrease in importance within the correctional system. As a capital intensive industry it would have proven costly, requiring additional capital while employing only a few. Prisoners were not to be exposed to a trade which would emerge as one of the major employers in the years to come.

While the minority of prisoners was engaged in the iron works, the majority was occupied in the construction of Rockwood Lunatic Asylum. Employment in such government projects added not only to the public value of the building (financially) with the least amount of expenses, but was received favourably by the public. In construction of this type, the amount of labour employed is considerable and the amount of skill required minimal. This, by no means implies construction was not a viable occupation for post-release, but it was seasonable, highly dependent upon

economic fluctuations and often municipalities sub-contracted such jobs to companies who would employ immigrants at a lower wage.

The lease system was also introduced, however contracts were difficult to obtain (4, p. 5). The difficulty was due, in part, to the events in the general labour market. Many of the industries which were suggested for the prison system were in transition. The change from the artisan to the industrial stage was met with workers' resistance. Opposition was not to machinery as such, but the lowering of wages (36, p. 37). The tailors led a strike against Singer Sewing Machine in 1852, and the Knights of St. Crispin led the shoemakers in strikes during the 1860's and early 1870's (30, p. 1). Prison labour eventually became involved in these trades utilizing craft methods towards the end of the nineteenth century, in spite of industrialization having been firmly established.

At the time of Confederation, the financial returns from the lease system were less than had been expected. In

the Annual Reports, 1864-1866, the Warden of Kingston inferred that such means of employment were unsuitable for the welfare of the prisoners. Trade instruction, it was argued would be more suitable instead. Trade instruction that could be applied in state account projects. In essence, the owner of the means of production had changed, but the principles behind work had not. The state account system did not lend to trade instruction any more than the contract system did.

The high demand for labour in the general economy experienced during the 1850's and the 1860's, due in a large part to the American Civil War, was filled by the large influx of immigrants. In 1851, the population of the colonies was 2.4 million. It rose 33 percent to 3.2 million by 1861 (25). This alternative source of surplus labour made it unnecessary to draw upon the resources of the penitentiary system during this period of high demand. It will be seen in subsequent periods of labour shortages that immigrants will fill the void and prison labour will still be suffering from underemployment. However, in times of depression, or recession, prison labour will feel the effects of the general economy. By the end of the American

Civil War, the demand for Canadian goods was feeling the loss. The economy did not require additional labour, leaving those in the penitentiary feeling the effect of decreased demand for labour. While it was not pressing to draw upon prison labour to compliment the general economy, prison labour, nevertheless, was expected to pay its way.

The use of prison labour in this period was not primarily orientated towards reintegrating the offender for post-release. The motivation behind having the offender work was not the acquisition of trade skills applicable to post-release, but that the products of his labour may go towards offsetting the cost of maintaining the institution. Ultimately, it was hoped that this tax burden would be reduced. Although prison labour cannot be considered in itself a punishment, it was the means through which the institution tried to realize self-sufficiency, and thus was in itself a form of punishment. The offender was to repay society for the wrong he had done.

Preconditions to Take-off: 1867-1896

Agriculture was the main employer throughout this period. Secondary industry gradually broke through into

the market as an alternate source of employment. From Confederation until 1873 the country prospered. The recession of 1873 lasted until the introduction of the National Policy in 1879. The Policy sparked a recovery that gained momentum leading to the period of intensive growth in the next period, 1896-1914.

Once Confederation had established a central authority to determine and guide the justice system, little time was wasted before the penitentiary system was expanded. Within seven years, four new institutions were built, establishing federal influence within each region of the new nation.

Prisoners were sentenced to a period of two years or more at hard labour in a federal institution. In discussing the length of sentence, certain Members of Parliament argued that any less time would be insufficient for trade training. In actuality, the discussion centered upon whom would assume the financial responsibility of maintaining the offenders in the Maritime provinces. The governments of these provinces were not able to withstand the burden, thus an agreement was struck whereby anyone sentenced to one year or more came under the jurisdiction

of the federal authorities. While the minimum federal sentence was argued in parliament on the basis of reform and trade training, the ability to implement sentencing laid with those who could afford to maintain the structure.

The conduct of prison labour was left primarily in the hands of the prison administration. The newly established penitentiaries made use of the available labour mainly through construction and maintenance. Many of the new institutions had been hastily constructed and thus, as was in the case of Manitoba, the first years were spent in securing an institution that would be functional.

The two Maritime institutions and Kingston all leased a small portion of their available labour to industries that were marginal to the economy. Those in Halifax and St. John's were employed in a wood craft trade producing butter churns and brooms. The demand for these articles decreased annually. Upon the opening of Dorchester, there was some discussion as to the transferring of the equipment. However, the upkeep of the new institution placed heavy demands upon all available

labour. Moreover, local entrepreneurs were voicing loud objections to prison competition in this diminishing market.

The prison administration, however, did not advocate the contracting of labour on the grounds of moral welfare. More likely, it was in keeping with the spirit of the times. Once the recession had set in (1873), the administration turned inward to find markets in which their labour could be utilized. Farming became the best alternative. It was labour intensive, it did not need much capital outlay, and products could be utilized in sustaining the institution's strive for self-sufficiency.

Economically, the National Policy of 1879 was aimed at protecting Canadian industry from competition. This blocked any prospect for the development of industry within the penitentiary system. This does not mean, however, that no industries were established. Those that were, were of a marginal nature.

A lock factory was in operation at Kingston to furnish products for Dorchester. This factory was not seen as a competitor in 1880, however, the Prime Minister

assured the House of Commons that if and "when the manufacturing of locks (was) seriously compromised by convict labour, other employment (would) be found" (7, p. 1177).

Another project at Kingston was the construction of a grist mill, after repeated recommendations and lobbying by the Warden. The mill was built completely by prison labour, thus the capital expenditures were limited solely to the machinery. The mill was promoted as a means for the institution to decrease its expenditures and possibly add to its revenues. While flour mills in 1851 were ranked among the four top industries (output valued at 31% of G.N.P.), by 1870 they had decreased substantially in importance with an output valued at 18% (25). The introduction of the mill had little to do with trade training as only one prisoner was employed as a helper to the miller. As a means to decrease operational costs, it was a dismal failure, becoming a financial liability in less than ten years.

The replacement project for Kingston was the establishment of a binder twine industry in the 1890's. It

was promoted to an aid to the farming community. The industry opened just prior to the wheat boom, but suffered from administrative binding of the markets. Unable to sell its products, it too closed within ten years.

Suggestions to introduce railroad related industries were not implemented due to the large amount of capital outlay, it was felt, that would be required. Furthermore, the industry would take time before establishing itself and becoming cost-effective (6, p. 1200).

Throughout this period the majority of the Canadian population was engaged in primary occupations with agriculture in the lead. Building and manufacturing were the dominant sectors among the secondary occupations (Appendix. Table III). By the end of the 1891, the largest employers in Toronto were agricultural implements, metal industries, printing and clothing (32, p. 75). The garment industry in Canada (Toronto) from 1871-1891 was big business. In 1871 it led all the industries in the value of production (31, p. 28). It was a major labour-intensive industry. Tailoring, in particular, owed its existence to the large number of children and women employed in

'sweat-shops' (30, p. 4). Male labour, for the same period, entered industry that increasingly relied upon the use of machinery. The iron and tin manufacturers used power presses, and carpentry employed circular saws (30, p. 13). In testimony before the 1889 Royal Commission into labour practices, a factory worker described industry in Toronto. "The general system is to take a foreigner, for an employer gets him cheaper than the usual run of city hands" (30, p. 13).

The Royal Commission also recorded the prevailing attitude of the public towards the use of surplus labour, both immigrant and convict. There was no objection to immigrants who wished to settle in the rural areas, they would benefit the country. However, it was felt that those who were unskilled or had a mechanic's background should be turned away. The labour market in Canada, it was felt did not require these workmen. Nor should it absorb the immigration of anymore waifs or reformatory inmates (29, p. 16 and 36). Regarding prison labour, it was the general opinion of the Commission that prison labour should be "regularly and steadily employed at productive industry" (29, p. 18). It heard complaints that these goods competed

with the products of free labour at a lower price. As a result, the effect of such competition in the general labour market was "the lowering of wages, mechanics were losing their jobs and generally industry was disturbed" (29, p. 19). To contract prison labour was "vicious in itself, unprofitable to the state, and interfered with reform" (29, p. 19). The commission recommended state-use of prison labour (29, p. 36).

This inquiry was to quell the discontentment of the Canadian worker as heard through the labour movements, whose growing popularity was of concern to the government. A government which had promised for ten years to introduce factory legislation and had failed to do so. A government who professed to be the representative of the working classes, could no longer dodge the issue. Studies of this period show that while the industrialist prospered, the Canadian worker did not. The threat to undermine wages did not begin with the immigrant or prison labour, but the source of the threat was the industrialist, backed by government support, who sought to undercut wages. The immigrants and prison labour, marginal groups to the labour market merely became the scapegoats. Prime Minister

Macdonald was adamant on this point, the penitentiary was not built to educate but to punish.

In 1881, the majority of those incarcerated at Kingston was engaged in secondary occupations. The tailor shop alone employed 140 prisoners (Appendix, p. 227). The use of prison labour was tied to fulfilling the needs of the institution. While some training was provided in the following shops: shoe, tailor, carpentry and backsmith, these trades were conducted in a manner similar to that employed in cottage industries and not on an industrial level. Labour intensive methods were promoted over the introduction of expensive capital equipment. Thereby employing the maximum amount of labour. Industries that were introduced, the lock factory, the mill and the twine, were all short-lived adventures desperately trying to establish themselves as means by which to offset institutional costs. Industrial work was lacking and there was no organized attempt to teach trades.

