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Repression Meets Responsibility: Canadian Penal Governance in the 'Age of Transformation'

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**Repression Meets Responsibility: Canadian Penal Governance
in the 'Age of Transformation'**

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Thesis submitted to the
Faculty of Graduate and Postdoctoral Studies
In partial fulfillment of the requirements
For the MA degree in Criminology

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ABSTRACT

In December 2007, the Ministry of Public Safety published the *Report of the Correctional Service of Canada Panel Review*, a comprehensive analysis of Canada's federal prison system. The release of this report, and the 'transformation' agenda that it presents, is being hailed as a pivotal moment in Canadian corrections, one that will significantly change the manner in which prisons and prisoners are governed.

Using a form of Foucauldian discourse analysis, this study 'unpacks' the various meanings and effects that are produced by this report. Drawing on these findings, and through an application of the work of Michel Foucault and the governmentality approach, it then engages with the different ways in which mentalities and strategies of government, discipline and sovereignty are implicit in the 'transformation' agenda that is put forth. In doing so, it engages with Foucault's notion of the 'triangle' of governmentality.

The conclusion of this study explores how the agenda presented constitutes a programme of governance with a dual mandate of repression and responsabilization, one that vacillates between strategies of coercion and subjugation and more 'gentle' and 'distant' technologies of self-government.

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TABLE OF CONTENTS

INTRODUCTION	1
Preface to a New Chapter of Corrections.....	1
The Significance of the <i>Report</i>	3
Chapter Breakdown.....	5
 CHAPTER ONE	
ANALYZING GOVERNMENTALITY	8
Part 1: Foucault and Governmental Reason.....	9
Situating the Governmentality Literature.....	9
Exploring Foucault’s Concept of Governmentality.....	14
The Emergence of Governmental Reason.....	14
Theory of Sovereignty to ‘Reason of State’.....	15
Disciplinary Societies.....	17
The Emergence of the Population.....	18
The ‘Era of a Governmentality’.....	20
Sovereignty-Discipline-Government.....	23
Summary.....	23
Part 2: The Governmentality Approach.....	24
Situating the Anglo-Governmentality Approach.....	25
A Closer Look at ‘Governmentality Studies’.....	26
Connecting Political Rationalities and Programmes of Government.....	27
Political Rationalities.....	27
<i>The Neo-Liberal Focus</i>	28
<i>Connecting Neo-Liberal Government with Discipline and Sovereignty</i>	30
<i>The Translational Relationship between ‘Thinking’ and ‘Doing’</i>	31
Technologies of Government.....	31
<i>The Role of Expertise</i>	32
Summary.....	34
Bringing it all Together: Situating My Project within My Analytical Framework.....	35
 CHAPTER TWO	
METHODOLOGICAL APPROACH	38
On the Meaning and Status of Discourse.....	38
Discourses and Power/Knowledge.....	40
Summary of Key Concepts.....	41
Method.....	42
Data Source.....	43
Data Analysis.....	43

1. <i>Knowing the Data and Drawing out the Discourses</i>	44
2. <i>Analyzing the Nature of the Discourses</i>	46
Limitations of Foucauldian Discourses Analysis.....	47

CHAPTER THREE

FINDING MEANING AND EFFECT: UNPACKING THE DISCOURSES OF THE *REPORT*..... 50

Recognizing the Aim and Scope of my Research.....	50
The Discourses of the <i>Report</i>	51
Part 1: The ‘Modern-Day’ Prisoner.....	51
The Changing ‘Prisoner Profile’.....	52
The ‘Needs’ of Today’s Prisoner.....	53
The Philosophy of ‘Responsibilization’: Constituting the Prisoner’s Role.....	56
The Compliant vs. Non-Compliant Prisoner.....	58
Responsibility and Accountability in the Process of Release.....	60
Summary.....	61
Part 2: The ‘Reconfigured’ Prison.....	62
Achieving Public Safety Through Measures of ‘Correction’.....	62
Population Management in the Age of the Changing ‘Prisoner Profile’.....	63
Maintaining Safety and Security within the Penitentiary.....	66
The Prison’s Positive Relationship with the Community.....	67
Summary.....	69

CHAPTER FOUR

AN ANALYSIS OF THE *REPORT* AGENDA..... 70

Part 1: Responsibilization Strategies: Government and the <i>Report</i> Agenda.....	72
Constituting the Responsible Prisoner.....	73
The Prison as ‘Arena/Retailer’, the Prisoner as ‘Player/Customer’.....	74
The Paradox of the Responsibilized Prisoner.....	76
Identifications and Allegiances.....	77
Manipulating Personal Relations.....	80
Getting the Community Back into ‘Corrections’.....	82
Part 2: Surveillance and Standards: Discipline and the <i>Report</i> Agenda.....	85
Hierarchical Observation.....	86
Panoptic Modernity?.....	87
Normalizing Judgments.....	89
The Optimum Prisoner and the Optimum Citizen.....	92
<i>The Institutional Norm</i>	92
<i>The Social Norm</i>	93

Part 3: Relations of Might and Muscle: Sovereignty and the <i>Report Agenda</i>	94
Territorial Relations.....	96
Juridical Authority.....	97
Coercive Measures.....	98
The Impending ‘Sword’ of the Sovereign.....	99
Chapter Summary.....	101
CONCLUSION	103
Directions for Future Research.....	105
Closing Reflection.....	108
BIBLIOGRAPHY	109
APPENDICES	115
Appendix A: Carabine’s Guide to Doing Foucauldian Discourse Analysis.....	115
Appendix B: Question Guide for Data Analysis.....	116

INTRODUCTION

...we are going to see a transformation in how CSC [Correctional Service Canada] delivers services and — just as important — in the manner in which we perform our business...This is an exciting time in our history as we set the stage for how we will deliver effective correctional services at the federal level in Canada for the next 10 to 15 years.

Don Head, Commissioner of CSC
(Head, 2008: 6)

In the quote above, Commissioner Head refers to an impending ‘age of transformation’, a new chapter in Canadian corrections that can be identified with changing organizational objectives and a redefinition of how federal prisons and prisoners are governed. This movement has been dubbed by prison authorities as both a significant ‘milestone’ and an advancement of CSC’s approach to corrections; according to Keith Coulter, CSC’s previous Commissioner, it is a move in the right direction, along a path that “Canadians largely want and deserve” (CSC, 2008, May 26-7). This thesis takes this ‘transformation’ agenda as its central focus and is driven in large part by a desire to understand the nature of the proposed changes and what they will mean for the governance of prisons and prisoners. Let us take a closer look at this initiative.