The industries that dominated the general economy were not promoted within prison. Those industries that were promoted in prison were marginal employers in the general economy.

Throughout this period, the situation remained unchanged. Prison labour was utilized to assure self-sufficiency. As economic conditions worsened and the prospect of gainful employment diminished, the penitentiary made use of its labour in maintenance and construction projects. Interest into the feasibility of public work projects also heightened. Yet, the objective remained the same. Work was to occupy the prisoner, not to teach a trade nor to aid in reintegration into the core of the general labour market. The offender would return to a labour market in which he would have to compete with immigrants and women for low paying jobs. Prison industries remained primitive and labour intensive to provide employment for as many as possible. Some of the industries, such as the quarries, were continued even though there was no demand for the product. In this period, prison labour definitely took on a more punitive form.

Take-off: v 1896-1914

The economy saw an increase in the use of technology especially in the field of agriculture, leading

to changes in the occupational requirements of the labour force. Except for the last two years, this period was characterized by prosperity and high demand for labour, especially unskilled labour. In 1912, a depression set in and high unemployment occurred (1, p. 8).

In the penitentiary system, labour was no longer contracted. Prison labour was employed entirely by the state. The binder twine industry at Kingston closed in 1909. In the Labour Gazette of the following year, it was reported that the negotiations were under way to sell the plant and stock (18, p. 23). The twine industry had not failed due to the lack of market demand. A combination of factors including poor marketing and objections raised by private enterprise sealed its fate. With its closure, outside markets were eventually closed to prison products. Government contracts were to become the alternative.

This occurred at a period when the effect of the National Policy began to take hold, and as was previously mentioned, labour was in high demand. The conditions of local industries were described in the Labour Gazette. Agriculture was busy and wages were large. Fisheries were

active, lumber was quiet, and manufacturing, mining, and the railroads were very active (18, p. 24). Steady employment was reported for unskilled labour everywhere, particularly in railway, civic employment and construction. Often the demand was greater than the supply (19, p. 772).

How was the demand for labour met? The Canadian Pacific Railway and its subcontractors depended upon immigrants for surplus labour. This workforce would be docile and low wages could be paid. The railroads often paid for recruitment of unskilled labour in Europe. This practice was not limited to the railroads but was exercised by other labour-intensive industries (36, p. 40 and 28, p. 16, 20). In Toronto, it was argued that immigrants were taking jobs from Canadians. Yet the demand for manual labour was greater than its supply. The rapid development of Toronto required the city to find a means by which it could expand, while only raising taxes by a minimum. The solution was to subcontract, whereby the city was not directly responsible for the working conditions or the wages. The use of immigrants raised a minimal of public outcry (used as strike breakers elsewhere) (37, p. 10) and managed to show a profit (28, p. 52-53).

Economic progress did not imply social progress (35, p. 5). Many profited from the intense economic growth of this period, the Canadian worker did not. Wages did not keep up with the cost of living (1, p. 3). In 1896, two-thirds of Montreal's population belonged to the working class. A survey of this city found the main industrial occupations to be the textile, boot and shoe, iron and steel, lumber and foodstuffs (22, p. 21). The clothing and shoe factories were found to employ mainly children and women (3, p. 20). This was confirmed by Mackenzie King, a journalist at the time, in a report (1898) on labour conditions. A great deal of child labour was used in both the textile factories and the coal mines (37, p. 8). King presented this information to the Postmaster General who was also the Minister in charge of labour affairs, William Mulock. Mulock then hired King to investigate as to whether these sweatshops were producing mailbags or postmen's uniforms. They were indeed producing both these items. The outcome of this was that working conditions in the sweatshops were improved (2, p. 202). Furthermore, an important source of government contracts for the Penitentiary System was to come from the Post Office. Both mailbags and uniforms were to be supplied for a number of years.

The clothing industry in Toronto, (1911) employed twice as many as its nearest rival, the iron and steel industry. However, the number of women employed far outnumbered the men (35, p. 18). The largest male employer was the iron and steel industry. Economically, this was an important industry, expanding quickly and paying high wages (35, p. 20), unlike the textile and boot and shoe industries that were characterized by low wages (22, p. 139). The construction and shipping industries were also important, but suffered from seasonal unemployment (22, p. 141).

The majority of those admitted to the penitentiary system at the beginning of this period were labourers, and while incarcerated were engaged mainly in agriculture (Appendix Table VI). Those admitted at the end of the period also came from the primary sector. This was at a time when urban migration was at its peak and farms were shifting to mechanized processes. The workshops available in the penitentiary system included boot and shoe plus tailoring. The characteristics of these trades in private industry was that the worker was poorly paid and highly exploited. Trades relating to the iron and steel industry,

another main occupation of the working classes offering long-term stability, were not available to prisoners. The trades promoted within the penitentiary placed the offender, upon his release, at the periphery of the labour market and did little towards his reintegration into the mainstream of society.

Throughout this period of economic prosperity, the employment of prison labour was scrutinized regarding competition, even though prison labour was no longer contracted. The outcry came primarily from industries which were marginal to the economy itself, and would immediately feel the effect of market fluctuations. The unions that raised objections to the use of prison labour tended to represent well paid, skilled craftsmen whose jobs were secure (1, p. 3-4). Their interest was to ensure that they remained so. Generally, private industry wanted to ensure that they would be the ones who would determine the guidelines for the labour market. The steady stream of immigrants filled the demands for unskilled labour. Upon his release, the offender could join their ranks and compete for employment. Until then, the purpose of prison labour was punishment.

Drive to Maturity: 1914-1950

This stage sees the maturing of secondary industry. The aircraft, small appliance, auto, and textile industries all grew quickly. The railroad throughout contributed greatly to economic growth, and now brought about the construction of hotels, grain elevators and fish factories (2, p. 65). As agriculture was becoming increasingly mechanized, the numbers it employed decreased. During the 1940's, for the first time the number of workers in manufacturing surpassed the number in agriculture. This trend was never to be reversed.

The penitentiary had come to rely upon government contracts as an alternative to institutional maintenance. Among one of the suggestions received, was that prison labour be used by the Parks Branch to work upon areas which would not otherwise be done for years to come, due to the costly under-taking. While this was not taken up by the penitentiary system in 1914, the relief camps of the 1930's employed its workers in clearing land for hydro projects and in constructing secondary roads through the parks (27, p. 150). The majority of these men in the camps had

previously worked in lumber, shipping and mining, all primary occupations. In the depression, unemployment hit this sector the hardest (2, p. 324).

An investigation into revising the administrative functioning of the penitentiary concluded in 1921. Aside from a list of recommendations, the members of the board observed certain practices. Firstly, that an institution under construction was better off than one where there was insufficient construction work to occupy most of the prisoners. Secondly, many prisoners worked on maintenance. Thirdly, the pace of all prison industry was slow for fear of running out of work. And finally, a large number of prisoners were breaking stone and other such useless work but this the commission resolved was better than idleness (21, p. 10, 20).

The material wealth of the twenties spilled over into the advocacy for prison reform. Education, fair wages, and trade training were high on the list of priorities of such reformists as Agnes MacPhail. A motion was introduced into the House of Commons, 1925, for the administration of penitentiaries to provide sufficient

productive work to keep inmates employed. The government supported the motion, reform being the primary function of work and work being a means of reform (8, p. 1264, 1281). The Minister of Justice was in agreement that work could be done to meet government needs yet, at the same time, repairs were needed which would serve as a source of employment for years to come. He went on to say that the Warden of Manitoba had asked for inmates to be transferred to this institution as a considerable amount of work was in need of completion. Kingston being unable to employ its entire population at that time, complied by transferring an number of inmates (9, p. 2108). Two years later, when questioned why the resolution had not been acted upon, the Prime Minister said organized labour had raised objections (10, p. 737), and the Minister of Justice remarked that the first step to be taken was the introduction of a classification system. Following this, productive work would therefore show a profit that could in turn be divided among the prisoners as wages (11, p. 3621). No mention was made at this time of training. The primary concern of the penitentiary remained the maintenance of its structure.

At the start of depression, the R.C.M.P. did not renew a contract for goods produced by prison labour. They stated poor quality as the reason. No doubt the articles could be purchased elsewhere from a more efficient manufacturer, furthermore the harsh realities of the economy also made it preferable for these jobs to be filled by the general labour force (17, Feb. 14, 1930).

Towards the end of the depression, a memo was circulated throughout the penitentiaries, to the effect that labour-intensive methods should be promoted over those that were capital-intensive (14, April 26, and June 13, 1938). In the short-run, prisoners had built more facilities. Yet in the long-run the overcrowding of the system had not helped the employment problem. Within the year, the Superintendent asked the Wardens their views regarding the availability of facilities to instruct young offenders in motor mechanics and the available space for work on airplane engines. The majority of wardens were not interested. The airplane engines were requisitioned from the Department of National Defense. None was available, nor would there be for some time (16, March 13, 1939 to July 27, 1939). The Warden of Dorchester was the

only one to reply that the teaching of trades would be difficult due to the lack of facilities. Furthermore, and more importantly, he declared that the division of time between instruction and custody was difficult. The needs of maintenance and construction often overrode teaching in the present system. He proposed that vocational education be introduced. This was to be realized only ten years later (15, March 13, 1939 to March 9, 1949).

Throughout this period, farming remained a dominant employer, growing in importance especially during the war years (Appendix, Table VI). The application of this trade in post-release diminished annually (Appendix, Table III).

At the start of the war there was a shortage of clothing and equipment (2, p. 351). Prison labour stepped in to help in production. The war years also saw an inquiry into the use of prison labour by the Department of Labour which reported training to be of a minor concern. The Regional Director of War Emergency Training Programmes in Saskatchewan found two schools of thought within the penitentiary regarding instruction:

1. turn out skilled tradesmen;
- and 2. discipline tool.

The second school tended to be the guiding force respecting training. The board member who visited Dorchester reported similar findings. The function of the penitentiary he found to be custody and security. "The fundamental purpose was custody of individuals who are unable to fit into established social order and to provide security from these individuals (13, May 27, 1942). The training aimed at rehabilitation lacked objectives, resulting in production to be mainly orientated towards the farm and maintenance. Similar reports were filed for British Columbia, Kingston, Collins Bay and St. Vincent de Paul.

Trades training was not realized until after the war. In a letter to the Commissioner, the Inspector wrote that he had met with the Director of the Montreal Trades Training Centre regarding vocational training for St. Vincent de Paul. Bricklaying and masonry were to be taught, incorporating technology, practice and training (16, July 8, 1947). This interest in equipment and trade training was not aimed primarily at benefitting the inmate

but at increasing the efficiency of the penitentiaries through aiding the war effort. Then after the war, the interest continued due to the recognition of the move into a new age, and as an outcome of the critique of outsiders. The era of social reform, the emergence of the welfare state could be seen in numerous actions: the unemployment insurance act; 1940; family allowance in 1944; old age security in 1951; and the housing programs of the 1950's. The penitentiary system did not escape the effect of these social changes.

Throughout this period, prison labour became a subject of reform, prior to the depression, returning to its traditional position as a source of manpower that was to fill government contracts in order that prison labour was not idle, and was seen to be contributing to its maintenance. Cost-effectiveness and the reduction of the tax burden remained unfulfilled objectives. The stone pile and labour intensive jobs did remain. Prison labour served mainly to punish the offender.

Age of High Mass Consumption: 1950-1960

Rehabilitation through trades training or social reintegration became the mandate for prisoners in this period. The trades offered included automotive, carpentry, and bricklaying. Each program emphasized instruction and not production. At the semi-annual meeting of the Vocational Training Advisory Council, the body which counselled the general labour force, J.A. McLaughlin reported on the results of vocational training within the penitentiary. Experiments at the two institutions which commenced in 1947, were seeing good results, although the program was "still in its infancy". Thus far, only a few of the trainees had been released into the employment system (20, p. 29-33). But, in reality, these new programs touched only a very small percentage of the prison population (12, p. 3144).

Overall, the regulations governing prison labour changed very little in law or in practice. Labour had been used primarily to sustain the institution and the industries promoted operated on this basis, relating very little to occupational opportunities in the general labour

force. Reform never was an overriding objective. It was spoken of during periods of economic prosperity, only to be dismissed when it became time to operationalize the discussions.

Summary

In an industrial society, where the labour market plays an important role in determining the social process, then what purpose does Prison Labour serve? The consensus view held that work would help to prevent crime by developing ties with legitimate values; job skills, good work habits, and vocational training would help to reintegrate the offender into the mainstream of society. The acquired skills would be applied in post-release. Training would rehabilitate by providing the means to earn a living. The conflict view saw prison labour to be an end in itself. The offender was removed to repay society for having violated a norm. Prison labour was to defray costs, fill idle time, act as a discipline tool, and to serve as a security measure. The promotion of outdated trades ensured the offender that the value of that particular trade would not increase. In fact, prolonged absence from the labour

market would mean the value of the skills would decline, and the offender would return with further handicaps.

What happened to Prison Labour in the Canadian Penitentiary System?

First: there was no organized attempt to teach trades, where trade is defined as a specialized skill, in strong demand, providing steady work, and a good wage.

Second: the trade promoted were marginal to the economy.

Third: when Canada began to develop, and the demand for labour was high, the demand was filled by migrants, domestic and foreign. Prison labour was not taught the necessary skills in order that it could fill these jobs in post-release.

Fourth: if the use of prison labour had evolved similarly to the general labour market, then it would be expected that prisoners would have

participated in agriculture, followed by manufacturing. This was not the case in the penitentiary system, here, farming became an alternative to manufacturing.

Fifth: prison labour was used to fill government contracts so as not to be idle. These contracts were marginal (mail bags) to the overall demand of manufactured goods for the government.

Sixth: prison labour was not to compete with the general labour market.

Seventh: prison industries were labour-intensive, rather than using capital-intensive methods.

Eighth: prison labour was to offset the cost of the institution and to aid in obtaining a degree of self-sufficiency.

Did it offset the cost of the institution? No. If it had, it would mean that prison labour had been exploited in order to show a profit. Thus, if prison labour did not

show a profit, then what was it's position with respect to the economic system? It has been suggested that it is to manipulate the size of the reserve army of labour. The nature of the labour market determines the type of punishment, keeping the masses in line when there is surplus labour and when labour is in high demand, it sees that production is met. In Canada, part of the general demand for labour has been managed through the use of the migrant labour force. In keeping with the Economic Theory of Punishment, the Canadian Penitentiary System has managed the general supply of labour partially through its use of prison labour. Therefore, the purpose Prison Labour has served is - punishment.

REFERENCES

1. Abella, I. (1975) The Canadian Labour Movement, 1902-1960. Ottawa: Canadian Historical Society, Historical Booklet, No. 28.
2. Allen, R. (1961) Ordeal by Fire. Canada, 1910-1945. Toronto: Popular Library.
3. Ames, H.B. (1972) The city below the hill. Toronto: University of Toronto Press.
4. Babcock, E.L. (n.d.) The History of Kingston Penitentiary.
5. Baehre, R. (1977) Origins of the Penitentiary System in Upper Canada. Ontario History, 69, 185-207.
6. Canada: (1878) Debates. House of Commons. 3rd Parliament, 5th Session.
7. Canada: (1880-1881) Debates. House of Commons. 4th Parliament, 3rd Session.
8. Canada: (1925) Debates. House of Commons. 14th Parliament, 4th Session.
9. Canada: (1926) Debates. House of Commons. 15th Parliament, 1st Session.
10. Canada: (1928) Debates. House of Commons. 16th Parliament, 2nd Session.
11. Canada: (1929) Debates. House of Commons. 16th Parliament, 3rd Session.
12. Canada: (1957-1958) Debates. House of Commons. 23rd Parliament, 1st Session.
13. Canada: (1874-1965) Department of the Solicitor General. Correspondence files of the Penitentiary Branch. R.G. - 73 Public Archives of Canada. Vol. 38, file 12, section 1/2. Department of Labour Inspections, 1942-1944.

14. Canada: (1874-1965) Department of the Solicitor General. Correspondence files of the Penitentiary Branch. RG-73 Public Archives of Canada. Vol. 48, file 1-1-39. General Policy Re: Employment of Convicts in the Penitentiary, 1914-1948.
15. Canada: (1874-1965) Department of the Solicitor General. Correspondence files of the Penitentiary Branch. RG-73 Public Archives of Canada. Vol. 94, file 2-21-23. Vocational Training and Rehabilitation Dorchester, 1939-1949.
16. Canada: (1874-1965) Department of the Solicitor General. Correspondence files of the Penitentiary Branch. RG-73 Public Archives of Canada. Vol. 103, file 3-21-23, section 1/5. Vocational Training St. Vincent de Paul, 1939-1951.
17. Canada: (1874-1965) Department of the Solicitor General. Correspondence files of the Penitentiary Branch. RG-73 Public Archives of Canada. Vol. 139, file 1-21-13, section 4. Inmate Labour, 1895-1923.
18. Canada: (1910) Conditions of Local Industries. Labour Gazette, XI, 23-24.
19. Canada: (1911) Unskilled Labour. Labour Gazette, XI, 772.
20. Canada: (1950) Semi-Annual Meeting of Vocational Training Advisory Council. Labour Gazette, L, 29-33.
21. Canada: (1921) Report of the Committee appointed by the Rt. Hon. C.J. Doherty, Minister of Justice to advise upon the Revision of the Penitentiary Regulations and the Amendment of the Penitentiary Act. Sessional Papers No. 176. Ottawa: Thomas Mulvey. Public Archives. RG-14. D1.

22. Copp, T. (1974) The Anatomy of Poverty. The Conditions of the Working Class in Montreal, 1897-1929. Toronto: McClelland and Stewart Ltd.
23. Edmison, J.A. (1954) The History of Kingston Penitentiary.
24. Edmison, J.A. (1976) Some Aspects of Nineteenth Century Canadian Prisons. in W.T. McGrath, Crime and Its Treatment in Canada. Toronto: The Macmillan Co. of Canada Ltd., 349-369.
25. Firestone, O.J. (1969) Industry and Education. Ottawa: University of Ottawa Press.
26. Forsey, E.A. (1974) The Canadian Labour Movement, 1812-1902. Ottawa: Canadian Historical Society Historical Booklet, No. 27.
27. Gray, J.H. (1966) The Winter Years. The Depression on the Prairies. Toronto: The Macmillan Co. of Canada Ltd.
28. Harney, R.F. & H. Traper (1976) Immigrants. A Portrait of the Urban Experience, 1890-1930. Toronto: Van Nostrand Reinhold Ltd.
29. Kealey, G. (1973) editor. Canada investigates industrialism. The Royal Commission on the Relations of Labour and Capital, 1889 (abridged). Toronto: University of Toronto Press.
30. Kealey, G.S. (1974) Hogtown: Working Class Toronto at the Turn of the Century. Toronto: New Hogtown Press.
31. Kealey, G.S. (1980) Toronto Workers Respond to Industrial Capitalism, 1867-1892. Toronto: University of Toronto Press.
32. MacNab, J.E. (1955) Toronto's Industrial Growth to 1891. Ontario Historical Society, 2, 59-80.