Preface to a New Chapter of Corrections

The ‘transformation’ agenda began in April 2007, when Stockwell Day, then Canada’s Minister of Public Safety, “appointed an Independent Review Panel to assess CSC’s operational priorities, strategies and business plans” (Day, 2008: 3). According to official state discourse, this initiative is based on the commitment of the Conservative Party to enhance public safety as well as their support for CSC’s corporate priorities

(ibid.).¹ The final document, entitled *Report of the Correctional Service of Canada Panel Review: A Roadmap to Strengthening Public Safety* (hereafter referred to as the *Report*) was officially released in December 2007. In February 2008, in direct response to the promulgation of the final document, CSC published a message to all staff marking the formal launching of the ‘transformation’ agenda.

The *Report* presents a series of ‘problems’ followed by a comprehensive list of ‘solutions’. It speaks to the overall state of corrections in Canada – from the management of prisoners to current prison infrastructure – and puts forth a total of 109 recommendations that are aimed at both enhancing and transforming the prison service, all in the name of increased ‘public safety’. The document begins by contextualizing the matters to be discussed, which includes commentary on crime rates in Canada and the changing ‘prisoner profile’, as well as CSC’s legislative framework, role in the criminal justice system and latest key priorities.² The *Report* then speaks to the central piece of legislation that governs CSC, the *Corrections and Conditional Release Act (CCRA)*. The body of the document is broken down into three main sections: the first deals with the environment inside the prison (population management, safety and security, correctional programs, etc.); the second speaks to the process of a prisoner’s release to the community (day and full parole and statutory release); and the third addresses the nature of community corrections (what happens, or should happen, once a prisoner is released). The final

¹ These comments are intended to introduce this project. This thesis is not an analysis of the emergence of the ‘transformation’ agenda.

² As noted in the document, CSC’s key priorities for 2007-08 are: the safe transition of offenders into the community; safety and security for staff and offenders in the institution; enhanced capacities to provide effective interventions for First Nations, Métis and Inuit offenders; improved capacities to address mental health needs of offenders; and strengthened management practices.

sections address a variety of other issues, including the role of victims, human resource management, accountability, physical infrastructure and financial management.³

The five panel members who completed and wrote the *Report* include: Robert Sampson, a former Ontario Minister of Correctional Services; Serge Gascon, a retired Deputy Chief for the Montreal Police Service; Ian Glen, a previous Chair of Canada's National Parole Board; Chief Clarence Louis of the Osoyoos Indian Band, who is a leader in several Aboriginal initiatives in Canada; and Sharon Rosenfeldt, a victims' rights advocate whose son was murdered by Clifford Olson. The information contained in the document is based on consultations that took place with approximately 100 sources, including CSC staff, various interest groups, community organizations, union representatives, experts in the field and private citizens. Despite the subject matter and the potential effects of this document on the personal lives of all prisoners in Canada, this process involved consultation with only two federal inmates, by way of written correspondence.

The Significance of the Report

Although the *Report* is relatively recent and has not yet been implemented, it is hailed as a pivotal moment in Canadian corrections. In fact, Commissioner Head likens the importance of the 'transformation' agenda to that of the *McGuigan Report* (1977) and the introduction of the *CCRA* (1992), both of which were notable moments in Canada's penal history:⁴

³ The *Report* includes an assessment of the cost of building and operating a new penitentiary, but the individuals who completed the assessment were advised that they were not to consider the introduction of privately-run facilities into Canada's federal corrections system.

⁴ The *McGuigan Report* was a thorough review of the Canadian prison system following a series of violent incidents and hostage takings in 1975-6. It was critical of corrections in Canada, recommending major

Over the last 30 years, CSC has undergone a number of significant changes...the McGuigan Report of 1977 contained recommendations for improving the correctional system following a series of violent incidents and hostage takings ...[and] the coming into force of the *Corrections and Conditional Release Act* in 1992 facilitated the modernization of federal corrections...CSC is once again starting a new chapter — this time in response to the CSC Review Panel Report...

(Head, 2008: 6)

Not only is the *Report* considered an important moment in CSC's history, laying out the agenda for change for come, but it is expected that the 109 recommendations will be implemented in full. Interestingly, when interviewed by an internal news reporter, CSC's appointed representative stated that "transformation and this whole agenda is our blueprint for the future. Commissioner Head has made a commitment to the Minister that we are going to work hard to implement all 109 of the recommendations...we need to embrace the transformation and move forward together" (Price, 2008, Aug. 25).

In order to facilitate this initiative, a "Transformation Team" has been developed, consisting of eleven staff members from CSC and the National Parole Board, whose sole purpose is to deliver on the recommendations that were put forth. This is the first time in CSC's history that a panel of this nature has been created (Wolicky, 2008: 7). CSC has also been allocated \$122 million in funding over the next two years to ensure that they are able to respond comprehensively to the many recommendations (Canada, 2008: 260). Although it was released less than a year ago, the *Report* has already begun to influence the operations of CSC, whose progress in this regard is being documented in recurring communiqués to staff and through their internal website in the form of monthly 'report cards'.

reforms. The *CCRA* served to 'modernize' Canadian corrections by replacing the *Penitentiary Act* and the *Parole Act*.

Taken together, these measures are indicative of the significance of the *Report* and the effect it will have on Canadian prisons and prisoners. They are also a testament to the importance of analyzing this emerging programme. Using a form of Foucauldian discourse analysis, this thesis ‘unpacks’ the various meanings and effects that are produced by the *Report*. Drawing on these findings, and through an application of the work of Foucault and the governmentality approach, it then engages with the different ways in which mentalities and strategies of government, discipline and sovereignty are implicit in the ‘transformation’ agenda that is put forth. In doing so, this thesis responds to one of the main criticisms of governmentality studies by attending to Foucault’s (1991 [1978]) notion that modern forms of rule involve a ‘triangular’ relationship between government, discipline and sovereignty. This project also makes a methodological contribution. Unlike the majority of governmentality studies, which typically base their analyses on a reading of select documentation without reference to any kind of research method, this study demonstrates how researchers can be more systematic and rigorous by employing a process of Foucauldian discourse analysis that more accurately uncovers the essence of a particular government programme.