33. Mannheim, H. (1939) The Dilemma of Penal Reform. London: G. Allen & Unwin Ltd.
34. Naylor, R.T. (1972) The rise and fall of the third commercial empire of the St-Lawrence. in G. Teeple, editor, Capitalism and the National question in Canada. Toronto: University of Toronto Press, 1-42.
35. Piva, M.J. (1979) The Conditions of the Working Class in Toronto, 1900-1921. Ottawa: University of Ottawa Press.
36. Rinehart, J.W. (1975) The Tyranny of Work. Don Mills, Ontario: Longman Canada Ltd.
37. Seymour, E.E. (1976) An Illustrated History of Canadian Labour, 1800-1974. Ottawa: Mutual Press Ltd.
38. Splane, R.B. (1965) Social Welfare in Ontario, 1791-1893. A Study of Public Welfare Administration Toronto: University of Toronto Press.
39. Withrow, O.C.J. (1933) Shackling the Transgressor: an Indictment of the Canadian Penal System. Toronto: Nelson Ltd.

Chapter Seven

CONCLUSION

Corrections, that branch of the Criminal Justice System which must deal with the offender after sanctions have been meted out, has been given the arduous task of channeling the offender back into society. Possibly more than any other branch, Corrections comes under fire the most for not having met its expectations. At one time, the British thought they had resolved the conflicting expectations of punishment and reform. When Coldingley Prison was built, reform was said to have won over punishment. Here, the prison industry was modeled after a factory and its explicit goal was the development of good work habits (not skills) in an efficiently managed operation. This was achieved by setting economic levels of output (in other words, profits). Prisoners were selected, worked a 40 hour week, had a wage-scale with financial incentives and had the opportunity to apply for a change of jobs as vacancies occurred. Financially, the prison was a success. In terms of recidivism rates, those released from Coldingley were comparable to other institutions (2, p. 34-35). A former inmate, criticized the program citing that efforts applied in Prison Industries were not carried

over into the other sections of the institution (1, p. 185-186). This is a very real dilemma facing Corrections. Given a program that promotes one goal (in this case punishment) to the exclusion of the other (rehabilitation), the results (recidivism rates) show little difference. Given that such projects as Coldingley are costly, the initial capital outlay is large, it is no wonder Corrections often appears to be falling short of stated expectations.

Likewise, the use of Prison Labour has sought to represent a compromise between the preferences of society at large, the objectives as perceived by the Correctional System, and the actual effect upon the inmate. In an attempt to satisfy each, none has been achieved. Society's goal has been to have imprisonment serve as a means of punishment, but at the same time lending the facility to aid in rehabilitation. The goal of the Correctional System has been to teach good work habits by employing the inmate in maintenance and the production of goods for the state.

At a time when the introduction of factory methods into the Correctional System are being proposed as an

alternative to the disappointment of not having fulfilled past expectations and goals, it is important to examine closely the position of Prison Labour. Just what purpose does Prison Labour serve?

The treatment of prison labour throughout the development of the Canadian Penitentiary System has been to serve the needs of the state. Cost-effectiveness, discipline and security have all taken priority over any attempt to acquire skills. Rehabilitation has never been an issue incorporated into practice. The inmate's exposure to training aimed at post-release, did not at any time parallel the demands of the general labour market. The occupations promoted within the penitentiary geared prison labour towards the secondary labour market. A surplus pool of labour to be drawn upon in times of progress and to be dealt with by the Justice System when the economy is unable to absorb or control the surplus.

Prison Labour does not contribute to the economy, in fact it is a drain. In order to counteract this, means must be sought to derive revenue from this labour force. With this being the objective, there is little reason to

invest through education or training, in the offender whose future placement within the labour market, will be unchanged. In order to invest in this resource it would be necessary to withdraw or reallocate temporarily resources from current production (teachers, materials, labour) based upon the expectations that long-run gains will be greater than short-run costs. Those who enter the penitentiary are drawn from the ranks of the unskilled, who are valued less by society according to their productivity than a skilled worker according to his relative contribution to the economy. Within the system there is little investment made in the offender, thus upon release he is returned to the ranks of the unskilled where, especially in times of high unemployment, he is the first to be displaced.

The principles that regulate Prison Labour are of importance, as the labouring classes comprise the greatest bulk of almost every community. The economic health of a country is reflected in whether or not labour was well supplied with the necessities, comforts and enjoyments of life. This element is the essence of importance to all disciplines in establishing the basis of the quality of life. When an action is perceived as inadequate, the

treatment of the labouring classes has been the battleground for social reform, both within the community and within the penitentiary system. So too, the treatment of the labouring classes has often been used to justify the preservation of the status quo. According to the influence of social, economic and political factors, in the framework of society, social reform or the status quo is determined as the mandate at hand.

REFERENCES

1. Caird, R. (1972) Prison Factory. New Society, 21, 185-186.
2. _____. (1978) Beyond the Mailbag. The Economist, 267, no. 7026, 34-35.

So much of our development
Appears to be irrelevant
To any form of progress that
Will take us where we would be at,
That I, for one, think we should salt
Away some energy and halt
To meditate, with movements slow
On just where we would like to go.

Anon.

from Essays on Geography
and Economic Development
University of Chicago, 1960.

Chapter Eight

BIBLIOGRAPHY

- Abella, I. (1975) The Canadian Labour Movement, 1902-1960.
Ottawa: Canadian Historical Society, Historical
Booklet, No. 28.
- Allen, R. (1961) Ordeal by Fire. Canada, 1910-1945.
Toronto: Popular Library.
- Ames, H.B. (1972) The city below the hill. Toronto:
University of Toronto Press.
- Babcock, E.L. (n.d.) The History of Kingston Penitentiary.
- Baehre, R. (1977) Origins of the Penitentiary System in
Upper Canada. Ontario History, 69, 185-207.
- Becker, G. (1968) Crime and Punishment: An Economic
Approach. Journal of Political Economy, 76, 169-217.
- Bertram, G.N. (1973) The Relevance of the Wheat Boom in
Canadian Economic Growth. The Canadian Journal of
Economics, 1, 545-566.
- Braude, L. (1975) Work and Workers. A Sociological
Analysis. New York: Praeger Publishers.
- Buckley, K. (1958) The Role of the Staple Industry in
Canada's Economic Development. The Journal of
Economic History, 18, 439-450.
- Canada: (1867) An Act for the Union of Canada, Nova Scotia,
and New Brunswick, and the Government thereof; and
for the Purposes connected therewith. Chapter III.
Ottawa: Queen's Printer.
- Canada: (1866) Annual Report of the Board of Inspectors of
Asylums, Prisons, etc. for the year
1865. Sessional Paper No. 6.
- Canada: (1868) Sixth Annual Report of the Board of
Inspectors of Asylums, Prisons, etc. for the year
1866. Sessional Paper No. 40.

Canada: (1870) First Annual Report of the Director of Penitentiaries of the Dominion of Canada for the year 1868. Sessional Paper No. 5.

Canada: (1870) First Annual Report of the Director of Penitentiaries of the Dominion of Canada for the year 1869. Sessional Paper No. 5.

Canada: (1871) Third Annual Report of the Director of Penitentiaries of the Dominion of Canada for the year 1870. Sessional Paper No. 60.

Canada: (1874) Sixth Annual Report of the Director of Penitentiaries of the Dominion of Canada for the year 1873. Sessional Paper No. 42.

Canada: (1876) Report of the Minister of Justice as to Penitentiaries in Canada for the year ending 31st December, 1875. Sessional Paper No. 14.

Canada: (1877) Report of the Minister of Justice as to Penitentiaries in Canada for the year ended 31st December, 1876. Sessional Paper No. 15.

Canada: (1878) Report of the Minister of Justice as to Penitentiaries in Canada for the year ended 31st December, 1877. Sessional Paper No. 12.

Canada: (1879) Report of the Minister of Justice as to Penitentiaries in Canada for the year ended 30th June, 1878. Sessional Paper No. 27.

Canada: (1880) Report of the Minister of Justice as to Penitentiaries in Canada for the year ended 30th June, 1879. Sessional Paper No. 17.

Canada: (1881) Report of the Minister of Justice as to Penitentiaries in Canada for the year ended 30th June, 1880. Sessional Paper No. 65.

Canada: (1882) Report of the Minister of Justice as to Penitentiaries in Canada for the year ended 30th June, 1879. Sessional Paper No. 12.

- Canada: (1883) Report of the Minister of Justice as to Penitentiaries in Canada for the year ended 30th June, 1882. Sessional Paper No. 29.
- Canada: (1889) Report of the Minister of Justice as to Penitentiaries in Canada for the year ended 30th June, 1888. Sessional Paper No. 12.
- Canada: (1892) Report of the Minister of Justice as to Penitentiaries in Canada for the year ended 30th June, 1896. Sessional Paper No. 18.
- Canada: (1897) Report of the Minister of Justice as to Penitentiaries in Canada for the year ended 30th June, 1896. Sessional Paper No. 18.
- Canada: (1902) Report of the Minister of Justice as to Penitentiaries in Canada for the year ended 1901. Sessional Paper No. 34.
- Canada: (1907) Report of the Minister of Justice as to Penitentiaries in Canada for the year ended 30th June, 1906. Sessional Paper No. 34.
- Canada: (1907) Report of the Minister of Justice as to Penitentiaries in Canada for the nine months ended 31st March, 1907. Sessional Paper No. 34.
- Canada: (1912) Report of the Minister of Justice as to Penitentiaries in Canada for the year ended 31st March, 1911. Sessional Paper No. 34.
- Canada: (1920) Report of the Superintendent of Penitentiaries for the fiscal year ended 31st March, 1919. Sessional Paper No. 35.
- Canada: (1920) Report of the Superintendent of Penitentiaries for the fiscal year ended 31st March, 1920. Sessional Paper No. 35.
- Canada: (1924) Report of the Superintendent of Penitentiaries for the fiscal year ended 31st March, 1923. Sessional Paper No. 20.
- Canada: (1925) Annual Report of the Superintendent of Penitentiaries for the fiscal year 1923-1924. Sessional Paper No. 20.