Two intersecting research questions guide this project, with the answer to the first providing the basis for the answer to the second:

1. *What meanings and potential effects related to the government of prisons and prisoners in Canada are produced by the discourses of the Report?*
2. *In what ways are mentalities and strategies of government, discipline and sovereignty implicit in the agenda that is proposed?*

Chapter Breakdown

Chapter One will articulate the analytical framework that was used to ‘make sense’ of the ‘transformation’ agenda. It articulates some central ideas and concepts from Foucault’s work on government and also provides an outline of the governmentality approach, which draws on and develops the ideas presented by Foucault. I conclude this chapter by positioning my project within the parameters of my analytical framework.

Chapter Two provides an outline of my research methodology. It provides an account of the form of Foucauldian discourse analysis that was used in order to collect and analyze my data. Drawing primarily on the work of Foucault (1972 [1969]; 1978 [1976]; 1995 [1975]), it also clarifies the meaning and ‘status’ of discourse in the context of this project. Lastly, this chapter engages with some of the methodological limitations of my study.

Chapter Three introduces the reader to the particular discourses of the *Report*, focusing specifically on those that pertain to the prison and prisoner. This chapter primarily attends to the meanings and potential effects that are produced by the document, but consideration is also given to the nature of the discourses themselves, such as how they are presented (i.e., negative depiction) and the ways in which they are interrelated and opposing.

Drawing on my research findings, and using the work of Foucault and governmentality scholars, *Chapter Four* engages with the discourses of the *Report* and the programme that is presented. The central focus is on the ways in which mentalities and strategies of government interact with those of discipline and sovereignty. In order to

uncover the intricacies of each of these three models, they are separated for the purposes of the analysis and then put back together to be reflected on as a whole.

The final chapter serves to conclude my discussion regarding the programme that is presented in the *Report*. Overall, I argue that the ‘transformation’ agenda reveals an interaction between strategies of repression and responsabilization, thereby illustrating Foucault’s notion that modern forms of rule represent a ‘triangular’ relationship between government, discipline and sovereignty. This is followed by a section that reflects on future research in the areas of governmentality and Canadian penal governance. I also speak to the ways in which my project provides the basis for other areas of inquiry related to the ‘transformation’ agenda.

CHAPTER ONE: ANALYZING GOVERNMENTALITY

The nature of modern forms of rule, such as the ‘transformation’ agenda, have been subject to pronounced inquiry since the introduction of Foucault’s work on government and the more recent advent of the governmentality approach. Moving beyond other accounts of rule that focus on the ‘State’ and the power that is exercised over individuals and aggregates (e.g., Marxism and Gramscism), Foucault’s work considers the nature of a particular governmental rationality that operates through various locales, some State-based and some more ‘private’ (such as the family and the self) (Gordon, 1991). Similarly, the more recent governmentality approach, drawing on Foucault’s insights, considers the ways in which rule operates as a ‘decentred’ process, outside the realm of a central State body (O’Malley et al., 1997).

In order to analyze the programme that is put forth in the *Report*, this thesis uses the work of Foucault and the themes and concepts developed by the governmentality approach. The inclusion of both bodies of work is important because, as I suggested above, the governmentality approach is based largely on the work of Foucault and the primary focus of each is essentially the same – the nature of modern forms of government. Furthermore, both bodies of literature contain distinct elements that serve to complement one another; taken together, they provide the basis for a fruitful analysis. At the same time, however, my analytical framework also attends to one of the main criticisms of the governmentality approach – namely, that the studies produced do not engage enough with some of the important themes presented in Foucault’s work. The typical criticism here is that governmentality studies could be further enhanced by ‘staying true’ to more of Foucault’s concepts, such as his references to State domination and exploitation, instead of

departing from or neglecting them (see Curtis, 1995; Stenson, 2001; and Pearce and Tombs, 1998).

I begin this chapter with a presentation of Foucault's work on government and then move on to the themes and concepts that were developed later within the governmentality approach. I conclude by situating my particular study within the parameters of my analytical framework.

Part 1: Foucault and Governmental Reason

Foucault's work on government is concerned with what he refers to generally as the 'conduct of conduct' (1982: 789). With this work, Foucault was interested in exploring the origin of the modern 'art' of government and the nature of the current historical period that he called 'governmentality'. This section presents an overview of this work and is intentionally robust, covering a number of aspects; this is so because I believe that it is important to contextualize, as much as possible, this seminal body of literature.⁵

Situating the Governmentality Literature

Foucault's work on government occupied the final years of his life (1977–1984) and represented a shift in the content and focus of his research. His lectures and writings in this area are elaborate and nuanced, and I acknowledge that summarizing work of such profundity is, as Colin Gordon (1991: 2) states, "a problematic and even foolhardy undertaking". Such a summary is also difficult because Foucault did not advance a coherent 'theory'; instead, he presented a fragmented analysis of modern government and

⁵ Although this section is robust in the context of this thesis, it is certainly not so in relation to Foucault's actual body of work in this area. I concede that, although I have tried to incorporate as much essential material as possible, the account I present here remains superficial compared to the depth of Foucault's work.

described a "direction for research" (Foucault, 2003a [1979]: 200).⁶ Furthermore, most of his themes and analyses were presented in lecture form, and his untimely death in 1984 precluded the release of a more detailed and coherent piece of work.⁷ David Garland (1997: 195) highlights the fact that, "unlike his work on the prison, the asylum, or on sexuality, Foucault never completed his genealogical account of governmental reason...[which means that his] analyses are suggestive rather than substantive". All of this is coupled with the unfortunate reality that the full appreciation of Foucault's insights in this area is incomplete (at least in parts of the English-speaking world) because some of his work remains unpublished and/or untranslated. Notwithstanding these uncertainties, this literature is resplendent with conceptual tools that can be used to make sense of modern forms of government.