Canada: (1927) Annual Report of the Superintendent of Penitentiaries for the year 1925-1926.

Canada: (1934) Annual Report of the Superintendent of Penitentiaries for the year ending March 31, 1933.

Canada: (1941) Annual Report of the Superintendent of Penitentiaries for the year ending March 31, 1940.

Canada: (1942) Annual Report of the Superintendent of Penitentiaries for the year ending March 31, 1941.

Canada: (1943) Annual Report of the Superintendent of Penitentiaries for the year ending March 31, 1942.

Canada: (1944) Annual Report of the Superintendent of Penitentiaries for the year ending March 31, 1943.

Canada: (1946) Annual Report of the Superintendent of Penitentiaries for the year ending March 31, 1945.

Canada: (1947) Annual Report of the Superintendent of Penitentiaries for the year ending March 31, 1946.

Canada: (1952) Annual Report of the Superintendent of Penitentiaries for the year ending March 31, 1951.

Canada: (1954) Annual Report of the Superintendent of Penitentiaries for the year ending March 31, 1953.

Canada: (1957) Annual Report of the Superintendent of Penitentiaries for the year ending March 31, 1956.

Canada: (1958) Annual Report of the Superintendent of Penitentiaries for the year ending March 31, 1957.

- Canada: (1960) Annual Report of the Superintendent of Penitentiaries for the year ending March 31, 1960.
- Canada: (1911) Census of Canada. VI, Occupations of the People.
- Canada: (1961) Census of Canada. III, part I. Labour Force. Historical Tables. Series 3.1. 94-501.
- Canada: (1899) Commissioners' Report on St. Vincent de Paul Penitentiary. Sessional Papers No. 18.
- Canada: (1841) Debates of the Legislative Assembly of United Canada. Vol. 1.
- Canada: (1867-68) Debates. House of Commons. 1st Parliament, 1st session.
- Canada: (1870) Debates. House of Commons. 1st Parliament, 3rd session.
- Canada: (1875) Debates. House of Commons. 3rd Parliament, 2nd session.
- Canada: (1878) Debates. House of Commons. 3rd Parliament, 5th session.
- Canada: (1879) Debates. House of Commons. 4th Parliament, 1st session.
- Canada: (1880) Debates. House of Commons. 4th Parliament, 2nd session.
- Canada: (1880-81) Debates. House of Commons. 4th Parliament, 3rd session.
- Canada: (1883) Debates. House of Commons. 5th Parliament, 1st session.
- Canada: (1925) Debates. House of Commons. 14th Parliament, 4th session.
- Canada: (1926) Debates. House of Commons. 15th Parliament, 1st session.

- Canada: (1928) Debates. House of Commons. 16th
Parliament, 2nd session.
- Canada: (1929) Debates. House of Commons. 16th
Parliament, 3rd session.
- Canada: (1932-1933) Debates. House of Commons. 17th
Parliament, 4th session.
- Canada: (1934) Debates. House of Commons. 17th
Parliament, 5th session.
- Canada: (1939) Debates. House of Commons. 18th
Parliament, 4th session.
- Canada: (1941) Debates. House of Commons. 19th
Parliament, 2nd session.
- Canada: (1957-1958) Debates. House of Commons. 23rd
Parliament, 1st session.
- Canada: (1870) Department of Justice. Rules and
Regulations of the Government of the Penitentiaries
of the Dominion of Canada. Ottawa: Hunter, Ross
& Co.
- Canada: (1892-1894) Department of Justice. Penitentiary
Branch. Administrative files for the
penitentiaries. RG-13. Public Archives of
Canada. Vol. 1027, file 39. Binder Twine,
Kingston, 1892-1894.
- Canada: (1874-1965) Department of the Solicitor General.
Correspondence files of the Penitentiary Branch.
RG-73. Public Archives of Canada. Vol. 38, file
12, sections 1/2. Department of Labour
Inspections, 1942-1944.
- Canada: (1874-1965) Department of the Solicitor General.
Correspondence files of the Penitentiary Branch.
RG-73. Public Archives of Canada. Vol. 48, file
1-1-39. General Policy Re: Employment of Convicts
in the Penitentiary, 1914-1948.

- Canada: (1874-1965) Department of the Solicitor General.
Correspondence files of the Penitentiary Branch.
 RG-73. Public Archives of Canada. Vol. 66, file
 1-13-3. Reorganization of Industries in the
Penitentiaries, 1938-1951.
- Canada: (1874-1965) Department of the Solicitor General.
Correspondence files of the Penitentiary Branch.
 RG-73. Public Archives of Canada. Vol. 103, file
 3-21-23. Vocational Training, St. Vincent de
Paul.
- Canada: (1874-1965) Department of the Solicitor General.
Correspondence files of the Penitentiary Branch.
 RG-73. Public Archives of Canada. Vol. 139, file
 1-21-13, section 1. Inmate Labour, 1895-1923.
- Canada: (1910) Conditions of Local Industries. Labour
Gazette, XI, 23-24.
- Canada: (1911) Unskilled Labour. Labour Gazette, XI,
 772.
- Canada: (1920) First Annual Report of the Dominion Bureau
 of Statistics. Labour Gazette, 20, 302-303.
- Canada: (1950) First Annual Report of the Dominion Bureau of
 Statistics. Labour Gazette, L, 29,33.
- Canada: (1962) Penitentiary Act, Penitentiary Service
Regulations, P.C. 1962-302. Ottawa: The Canada
 Gazette, Part II, Vol. 96.
- Canada: (1864) Report of the Board of Inspectors of
Asylums, Prisons, etc. for the year 1863.
 Sessional Paper No. 39.
- Canada: (1865) Report of the Board of Inspectors of
Asylums, Prisons, etc. for the year
1864. Sessional paper No. 14.
- Canada: (1914) Report of the Royal Commission on
Penitentiaries. Sessional paper No. 252.

- Canada: (1921) Report of the Committee appointed by the Rt. Hon. C.J. Doherty, Minister of Justice to advise upon the Revision of the Penitentiary Regulations and the Amendment of the Penitentiary Act. Sessional Paper No. 176. Ottawa: Thomas Mulvey. Public Archives, RG-14. D1.
- Canada: (1938) Report of the Royal Commission to Investigate the Penal System of Canada. (Archambault Report). Ottawa: Printer to the King's Most Excellent Majesty.
- Canada: (1956) Report of a Committee appointed to inquire into the principles and procedures followed in the Remission Service of the Department of Justice of Canada. (Fauteux Report).
- Canada: (1868) Statutes of Canada. An Act Respecting Penitentiaries and the Directors Thereof and for other purposes. Chapter 75, 1st Parliament, 1st session.
- Canada: (1869) Statutes of Canada. An Act Respecting Procedure in Criminal Cases and other matters relating to Criminal Law. Chapter 29. 1st Parliament, 2nd session.
- Canada: (1906) Statutes of Canada. An Act Respecting Penitentiaries. Chapter 38, 10th Parliament, 2nd session.
- Canada: (1939) Statutes of Canada. An Act Respecting Penitentiaries. Chapter 6, 18th Parliament, 4th session.
- Caird, R. (1972) Prison Factory. New Society, 21, 185-186.
- Careless, J.M.S. (1967) The Canadians, 1867-1967. Toronto: The Macmillan Company of Canada Ltd.
- Carlson, N.A. (1977) Prison Industries. American Journal of Corrections, 39, 12.

Clark, C. (1960) The Condition of Economic Progress.
London: Macmillan & Co. Ltd.

Copp, T. (1974) The Anatomy of Poverty. The Conditions of the Working Class in Montreal, 1897-1929.
Toronto: McClelland and Stewart Ltd.

Craven, P. and J. Littleton (R.M. Laxer, editor) (1978) Technological Change and the Workforce. Toronto:
~~The Ontario Institute for Studies in Education.~~

Creighton, D. (1970) Canada's First Century, 1867-1967.
Toronto: Macmillan of Canada Ltd.

Curran, J.W. (1961) Prison Industries: Achievements and Challenges. American Journal of Corrections,
23, 4-7, 36-37.

Denton, F.T. (1972) The Supply of Labour in Canada.
Canadian Perspectives in Economics E 2. Toronto:
Macmillan of Canada, Ltd.

_____, (1978) Beyond the Mailbag. The Economist, 267,
34-35.

Edmison, J.A. (1954) The History of Kingston Penitentiary.

Edmison, J.A. (1976) Some Aspects of Nineteenth Century Canadian Prisons. in W.T. McGrath, Crime and Its Treatment in Canada. Toronto: The Macmillan Co. of Canada Ltd., 349-369.

England, R.W. (1961) New Departure in Prison Labour. The Prison Journal, XLI, 21-26.

Evans, R. (1966) The Released Offender in a Changing Labour Market. Industrial Relations: Journal of Economics and Society, 5, 118-124.

Firestone, O.J. (1958) Canada's Economic Development, 1867-1953. London: Bowes & Bowes.

Firestone, O.J. (1969) Industry and Education. Ottawa:
University of Ottawa Press.

Forsey, E.A. (1974) The Canadian Labour Movement, 1812-1902. Ottawa: Canadian Historical Society,
Historical Booklet, No. 27.

The Gazette. (1981) December 17.

Gray, J.H. (1966) The Winter Years. The Depression on the Prairies. Toronto: The Macmillan Co. of Canada Ltd.

Grunhut, M. (1948) Penal Reform. A Comparative Study. Oxford: The Clarendon Press.

Gurr, T.R. (1960) Development and Decay: Their Impact on Public Order in Western History. in J.S. Inciardi and C.E. Faupel, History and Crime: Implications for Criminal Justice Policy. Beverly Hills: Sage Publications, 31-52.