Foucault noted that the 'modus operandi' of his life's work was to analyze the relationship between experiences – such as crime and madness – and technologies of power (2003a [1979]: 181). Primarily, he was interested in the conditions of possibility that allowed specific systems of thought and practice (ways of 'knowing' and 'doing') to emerge (Rabinow and Rose, 2003). He aptly refers to this approach as a 'history of the present' (Foucault, 1995 [1975]: 31). As Rabinow and Rose point out:

[With his work, Foucault]...'rendered visible' certain aspects of our experience *in profoundly new ways*...[and considered] the possibility that we might invent different ways of thinking about and acting on ourselves in relation to our pleasures, our labors, our troubles and those who trouble us, our hopes and aspirations for freedom.

(2003: viii - ix; *emphasis in original*)

⁶ Foucault rejected the idea of a "global systematic theory that holds everything in place" (1980: 145) and declared that ideas should be viewed as a logic that can be used to "analyse the specificity of mechanisms of power, to locate the connections and extensions, to build little by little a strategic knowledge" (ibid.).

⁷ At the time of his death, Foucault was apparently planning to write a book that would bring together his ideas on governmentality, the title of which was projected to be *The Government of One's Self and Others* (Gordon, 1991: 2). In one of his earlier lectures, Foucault (2003a [1979]) openly admits that his work on government represents only the rudiments of this vast endeavour.

For instance, in *Madness and Civilization* (1988 [1961]), Foucault challenges both the humanistic impulses of the ‘psy’ disciplines and the idea of ‘progress’ and analyzes the conditions of possibility that allowed ‘madness’ to be reconfigured as ‘mental illness’. Similarly, in *Discipline and Punish* (1995 [1975]), he advances an account of the birth of the French prison, with all its characteristic modalities of disciplinary power, that challenges our assumptions about the nature of such institutions.⁸ Foucault's subsequent work on government constitutes a historical analysis of governmental reason and the manifestations of power that are associated with it. With this project, he was trying to show that “governmental acts do not fall from the sky or emerge ready formed from social practice...[but rather] are things which have had to be – and which have been – invented” (Gordon, 1991: x). Here, as with his other work, he was interested in exploring how ways of ‘thinking’ and ‘doing’ emerge in a historically-specific context.

Foucault’s work in this area has been read as being a response to two key criticisms of his earlier analyses (Garland, 1997). Some argued that Foucault neglected the constitutive role of human agency and presented the social world as dismal and overly restrictive (Gordon, 1991), and many Marxists claimed that he failed to address the connection between the microphysics of power and macro-political rationalities (Carrabine, 2000). Foucault’s earlier seminars (e.g., “Security, territory, and population”, 1977-78; “*Omnes et Singulatim*”, 1979; and “The Birth of Biopolitics”, 1979) responded to the latter criticism. With this work, he theorized about how relations of power and regimes of practice (such as those that were depicted in *Discipline and Punish*) are connected to broad governmental rationalities, or particular ways of thinking about government. Accordingly, he suggested

⁸ Although he took the prison as his case study, Foucault was analyzing how disciplinary power operated in several different institutions and sites of confinement. Ultimately, he argued that this form of power is diffused throughout the social world, in what he referred to as a generalized ‘disciplinary society’.

that it would be best to analyze the nature of various domains of power (crime, sexuality, madness) *and* to “discover which kind of rationality they are using” (Foucault, 2003a [1979]: 181).

As was noted above, Foucault was not proposing a return to a Gramscian- or Marxist-style theory of the State that would search for a central locus of control from which rationalities and practices of government originate. Interestingly, and unlike other social and political theorists of the day, he argued that the “[central] state has no essence” (Gordon, 1991: 4) and that its emergence was contingent upon a specific way of thinking about rule. In other words, the State is nothing but “a support for technologies [of power]” or “an effect of governmental strategies” (Donzelot, 1979: 78). Foucault’s understanding is that government and the exercise of power is spread throughout a number of locales – some State-based, some political and some ‘private’ – and he was interested in analyzing these many practices and the changes in their rationale and meaning (Gordon, 1991: 4).⁹ Faced with an agenda of governance, Foucault might have posed questions about how the governing authorities understand their powers and the problems they address and what rationalities are implicit in the programmes they are enacting (Garland, 1997: 176).

⁹ Unlike the more recent governmentality approach, Foucault attends to State power and views it as being central to modern government. In “The Subject and Power”, one of Foucault’s later essays, he clarifies this aspect of his analyses, arguing that power relations are largely centralized in the State and in institutions, but that the “fundamental point of anchorage” (1982: 791) of these relations are found outside these domains. Accordingly, he called for an engagement with power relations in general rather than a consideration of the power of the State or institutions. In Foucault’s words: “...the analysis of power relations within a society cannot be reduced to the study of a series of institutions or even to the study of all those institutions that would merit the name ‘political’. Power relations are rooted in the whole network of the social. This is not to say, however, that there is a primary and fundamental principle of power which dominates society down to the smallest detail...[but] in contemporary societies, the state is not simply one of the forms of specific situations of the exercise of power – even if it is the most important – but that, in a certain way, all other forms of power relation must refer to it...because power relations have come more and more under state control...power relations have been progressively governmentalized, that is to say, elaborated, rationalized, and centralized in the form of, or under the auspices of, state institutions” (1982: 792-3).

Foucault's latter work on government (e.g., "The Subject and Power", 1982; and "Technologies of the Self", 1982) responded to criticisms that his earlier analyses neglected the notion of human agency. With this work, he poses important questions about the nature of power relations, the role of human agency and freedom, and the process of 'subjectivation' – the constitution and construction of individual subjects who are capable of self-regulation. For instance, in his essay "The Subject and Power", Foucault argues that government, or a relation of power, is "an action upon an action, on existing actions or on those which may arise in the present or the future" (1982: 789). With this essay, he explicitly addresses the role of human agency in modern societies:

When one defines the exercise of power as a mode of action upon the actions of others, when one characterizes these actions by the government of men over men...one includes an important element: freedom. Power is exercised only over free subjects, and only insofar as they are free. By this we mean individual or collective subjects who are faced with a field of possibilities...In this game, freedom may well appear as the condition for the exercise of power.

(Foucault, 1982: 790)

Similarly, in "Technologies of the Self", Foucault (1988a [1982]) investigates the various governmental practices that act upon the self, constituting subjects who are capable of taking care of themselves. In this sense, he was trying to address the ways in which government operates *through* individuals and their capacities as knowledgeable, self-caring agents.

Many of the ideas and concepts that were just introduced will be revisited throughout the remainder of this section. With this context in place, let us now turn to an account of how Foucault understood governmentality.