Harney, R.F. & H. Traper (1976) Immigrants. A portrait of the Urban Experience, 1890-1930. Toronto: Van nostrand Reinhold Ltd.

Holt, N. (1978) Problems and Prospects of Vocational Training in a Prison Setting. in United States Department of Commerce, Crime and Employment Issues: A Collection of Policy Relevant Monographs. Washington: Government Printing Office, 97-110.

Innis, M.O. (1935) An Economic History of Canada. Toronto: The Ryerson Press.

International Labour Office (1948) Employment, Unemployment and Labour Force Statistics, A Study of Methods. Geneva, ILO. Studies and Reprints, New Series No. 7, part 1.

Jankovic, I. (1977) Punishment and Post-Industrial Society: A Study of Unemployment, Crime and Imprisonment in the United States. Santa Barbara: University of California, Phd. Sociology, Criminology.

Kealey, G.S. (1973) editor. Canada investigates industrialism. The Royal Commission on the Relations of Labour and Capital, 1889. (abridged) Toronto: University of Toronto Press.

Kealey, G.S. (1974) Hogtown: Working Class Toronto at the Turn of the Century. Toronto: New Hogtown Press.

Kealey, G.S. (1980) Toronto Workers Respond to Industrial Capitalism, 1867-1892. Toronto: University of Toronto Press.

Kellough, D.G., S.L. Brickley, & W.K. Greenaway (1980) The politics of incarceration: Manitoba, 1918-1939. The Canadian Journal of Sociology, 5, 253-271.

Kirpatrick, A.M. (1976) After-Care and the Prisoners' Aid Societies. in W.T. McGrath, Crime and Its Treatment in Canada. Toronto: Macmillan Co. of Canada Ltd, 443-469.

Lightman, E.S. (1979) Industrial Work by Inmates in Correctional Institutions. Toronto: Centre for Industrial Relations, University of Toronto. Report No. 7903.

Mackintosh, W.A. (1923) Economic Factors in Canadian History. The Canadian Historical Review, 41, 12-25.

Mackintosh, W.A. (1964) The Economic Background of Dominion-Provincial Relations. Toronto: McClelland & Stewart Ltd.

MacNab, J.E. (1955) Toronto's Industrial Growth to 1891. Ontario Historical Society, 2, 59-80.

Mannheim, H. (1939) The Dilemma of Penal Reform. London: G. Allen & Unwin Ltd.

Marsh, L.C. (1940) Canadians In and Out of Work. Toronto: Oxford University Press.

Meltz, N.M. (1965) Changes in the Occupational Composition of the Canadian Labour Force, 1931-1961. Ottawa: Department of Labour.

Meltzer, B.N. (1952) An Appraisal of the Primary Data Utilized in Canadian Penitentiary Statistics. The Canadian Journal of Economics and Political Science, 18, 27-40.

Merton, R.K. (1978) Social Structure and Anomie. in L.S. Savitz and M. Johnston, Crime in Society. New York: John Wiley & Sons, 115-123.

- Miller, M.J. (1972) Vocational Training in Prisons: Some Social Policy Implications. Federal Probation, 36, 19-21.
- Morash, M.A. & E.A. Anderson (1978) Liberal Thinking on Rehabilitation: A Workable Solution to Crime. Social Problems, 25, 556-563.
- Naylor, R.T. (1972) The rise and fall of the third commercial empire of the St. Lawrence. in G. Teeple editor, Capitalism and the National Question in Canada. Toronto: University of Toronto Press, 1-42.
- Neale, K.J. (1976) Work in Penal Institutions. Strasbourg: Council of Europe.
- Neale, K.J. (1977) Managing Work in Penal Regimes. Ringe, Denmark, Unpublished paper.
- Ostry, S. (1967) The Occupational Composition of the Canadian Labour Force. Ottawa: DBS.
- Parker, W.C. (1978) Offender Training and Employment: The Potential of Prison Industries. in United States Department of Commerce, Crime and Employment Issues: A Collection of Policy Relevant Monographs. Washington: Government Printing Office, 111-118.
- Pati, G.C. (1974) Business can make ex-convicts productive. Harvard Business Review, 52, 69-78.
- Peitchinis, S.G. (1965) The Economics of Labour. Employment and Wages in Canada. Toronto: McGraw-Hill.
- Peitchinis, S.G. (1970) Canadian Labour Economics: An Introductory Analysis. Toronto: McGraw-Hill.
- Peitchinis, S.G. (1975) The Canadian Labour Market. Toronto: Oxford University Press.
- Piva, M.J. (1979) The Conditions of the Working Class in Toronto, 1900-1921. Ottawa: University of Ottawa Press.

- Platt, A. (1977) The Child Savers. Chicago: The University of Chicago Press.
- Pownall, G.A. (1971) Employment Problems of Released Prisoners. Manpower, 3, 26-31.
- Quinney, R (1977) Class, State and Capitalism. New York: Longman.
- Reasons, C.E. & R.M. Rich (1978) The Sociology of Law: A Conflict Perspective. Toronto: Butterworths, & Co. (Canada) Ltd.
- Rinehart, J.W. (1975) The Tyranny of Work. Don Mills, Ontario: Longman Canada Ltd.
- Robinson, L.N. (1931) Should Prisoners Work? Chicago: J.C. Winston.
- Rostow, W.W. (1953) The Process of Economic Growth. Oxford: Oxford University Press.
- Rostow, W.W. (1960) States of Economic Growth. New York: Cambridge University Press.
- Rothman, D. (1971) The Discovery of the Asylum. Boston: Little Brown & Co.
- Rusche, G. (1978) Labor Market and Penal Sanctions: Thoughts on the Sociology of Criminal Justice. Translated by G. Dirwiddie. Crime and Social Justice, 10, 2-8.
- Rusche, G. (1980) Prison Revolts or Social Policy, Lessons from America. Issues in Criminology, V, 41-44.
- Rusche, G. & O. Kirchheimer (1968) Punishment and Social Structure. New York: Russell & Russell.
- Schaenback, B. & D. Lipton (1974) Special Proposal: An Alliance of State and Industry for the Rehabilitation of our Correctional System. Albany Law Review, 39, 5-13.

Scott, R. & A. Scull (1978) Penal Reform and the Surplus Army of Labour. in W.K. Greenaway and S.L. Brickley, Law and Social Control in Canada. Scarborough, Ontario: Prentice-Hall of Canada Ltd., 147-158.

Sellin, T. (1944) Pioneering in Penology. Philadelphia: University of Pennsylvania Press.

Sellin, T. (1976) Slavery and the Penal System. New York: Elsevier Scientific Publishing Co. Inc.

Seymour, E.E. (1976) An Illustrated History of Canadian Labour, 1800-1974. Ottawa: Mutual Press Ltd.

Singer, N. (1976) The Value of Inmate Manpower. Journal of Research in Crime and Delinquency, 13, 3-12.

Smith, J.M. (1957) Canadian Economic Growth and Development from 1939-1955. Royal Commission on Canada's Economic Prospects. Ottawa: Queen's Printer.

Splane, R.B. (1965) Social Welfare in Ontario, 1791-1893. A Study of Public Welfare Administration. Toronto: University of Toronto Press.

Taggart, R. (1972) The Prison of Unemployment. London: John Hopkins University Press.

Tilgher, A. (1958) Homo Faber, Work through the Ages. Chicago: Henry Regnery.

United States Department of Health, Education and Welfare, Office of Education, Division of Manpower Development and Training. (1972) Invisible prison: An Analysis of Barriers to Inmate Training and Post-Release Employment in New York and Maine. Springfield, Va.: reproduced by National Technical Information Service, United States Department of Commerce.

United States Department of Labor, Manpower Administration. (1973) A Review of Manpower R and D Projects in the Corrections Field, (1963-1973). Manpower Research Monograph Number 28. Washington: United States Government Printing Office.

United States Department of Labor, Manpower
Administration. (1975) Vocational Preparation in United
States Correctional Institutions: A 1974 Survey.
Washington: Office of Research and Development.

United States Department of Justice. (1978) National
Institute of Law Enforcement and Criminal Justice, Law
Enforcement Assistance Administration. Study of the
Economic and Rehabilitative Aspects of Prison Industry.
Vol. I - Vol. VII. Washington: Government Printing
Office.

United States General Accounting Office. (1978).
Observations on Correctional Programs and Policies in
Selected European Countries. Washington: United States
Government Printing Office.

Upper Canada: (1834) Statutes of Upper Canada. An Act to
provide for the Maintenance and Government of the
Provincial Penitentiary, erected near Kingston, in the
Midland District. Chapter 37. 11th Parliament.

Vining, J.E. (1969) Prison Industry: Curse or Blessing.
American Journal of Corrections, 31, 22.

Waldo, G.P. (1971) Myths, Misconceptions, and the Misuse of
Statistics In Correctional Research. Crime and
Delinquency, 17, 57-66.

Withrow, O.C.J. (1933) Shackling the Transgressor: An
Indictment of the Canadian Penal System. Toronto:
Nelson Ltd.

Chapter Nine

APPENDIX: LABOUR FORCE STATISTICS

The use of statistical data often leads to much discussion about their validity and reliability as measures of the phenomenon studied. This has been especially so in the field of corrections (14). Despite the criticisms and the defects, in many spheres of activity, statistics often prove to be useful in making long-run projections and broad generalities. It is in this context that the data used in this study and the manner in which they have been used to reveal the position of prison employment in relation to the general employment practices, is being presented and analysed here.

General Labour Force

The value of employment statistics for the general labour force became increasingly evident following the Second World War. For the fifteen years covering both the depression and the war, major shifts occurred in the occupational composition of the labour force, and these changes were made obvious through the use of statistics. Although data had been gathered for a number of years, it

was not until following the war that the importance of these statistics was formally recognized (12, p. 1).