Exploring Foucault's Concept of Governmentality

Foucault introduced the concept of governmentality in 1978 during a seminar at the Collège de France, entitled "Security, territory, and population". For Foucault, governmentality refers to a historically-specific model of power that emerged in the eighteenth century (1991 [1978]: 103). The concept is a neologism for 'mentality of government' or 'governmental rationality' and, in a broad sense, refers to the distinct ensemble of discourses and practices - institutions, knowledge, reflections, tactics – that are characteristic of modern societies, particularly those within the Western world (Foucault, 1991 [1978]: 102-3). As a means of exploring the nature of governmentality, I will present an account of how this model of power emerged.

The Emergence of Governmental Reason

In the conclusion of his essay "Governmentality", Foucault (1991 [1978]) indicated that his future lectures would further show how the modern governmental rationality emerged. He specified that he would focus on three elements that he believed made possible this form of power: "the archaic model of Christian pastoral...new diplomatic-military techniques and, lastly, police¹⁰" (Foucault, 1991 [1978]: 104).

In subsequent lectures, and up to his death in 1984, Foucault did explore these areas, bringing together an eclectic mix of elements (from Ancient Greek through to modern liberalism) that he believed combined to create the conditions of possibility for modern government. As will be outlined below, he examined: the theory of sovereignty; pastorship – a form of power that is based on Hebrew and Christian thought; 'reason of State' and the 'police' (the science of administration and administrative policy);

¹⁰ Foucault is referring to the seventeenth- and eighteenth-century understanding of the term 'police' as the science of administration or administrative policy.

disciplinary power and generalized disciplinary societies; technologies of the self, which are rooted in Greco-Roman philosophy and Christian spirituality; biopolitics and the emergence of the problem of population; the reality of political economy and the practice of political arithmetic (statistics); and the emergence of liberal rationalities. As is noted above, his work in this area is fragmented and he never composed a coherent piece of work that unified these various elements.

Theory of Sovereignty to ‘Reason of State’

Foucault (1991 [1978]; 2003a [1979]) argues that questions of State government (how to rule, by whom, and to what end) began to emerge in the sixteenth century in the context of religious dissidence and the centralization of the State and in opposition to Machiavellian treaties that focused on notions of sovereign power. The sovereign model, which began to dominate in the Middle Ages, is primarily characterized by authority over a given territory (Foucault, 1991 [1978]; Dean, 1999: 20, 105). The end goal of sovereignty is to maintain power – what Foucault refers to as a “self-referring circularity” (1991 [1978]: 95). This was achieved through the manipulation of relations of force: by ensuring obedience and submission from inhabitants of the territory and by protecting the region from outside threats (Dean, 1999: 104-5). To this end, it is a form of power that is based heavily on laws and rules that are enforced through coercive strategies (ibid.). It also relies on ‘technologies of subtraction’: the ability of the executive authority to *take away* such things as money, time, labour and even life (Foucault, 1978 [1976]: 136). Sovereignty, then, is primarily represented by three elements: the exercise of power over a territory; the use of laws, commands and regulations; and the presence of coercive

measures that are repressive and overt and are grounded in the ‘natural’ right of the chief ruler “to *take* life and *let* live” (ibid.).

The emerging ‘reason of State’ began to define principles and methods of State government and was based not on natural or divine law, as was the case with sovereignty, but on a rational knowledge specific to the ‘art’ of governing (Foucault, 2003a [1979]: 193). The ultimate goal of ‘reason of State’ was to reinforce power and increase the strength of the State, which required that individuals' lives be developed in certain ways. Foucault (2003a [1979]: 201) argues that it was ‘pastoral power’ that facilitated this connection and helped formulate the nature of modern government, which is both *individualizing* (in that it focuses on and develops individuals’ lives) and *totalizing* (in that it reinforces the strength of the State and focuses on the collective population).

In his lecture entitled “*Omnes et Singulatum*”, Foucault talks about the emergence of this individualizing power as ‘pastorship’ - a model rooted in Hebrew and Christian thought that served to “constantly ensure, sustain, and improve the lives of each and every one” (2003a [1979]: 188). This modality of power is based on the metaphor of the shepherd-flock, in that it construes the king, deity or leader as a shepherd who guides, is followed by, and has intimate knowledge of, a large collection (‘flock’) of individuals (Foucault, 2003a [1979]: 182). Foucault argues that, within the general framework of ‘reason of State’, pastoral power was reinterpreted into the technology of ‘police’ (again, understood as the science of administration or administrative policy), which analyzed, and saw to, the details of *everyday life* (e.g., religion, morals, health, roads, public safety, trade, poverty) (2003a [1979]: 197-8; 2003b [1979]: 203). In this context, the goal of government was to ensure an adequate quality of life for all individuals and to achieve “the

right disposition of things, arranged so as to lead to a convenient end” (qtd. in Foucault, 1991 [1978]: 93)

Disciplinary Societies

This new model of power, which was concerned with the arrangement of bodies and things, was dialectically related to the emergence of the administrative apparatus of the State, the Industrial Revolution, human sciences and multiple social institutions (schools, military barracks, prisons, manufacturing plants and hospitals) (Dean, 1999: 19). In this context, we see the pre-eminence, beginning in the seventeenth century, of what Foucault refers to as generalized ‘disciplinary societies’ (1995 [1975]: 298-9). In this respect, Foucault states that:

‘Discipline’ may be identified neither with an institution nor with an apparatus...it may be taken over either by ‘specialized’ institutions...or by apparatuses that have made discipline their principle of internal functioning...or finally by state apparatuses whose major, if not exclusive, function is to assure that discipline reigns over society...

(1995 [1975]: 215-16).

Such societies rule not so much through territory or the imposition of law, but through various ‘sites’ that seek to normalize and shape individuals (e.g., prisoners in a penitentiary, officers in a platoon, children in a classroom) (Dean, 1999: 107). Discipline is a form of power that operates over and through the body, its energies, capabilities and faculties. In doing so, it relies on knowledge specific to humans, on methods of examination that seek to attain information about the individual ‘case’, and on normalizing judgments that work to ‘correct’ individuals by moving them towards an average or optimum that is assumed to be respectful and desirable (Foucault, 1995 [1975]: 183). Lastly, it relies on techniques of observation, including surveillance and monitoring, that

are calculated, discreet and omnipresent, seeking to act upon the consciousness of those being governed. Compared to sovereignty, discipline is a form of power that is more latent, ubiquitous and constant.