Employment data is useful in reflecting industrial trends, aiding in development of long-run policy and in allocating workers between sectors of low and high demand. Unemployment data is useful in measuring the welfare of labour; in projecting business output and in union bargaining (12, p. 1-7).

There are a number of methods for collecting employment data, including labour force survey, social insurance reporting and the census. In Canada, with the establishment of the Dominion Bureau of Statistics in 1918, census records are of historical value. Prior to this, census statistics had been gathered by different organizations according to their needs subject to the guidelines of the 1879 Census and Statistics Act (10, p. 302-303).

Methods of recording unemployment statistics include labour force surveys, unemployment insurance registration and trade union statistics. Historically,

trade union data are the most important. For Canada it was the primary means of measuring unemployment until World War Two. The trade union figures are the ratio of the number of those who are unemployed to the total membership for those unions reporting. Based upon the existing industries and the number of occupations, it has been estimated that one quarter to one third of all union members are represented in these figures. What is unknown is the extent of which the unions or even the workers are represented. What is known is that these results are biased with respect to non-union industries and non-union occupations by failing to represent the unemployed among the less skilled, non-union workers. As it is recognized that union members tend to come from what is defined as skilled occupations, trade union unemployment statistics are not representative of the entire segment of the population which is unemployed (12, p. 23-27, 85-87).

While it is preferable to use unemployment data in analysing whether prison labour is being channelled towards areas of high demand or low demand, such information for the period under study, 1867-1960, would be limited primarily to trade union statistics. As N. Holt found,

parolees tend to belong to non-unionized shops (11, p. 106) and it is therefore not feasible to use the unemployment data available.

The Canada Census from 1881 through to 1961 provides figures on the distribution of workers by occupation. As the size of the labour force is always changing, by expressing the data in percentages, comparisons are easily made and fluctuations readily indicated. While the accuracy of these figures may be questioned as to their compilation and precision of definition, the greatest shortcoming occurs in the age boundaries of the labour force. From 1881 to 1901 the labour force includes those then ten years of age and over, while from 1911 to 1961 the cut-off age was defined as fifteen years. TABLE III on the occupational distribution of the labour force does not take these differences into account.

The fluctuations in the occupational distribution indicate that, over time, the primary sector was the dominant employer until post World War Two. The secondary sector remained almost unchanged for the first thirty years

TABLE III
OCCUPATIONAL DISTRIBUTION OF LABOUR
CANADA 1881-1961

Occupation	1881*	1891	1901	1911	1921	1931	1941	1951	1961
1 ^o	51.3	55.1	50.2	58.2	53.5	51.5	44.9	32.6	22.9
2 ^o	31.4	30.4	32.8	23.5	21.7	24.0	29.6	34.2	35.3
3 ^o	16.3	14.2	16.7	20.8	26.7	27.5	28.3	35.3	43.4
mis	1.1	-	-	-	-	-	-	-	-
not stated	-	-	-	-	.21	.04	.29	1.25	2.66

* includes females

Definitions of Occupations according to general economy.

1^o = labourers, agriculture, fishing, forestry, mining, logging, trapping

2^o = building, manufacturing, transportation, mechanical

3^o = domestic, civil/government, professional, trade, finance, commercial, service, clerk, property

1881-1901 data taken from 1911 Census, Vol. VI Occupations of the people - Table 11 - Percentage distribution of workers by industry

1911-1961 data taken from 1961 Census of Canada, Vol. III part I - series 3.1, 94-501
 Labour force Historical Tables
 Table 3 - Percentage distribution of Labour Force 15 years plus by occupational division 1911-1961.

under study, experiencing a decline in 1911, regaining its share between 1931 and 1961. The tertiary sector shows continuous growth throughout the eighty years becoming the leader by 1961.

Penitentiary Labour Force

Penitentiary statistics should be an accurate account of information, according to B.N. Meltzer; since the environment lends to a lengthy study of the person. However, upon closer examination as to the reliability and uniformity, Meltzer found the figures to fall short of expectations. Useful information was often omitted, method of recording was inadequate, definitions were poor and results were rarely verified (13, p. 27-32). Information given by the prisoner regarding employment, prior to admission was often false. This allowed him to secure a higher status. He may have stated he was employed, even if he was not, thereby projecting a positive image in order to benefit parole requirements. On the other hand, a prisoner may state he was not employed, even if he was, in order to justify the act (13, p. 32-33).

The occupations recorded while incarcerated do not span for any considerable period of time. The high turnovers, caused by changes in classification, discipline, institutional requirements indicate that very little can be deducted from the institutional occupational history of the individual prisoner (13, p. 39).

However, if the focus were to be upon the job in itself and not the individual, it would be possible to evaluate from what segment of the labour force the offender came and to what segment of the labour force the prisoner was being trained. To this end penitentiary statistics are useful.

TABLE IV and TABLE V define the occupations for admission and duration, respectively, and are used to obtain the results in TABLE VI. This table summarizes the occupational distribution of prison labour for the ten year periods 1881 to 1911 and 1941 to 1961. It will be noted while most of the data is based upon the number of employees for the years 1881 and 1891, some of the figures for these years are based upon the number of jobs.

TABLE IV
DEFINITIONS OF OCCUPATIONS PRIOR TO ADMISSION

<u>PRIMARY</u>	<u>SECONDARY</u>	<u>TERTIARY</u>
blacksmith	baker	accountant
butcher	bricklayer	agent
brickmaker	cigarmaker	butler
cooper	carpenter	bartender
cheesemaker	distiller	barber
cabinet	engraver	bookkeeper
farmers	glassblower	brass polisher
fishermen	iron	bank clerk
horse	mason	boot black
harness	moulder	clerk
labourers	machinist	coachman
locksmith	painter	cook
leather	printer	detective
miner	ropemakers	engineers
peddler	railwaymen	firemen
river driver	riveter	florist
sailor	shoemaker	gardener
shantyman	steamfitter	gambler
teamster	switchman	hotel
trader	shoelaster	hostlers
tinsmith	springturner	nurse
tanner	tailor	jockey
watchmaker	weaver	lawyer
woodturner		merchant
		metal polisher
		musician
		mail carrier
		newsboy
		papercutter
		plumber
		paperhanger
		photographer
		sales
		steward
		storemounter
		telegraph
		upholster
		waiters
		vet surgeon

TABLE V
DEFINITIONS OF OCCUPATIONS DURING INCARCERATION.

<u>PRIMARY</u>	<u>SECONDARY</u>	<u>TERTIARY</u>	<u>UNEMPLOYED</u>
blacksmith	baker	change room	asylum
keeper	carperter	laundry	hospital
steward	mason	office	isolation
engineer	tin		
farm	shoe		
gate	tailor		
labour	twine		
quarry			
stone			
store			
wood			

TABLE VI
OCCUPATIONAL DISTRIBUTION OF PRISON LABOUR
CANADA 1881-1960

INSTITUTION	1881	1891		1901		1911		1941		1951		1960	
		DUR.	DUR.	AD	DUR.	AD	DUR.	AD	DUR.	AD	DUR.	AD	DUR.
Kingston	10	38.5	54.4	60.7	37.9	59.6	35.4	4.7	35.4	17.6	48.9	4.4	38.1
	20	46.3	27.6	22.4	36.5	2.13	43.4	15.3	43.4	28.4	26.5	12.4	35.6
	30	9.2	11.7	15.9	12.6	17.4	16.0	17.1	16.0	16.9	17.0	11.6	18.7
	UN	5.9	6.2	1.0	13.0	1.6	5.2	62.9	5.2	36.9	7.6	71.6	7.6
	VT	0	0	0	0	0	0	0	0	0	0	0	0
St. Vincent de Paul	10	56.3	50.0	54.1	59.6	49.8	47.6	11.0	47.6	13.4	47.5	9.4	38.1
	20	34.6	39.4	25.8	29.5	32.1	32.8	20.0	32.8	19.3	31.9	14.7	31.3
	30	1.3	7.5	19.9	5.1	17.0	17.4	14.1	17.4	13.9	12.5	13.8	12.9
	UN	7.9	3.3	0.2	5.8	1.0	2.8	53.9	2.8	53.4	1.9	62.1	4.7
	VT	0	0	0	0	0	0	0	0	0	6.1	0	0.8
Dorchester	10	73.7*	63.9	88.8	55.4	71.7	34.4	13.7	34.4	18.0	45.2	19.6	41.9
	20	10.5*	27.2	7.7	29.2	15.4	33.9	16.8	33.9	9.9	33.9	24.8	32.0
	30	15.8*	5.3	3.6	8.9	12.9	28.2	21.8	28.2	5.5	11.9	10.9	18.7
	UN	0	3.6	0	6.4	0	3.4	47.7	3.4	66.5	4.2	44.6	1.9
	VT	0	0	0	0	0	0	0	0	0	4.8	0	4.8

* based upon the number of jobs

TABLE VI
Continued

INSTITUTION	1881	1891	1901		1911	1941		1951		1960	
	DUR.	DUR.	AD	DUR.	AD	AD	DUR.	AD	DUR.	AD	DUR.
Manitoba	10 65.7*	76.5*	41.9	62.4	78.5	16.0	45.6	11.5	38.8	18.5	42.2
	20 22.9*	8.8*	11.1	25.6	15.7	17.6	34.5	14.8	40.8	37.6	23.7
	30 11.4*	14.7*	10.3	6.8	5.8	9.2	17.1	13.9	13.7	13.9	18.7
	UN 0	0	36.8	5.1	0	57.3	2.9	59.8	6.7	30.1	4.8
	VT 0	0	0	0	0	0	0	0	0	0	10.6
British Columbia	10 62.5*	63.3*	73.3	78.2	52.3	7.1	38.9	40.7	42.5	9.3	41.3
	20 16.7*	16.7*	14.9	14.9	25.4	7.8	45.9	10.8	32.1	19.2	27.5
	30 20.8*	20.0*	11.9	2.9	23.5	15.0	12.8	8.1	12.1	11.9	14.0
	UN 0	0	0	3.9	0	70.0	2.4	40.4	13.3	59.6	6.6
	VT 0	0	0	0	0	0	0	0	0	0	10.6
Alberta	10				67.7						
	20				13.8						
	30				18.5						
	UN				0						
	VT				0						

* based upon the number of jobs

TABLE VI
Continued

INSTITUTION	1881	1891	1901		1911		1941		1951		1960	
	DUR.	DUR.	AD	DUR.	AD	DUR.	AD	DUR.	AD	DUR.	AD	DUR.
Joyceville 10											3.9	46.1
20											19.6	39.2
30											16.7	11.9
UN											59.8	2.8
VT											0	0

The figures for employment of those incarcerated in 1881 indicate the secondary sector to be the largest at Kingston. This was due to the flourishing tailor shop which employed 140 of the 684 prisoners. The foundry was also a strong employer with 80 prisoners found here. At Kingston, few were employed in the agricultural sector as the contracts in manufacturing occupied the prisoners. The other penitentiaries were not as fortunate in obtaining contracts. Thus at St. Vincent de Paul, the largest number were employed in stonework, based upon the number of jobs, those at Dorchester it was maintenance and at Manitoba and British Columbia it was agriculture.