The Emergence of the Population

In the course of the eighteenth century, in response to the emergence of political arithmetic (statistics) and idea of political economy, the object of the police became the population (Foucault, 2003a [1979]).¹¹ The population in this context is not simply a group of individuals, but rather a living entity with regularities, characteristics and pathologies; it is an “objective reality of which one can have knowledge” (Dean, 1999: 107). This new endeavour, whereby governmental problems are conceived of in terms of a living population, is referred to by Foucault (2003b [1979]) as 'biopolitics'.

It was the emergence of the object of population that facilitated the transition from ‘reason of State’ and discipline to governmentality (Foucault, 1991 [1978]). Prior to this, the ‘art’ of government remained stagnant because “[i]t was trapped within the inordinately vast, abstract, rigid framework of the problem of institution and sovereignty” and could only be conceived of in terms of the management of small-scale domains, such as the family or prison (Foucault, 1991 [1978]: 98). With the emergence of population, the notion of economy – the careful management of individuals, goods and resources – was re-centered onto the larger collectivity (Foucault, 1991 [1978]). With this notion of rule as government, “authorities came to understand the task of ruling...as requiring them to act upon the details of the conduct of the individuals and populations who were their subjects, individually and collectively” (Rose, 1999: 6). This meant that it was necessary

¹¹ In this literature, ‘population’ is defined as a group of individuals with characteristic regularities, who live side-by-side in a given area (Foucault, 2003a [1979]: 200; 2003b [1979]: 202).

to have knowledge of a domain being governed (e.g., crime, health) and to govern on the basis of that knowledge (Rose et al., 2006: 87).

With the advent of liberal rationalities, which arose out of questions about the limitations of direct political rule (Rose, 1996a), the focus on the population became even more pronounced. This was the case particularly because this model of government was concerned with respecting and ensuring individual enterprise and wanted to avoid ‘governing too much’ (Foucault, 2003b [1979]). Under this model, unlike that of ‘reason of State’ and the police, the goal was to seek an “end capable of both justifying a growing governmentality and of regulating its development” (Foucault, 2003b [1979]: 203). From this point on, the participation of the population (through various practices of self-regulation) came to be understood as the most effective way to govern (Foucault, 2003 [1979]: 205). In this context, governing authorities began to understand the limits of what they can know and do (Foucault, 1991 [1978]: 103) and started to recognize that effective government is not repressive and overt, but rather respects the autonomy of individuals (Garland, 1997:177). After all, “if one governed too much, then one did not govern at all” (Foucault, 1984 [1982]: 242).

In the final years of his life, Foucault began to focus on how modern government constitutes and constructs self-regulating subjects. In the introduction to his seminar on “Technologies of the Self”, he openly addresses this shift in his focus:

Perhaps I’ve insisted too much on the technology of domination and power. I am more and more interested in the interaction between oneself and others and in the technologies of individual domination, the history of how an individual acts upon himself, in the technology of self.

(1988a [1982]: 19)

In this seminar, Foucault advances a genealogy of the self (and the interpretation of the self) by attending to the question: “How did we directly constitute our identity through

some ethical techniques of the self which developed through antiquity down to now?” (1988b [1982]: 146). With this work, he elaborates on a distinction “between subjectivation and forms of subjectification by exploring how selves came to be fashioned and then lived in ways which were both heteronomously and autonomously determined” (Dupont and Pearce, 2001: 125).

The ‘Era of a Governmentality’

The governmental rationality that began to emerge in the eighteenth century along with the population can be identified by a particular model of power that Foucault refers to as government (Dean, 1999: 19). Unlike other forms of power, such as sovereignty, that are based on a divine ‘law of the land’ or on mere repression, government is based on analytic knowledge and tactics that are specific to the domain in question; accordingly, it is a kind of ‘art form’ that is calculated, technical, rational and conscious (Foucault, 2003a [1979]: 193). Dean elaborates this notion further, stating that “to refer to the art of government is to suggest that governing is an activity which requires craft, imagination, shrewd fashioning, the use of tacit skills and practical know-how...” (1999: 18).

For Foucault, the object and ultimate end of government is the population, which is viewed as a resource “to be fostered...used...and optimized” (Dean 1999: 20). In this regard, he argues that:

...government has as its purpose...the welfare of the population, the improvement of its condition, the increase of its wealth, longevity, health, etc.; and the means that the government uses to attain these ends are themselves all in some sense immanent to the population; it is the population itself on which government will act either directly or indirectly...[i]nterest at the level of the consciousness of each individual who goes to make up the population, and interest considered as the interest of the population regardless of what the particular interests and aspirations may be of the individuals who compose it...

(Foucault, 1991 [1978]: 100)

Under this model of power, there is a concern with both individuals and aggregates ('each and all'). Government is, at once, "both individualizing and totalizing", in that it "develops those elements constitutive of individuals' lives in such a way that their development also fosters the strength of the state" (Foucault, 2003a [1979]: 199). Thus, it involves concern for every individual and for the safety, happiness and well-being of the overall population. Such societies understand individuals in relation to various domains, or apparatuses of security, such as the healthcare system and the criminal justice system, and as part of a population with its own regularities (e.g., birthrate, longevity, race) (Foucault, 2003b [1979]: 202; Dupont and Pearce, 2001: 125). Knowledge of these domains and regularities is made possible by the 'reality' of political economy and the practice of political arithmetic (statistics) (Foucault, 1991 [1978]: 102). Accordingly, this model of power has led to "the formation of a whole series of specific governmental apparatuses, and...the development of a whole complex of *savoirs* [know-how and/or expertise]" (Foucault, 1991 [1978]: 102-3; emphasis in original).

Foucault's essays "The Subject and Power" (1982) and "Technologies of the Self" (1988a [1982]) explore another important element of government: the notion of the *active* individual who is subjectified and subjectivated through rule (Garland, 1996). Government, here, is not the exclusive exercise of power *over* subjects, nor is it a process of subjugation; instead, it constructs individuals as being capable of both choice and action (ibid.). To this end, government seeks to shape and align the desires and capacities of individuals with political objectives. As is noted above, Foucault views this form of power as "being exercised only over free subjects, and only insofar as they are free" (1982: 790). Thus, government:

is not...the suppression of individual subjectivity, but rather the cultivation of that subjectivity in specific forms, aligned to specific governmental aims...subjects of government are to be conceived of as active in the process of their own government, rather than the passive effects of powers over which they exert no control.