In the next ten years, the number employed in Kingston's tailor shop declined to 45, and with the foundry being closed, the dominant employer was the primary sector. This was the norm throughout the institutions for 1891 based upon the number of employees for Kingston, St. Vincent de Paul and Dorchester and the number of jobs for those at Manitoba and British Columbia.

In 1901, the first year to record employment prior to admissions, saw those who were admitted come mainly from

the primary sector of which the largest group throughout most of the institutions were labourers. The only exception was Manitoba where the largest single group listed were those without occupations. Within the institution, the major employer remained the primary sector, with Kingston experiencing more activity in the secondary sector than any of the others. This was due in part to the forty who were employed in the binder twine industry.

The majority of admissions for 1911 listed primary occupations as their employment, with Dorchester and British Columbia listing an increase in the number of workers in the secondary sector as compared to 1901. The 1911 Annual Report figures available for employment during incarceration noted only the type of jobs performed and not the numbers employed in each category.

For the years 1921 and 1931, no data was collected regarding the labour of prisoners. This lack of available data causes a break in analysis.

The admissions for 1941 came mainly from the ranks of the unemployed, while fewer than 50% listed a specific occupation. During the period of incarceration for the same year, the majority at Kingston and British Columbia were engaged in secondary occupations, while the majority at the other institution were producing foodstuffs.

The figures for 1951 indicated the largest numbers to be admitted were the unemployed with the exception of British Columbia where an equally large number came from agriculture. Of the secondary occupations, those in transportation were amongst the highest to be admitted. While incarcerated, primary occupations led employment in five of seven institutions. At Collins Bay and Saskatchewan, secondary occupations predominated. Elsewhere primary occupations, especially maintenance and farming, were strong. Vocational training appeared for the first time as a separate category, occupying only a small percentage of the inmates.

The 1960 admissions for Manitoba and Saskatchewan indicated secondary occupations as their main entries. The other penitentiaries cited unemployment for the majority as

their status prior to admission. Throughout the institutions, primary occupations were the main employers with the exception of the Federal Training Centre where vocational training took place and Collins Bay where secondary occupations dominated. Maintenance was the leading employer through all the institutions, except at Federal Training Centre. Next, the farm employed the largest numbers at St. Vincent de Paul and Dorchester, while at Kingston the mail bag room and the tailor shops also employed a fair number.

REFERENCES

1. Canada: (1882) Report of the Minister of Justice as to Penitentiaries in Canada for the year ended 30th June, 1881. Sessional Paper No. 12.
2. Canada: (1892) Report of the Minister of Justice as to Penitentiaries in Canada for the year ended 30th June, 1891. Sessional Paper No. 18.
3. Canada: (1902) Report of the Minister of Justice as to Penitentiaries of Canada for the year ended June 30, 1901. Sessional Paper No. 34.
4. Canada: (1912) Report of the Minister of Justice as to Penitentiaries of Canada for the year ended March 31, 1911. Sessional Paper No. 34.
5. Canada: (1942) Annual Report of the Superintendent of Penitentiaries for the year ending March 31, 1941.
6. Canada: (1952) Annual Report of the Commissioner of Penitentiaries for the year ending March 31, 1951.
7. Canada: (1960) Annual Report of the Commissioner of Penitentiaries for the year ending March 31, 1960.
8. Canada: (1911) Census of Canada. VI, Occupations of the People.
9. Canada: (1961) Census of Canada. III, Part I. Labour Force. Historical Tables. Series 3.1. 94-501.
10. Canada: (1920) First Annual Report of the Dominion Bureau of Statistics. Labour Gazette, 20, 302-303.
11. Holt N. (1978) Problems and Prospects of Vocational Training in a Prison Setting. in United States Department of Commerce, Crime and Employment Issues: A Collection of Policy Relevant Monographs. Washington: Government Printing Office, 97-110.

12. International Labour Office (1948) Employment, Unemployment and Labour Force Statistics, A Study of Methods. Geneva, ILO. Studies and Reports, New Series No. 7, part 1.
13. Meltzer, B.N. (1952) An Appraisal of the Primary Data Utilized in Canadian Penitentiary Statistics. The Canadian Journal of Economics and Political Science, 18, 27-40.
14. Waldo, G.P. (1971) Myths, Misconception, and the Misuse of Statistics In Correctional Research. Crime and Delinquency, 17, 57-66.

SUMMARY

Employment and crime have long been interrelated. The offender's failure in the labour market has been cited as a reason for his having turned to crime in the first place, as well as a reason for recidivating. Through the establishment of the penitentiary, it was anticipated that the principles of work would be transmitted to the offender. The history of the penitentiary system has witnessed numerous explanations regarding the purpose of prison labour. Some explanations are a result of introspection, some from an examination of the effect of prison labour on the offender and some from a justification of the utility of prisons. A further explanation lies in the dynamics of social processes of social change, of social development and of social control.

The intent of this study is to examine the social process within which the penitentiary system has evolved, and continued to survive through the conduct of prison labour. There are two perspectives from which this may be evaluated; consensus and conflict. The consensus view holds that the Criminal Justice System serves to rehabilitate the offender through labour practices. Job skills, the development of good work habits and other such characteristics needed in post-release, are provided and promoted. The basis of the conflict position originates in the Economic Theory of Punishment. Here, it is recognized that the Criminal Justice System serves to control surplus labour through its practices. Prison labour is to repay the wrong done to society, to defray the cost of incarceration, to occupy otherwise idle time, and for other purposes that would be of negligible value to the offender in post-release.

In an industrial society, where the labour market plays an important role in determining the social process, then what purpose does prison labour serve? PUNISHMENT OR REFORM. This is an important issue to the offender, the penal system and the social system. But the answer is not straightforward.

Through a review of past events, it is possible to obtain an understanding of what has happened and how it has happened and thus demonstrate why the institution evolved to its present state. Historical analysis is the measure used to understand crime and society's reaction to it. One of the means which society has opted to react to crime is the penitentiary system. This system will be examined in order to resolve whether the tenets of the Economic Theory of Punishment are being followed, whereby prison labour is punitive. Or whether prison labour is aimed at reform, thereby negating the Economic Theory of Punishment. The internal examination includes a review of penitentiary documents. However this does not relate how the use of prison labour is influenced by general social conditions. The external influences are studied through a review of the development of the economy. As there exists a close tie between the stages of economic development and the composition of the labour force, this study of the use of prison labour in the Canadian Federal Penitentiary will give an overview of how growth affected the composition of the labour force to change, and relate the trades promoted within the penitentiary system to their position held within the general labour market. If the trades promoted are found to be related to the acquisition of skills which would be useful to the person after release, then rehabilitation is the objective of the prison labour program. If the trades are outdated, are used to fill idle time, are a discipline tool, then it may be said the offender has been removed from society for a period of time only to be returned further handicapped.

What happened to Prison Labour in the Canadian Penitentiary System ?

- First: there was no organized attempt to teach trades, where trade is defined as a specialized skill, in strong demand, providing steady work, and a good wage.
- Second: the trades promoted were marginal to the economy.
- Third: when Canada began to develop, and the demand for labour was high, the demand was filled by migrants, domestic and foreign. Prison labour was not taught the necessary skills in order that it could fill these jobs in post-release.
- Fourth: if the use of prison labour had evolved similarly to the general labour market, then it would be expected that prisoners would have participated in agriculture, followed by manufacturing, this was not the case in the penitentiary system. Here, farming became an alternative to manufacturing.
- Fifth: prison labour was used to fill government contracts so as not to be idle. These contracts were marginal to the overall demand of manufactured goods for the government.
- Sixth: prison labour was not to compete with the general labour market.
- Seventh: prison industries were labour-intensive, rather than using capital intensive methods.
- Eighth: prison labour was to offset the cost of the institution and to aid in obtaining a degree of self-sufficiency.

Did it offset the cost of the institution ? No. If it had, it would mean that prison labour had been exploited in order to show a profit. Thus, if prison labour did not show a profit, then what was it's position with respect to the economic system ? It has been suggested that it is to manipulate the size of the reserve army of labour. The nature of the labour market determines the type of punishment, keeping the masses in line when there is surplus labour and when labour is in high demand, it sees that production is met. In Canada, part of the general demand for labour has been managed through the use of the migrant labour force. In keeping with the Economic Theory of Punishment, the Canadian Penitentiary System has managed the general supply of labour partially through its use of prison labour. Therefore, the purpose Prison Labour has served is - Punishment.