(Garland, 1996: 175) ¹²

A final feature of government is Foucault's conception of this form of power as being diffused throughout a number of locales, some State-based and some private; hence, his general and all-inclusive definition of government as the 'conduct of conduct' (1982: 789). With this definition, he was able to avoid the tendency in political theory to separate the State and civil society and the private and public domain, capturing instead the notion of government as existing in *all* facets of life, from the regulation of the family to the management of schoolchildren. In this context, the conception of the 'authority' of government also moves beyond the central State to include, to use the examples just noted, a father and mother or a teacher.

To recapitulate, five general features characterize the emergent model of government. First, it is based on conscious reflection that is specific to the domain being governed. Second, there is a focus on the collective population and on every individual – entities that are viewed as active resources to be cared for and developed. Third, it relies on specific knowledge that is attained through the science of political economy and statistics. Fourth, it constructs individuals as being capable of self-government and thus rules largely through the production of subjects rather than through their repression. Fifth, it involves a

¹² As was noted previously, Foucault goes on to say: "By this [free subjects] we mean individual or collective subjects who are faced with a field of possibilities...In this game, freedom may well appear as the condition for the exercise of power". Freedom, in this sense, does not imply an utter lack of restrictions; it implies that individuals and collective subjects are, in some way, capable of action and choice (i.e., capable of knowing and acting on the self). In governmentalized societies, the exercise of power relies on this capacity for 'free' action and choice. This form of power can operate even within the prison, where freedom is ostensibly denied, as will be explored later in the analysis.

diffusion of government throughout a number of locales, many of which exist outside the realm of the central State.

Sovereignty-Discipline-Government

Foucault's argument is that the model of government is predominant today, but he also insists that both discipline and sovereignty remain in force and are always being 'reinscribed' and 'recoded' (Dean, 1999: 20). In fact, he maintains that the emergence of government rendered these previous models of power "more acute than ever" (Foucault, 1991 [1978]: 102). As such, he conceives of governmentality as being a 'triangular' relationship between sovereignty, discipline and government:

...we need to see things not in terms of the replacement of a society of sovereignty by a disciplinary society and the subsequent replacement of a disciplinary society by a society of government; in reality one has a triangle, sovereignty-discipline-government...

(Foucault, 1991 [1978]: 102)

Foucault's conception in this regard positions governmentality as the "encounter between technologies of domination of others [such as disciplinary or sovereign power] and those of the self [such as governmental forms of self-regulation]" (Foucault, 1988a [1982]: 18). As such, it highlights governmentality as being both an exertion of power over individuals *and* a process that operates through subjects of choice and action.

Summary

In this section, I presented a modest overview of Foucault's work on government. This literature provides us with an understanding of the "era of a governmentality" that emerged in the eighteenth century (Foucault, 1991 [1978]: 103). The model of government with which it is identified takes as its central object the population and the individuals of whom it is composed, and governs based on knowledge that is obtained

through the science of political economy and statistics. It is also productive in that it elicits the self-governing capacities of individuals and views the subject of government as being capable of choice and action. Lastly, it is spread throughout several locales (some State-based and some private) and exists in all facets of life. Although Foucault argues that government is currently the predominant form of power, he also makes it clear that governmentality *is* the connection between government and two other models that were pre-eminent in the past – discipline and sovereignty. To that extent, he affirms that governmentality constitutes a ‘triangular’ relationship.

Although Foucault’s death precluded him from producing an organized and comprehensive account of this body of work, there remain several themes with which one can engage in an effort to understand the nature of modern forms of rule. I certainly hope that the above section provided at least a charitable summary of this complex body of work and brought to light some of the central themes and concepts that will be employed and explored further in my analysis. For the time being, I want to round out my analytical framework by moving beyond Foucault and focusing on some of the themes and concepts that were developed by governmentality scholars.

Part 2: The Governmentality Approach

The themes and concepts presented in this section are based largely on the work of Rose (1996a), Rose et al. (2006), Miller and Rose (1990), Rose and Miller (1992) and Dean (1999). I chose to focus on both Rose and Miller’s work because they were early advocates for analyzing modern forms of power using Foucault’s concept of government and were among the first to advance an agenda for the governmentality approach. Rose

has also written extensively in this area. I chose to focus on Dean's book because he specifically sought to clarify the nature of the governmentality approach (some seven to nine years after Rose and Miller's articles on the topic). Dean's book is also considered by many to be a comprehensive articulation of the governmentality literature.

Situating the Anglo-Governmentality Approach

Many writers from various disciplines have made use of Foucault's work, but the predominant use of his work on government comes from English-speaking intellectuals, or 'Anglo Neo-Foucaultians', who can be loosely identified as working within the governmentality approach. This approach took form in the early 1990s, when the English version of Foucault's article "Governmentality" was re-published as a chapter in *The Foucault Effect* (a book that contained selected works by Foucault and a host of other essays from varying scholars) (Burchell et al., 1991).¹³ With this publication, the English-speaking world was readily exposed, for the first time, to Foucault's concept of governmentality (Dean, 1999). It was also around this time that Miller and Rose (1990) first suggested that Foucault's work in this area should be used to analyze modern forms of rule. The approach became even more popular following the release of Dean's (1999) book, which sought to clarify and expand Foucault's work, as well as provide a programmatic framework for an 'analytics of government'.

There has been a vast amount of governmentality studies produced in recent years, forming a body of literature that "represents a fairly consistent [way]...of thinking about government as a decentred process" (O'Malley et al., 1997: 501). These studies have

¹³ Although I focus exclusively on the Anglo-governmentality approach, it is important to acknowledge that Foucault's work on government was being taken up in various ways as early as 1980, for political reasons or by radical intellectuals who wanted to move beyond the work of Marx and Gramsci (Rose et al., 2006).

contributed greatly to developments in the social, political and human sciences and have had a considerable influence on several fields of work, including criminology, education and economics (Dean, 1999). This body of literature is intriguing and innovative, and some of these studies have inspired a rethinking of relations of power and governance in modern society. For instance, while the notion of subjectivity is often interpreted as an individual's understanding of themselves, Rose (1998) demonstrates how the 'psy' disciplines invented individual 'selves', creating the conditions of possibility for various mechanisms of self-identification and self-government. Similarly, Pratt's (1999) research demonstrates how the broadening of the concept of the 'dangerous', which is often taken-for-granted, emerged as a means of regulating those individuals who were perceived to be 'ungovernable' (e.g., repeat sexual offenders, vagrants, beggars, property criminals, mentally ill, etc.).

A Closer Look at 'Governmentality Studies'

Those who engage in studies of governmentality do not use a rigid set of theoretical concepts to understand the world (Dean, 1999); instead, they engage in analyses using a "certain ethos of investigation" (Rose et al., 2006: 101). Unlike many theories and perspectives that are concerned with 'why' things happen, the approach is inherently concerned with 'how' questions that highlight the inventiveness of government: *How* are specific actions and thoughts problematized? *How* are specific domains of 'reality' made thinkable and practicable, and thus subject to government? This is a process that requires an appreciation for *historical specificity*.

Following Foucault, the approach understands governmentality as a model of power that is characterized by a distinct ensemble of thoughts and practices. It is precisely these

thoughts and practices, understood as the manifestations of modern government, that the approach seeks to analyze and describe. The general focus of the approach can be summed up in the following statement:

...[using] Michel Foucault's concept of 'government' ...[the governmentality approach analyzes] the shifting ambitions and concerns of all those social authorities that have sought to administer the lives of individuals and associations, focusing our attention on the diverse mechanisms through which the actions and judgements of persons and organizations have been linked to political objectives....

Miller and Rose (1990: 1-2)

Thus, the governmentality approach uses the concepts provided by Foucault to analyze the relationships between political rationalities or objectives (ways of thinking about rule) and the various programmes of government that shape conduct and thought.

Connecting Political Rationalities and Programmes of Government

The focus of the governmentality approach involves two interrelated lines of inquiry: *political rationalities* and *technologies of government* (Rose and Miller, 1992; O'Malley et al., 1997; Dean, 1999). As we will see, this involves consideration of how programmes of government are "formulated and articulated within broad discourses of rule" (O'Malley, et al., 1997: 501-2) and how everyday technologies, agents, practices and techniques are deployed to put these programmes into effect.

Political Rationalities

The first focus of the approach is on *political rationalities* - the changing discursive fields "in which conceptions of the proper ends and means of government are articulated" (Rose and Miller, 1990: 5). In general, this involves an engagement with the 'governmental rationality' that was rendered visible through Foucault's work. In doing so, it attends to the different forms and varieties of what Foucault referred to as government.

This process involves consideration of the ways in which “government is thought into being...how practitioners of rule ask...how best to govern, what concepts they invent or deploy to render their subjects governable in certain ways, and how government constantly reforms itself in light of failures and evaluations” (O’Malley et al., 1997: 502). In other words, it involves an examination of how specific domains (crime, mental health, homelessness) are problematized and subject to specific programmes. Studies in this area often focus on the emergence of specific rationalities of rule and the programmes of government with which they are connected.

The Neo-Liberal Focus

Governmentality studies focus mainly on the neo-liberal rationality and its corresponding strategies. Neo-liberalism, a way of thinking about rule, emerged in the latter half of the twentieth century in relation to problematizations of the welfare State, particularly its features of “bureaucracy, rigidity and dependency formation” (Dean, 1999: 210). It is premised on the extension of ‘market relationships’ into the social world, such as preference for a minimalist State (deregulation, privatization) and individual responsibility for well-being and security (Larner, 2000: 5). Indeed, it is a form of government whose mechanisms, technologies and vocabularies are currently at the forefront, occupying a ‘commanding’ position in Western societies (Garland, 1997; Larner, 2000).

According to Rose (1993, 1996a), government in neo-liberal societies involves several defining characteristics. First, it implies a redefinition of the subject of government as a responsible, autonomous and rational being who is capable of self-regulation and has a propensity towards self-promotion and self-fulfillment. Second, it involves the emergence

of strategies of government that exist 'beyond the State', in private agencies and the community. Lastly, it involves the use of expert knowledge, which is seen as providing the information that is necessary to govern others and to encourage individuals to govern themselves (Miller and Rose, 1990: 2).

Rose (1999) refers to neo-liberal strategies as constituting a kind of governance through 'freedom'. With the term 'freedom', he means to suggest that, under neo-liberal mentalities, individuals have been liberated from social dependency and State involvement and are now perceived to be autonomous, self-governing agents, 'free' to assume responsibility for their own lives. In this context, strategies of government are arranged in such a way as to act upon individuals "through shaping and utilizing their freedom" (Rose, 1996a: 54).

As a specific form of modern government, neo-liberalism is characterized by the elements outlined in Foucault's work. Recall that Foucault's argument is that a specific model of government emerged in the eighteenth century and has since gained pre-eminence, largely defining the nature of political power in the Western world. Foucault notes that this model took as its object the population, utilized statistics and the science of political economy, was diffused throughout a number of locales and was increasingly subtle and 'distant', recognizing individuals as subjects of choice and action. As a current variation of this model, neo-liberal governance involves similar elements: it seeks to foster and 'tap into' the capacities of the population, utilizes expert knowledge (particularly risk assessment and actuarialism), consists of government that exists outside the realm of the central State body and relies on self-regulatory tactics developed primarily through notions of responsabilization.

Connecting Neo-Liberal Government with Discipline and Sovereignty

Some scholars are critical of the governmentality approach for its defined focus on neo-liberal strategies that exist ‘beyond the State’, particularly because it is seen as neglecting the role of discipline and sovereignty in modern forms of rule (see for example, Stenson, 2001; Curtis, 1995; and Pearce and Tombs, 1998). This criticism is valid overall, but there are several studies in this area that consider the various ways in which strategies of government interact with those of discipline and sovereignty. In doing so, they seek to render visible Foucault’s notion of the ‘triangle’ of governmentality. For instance, in her analysis of neo-liberal strategies of responsabilization and empowerment in Canadian women’s prisons, Hannah-Moffat (2000) considered how prisoners who resist or fail to adapt to these new regimes are subject to technologies of repression that are justified on the basis of risk and public safety. In the same way, Bosworth’s (2007) analysis of prisoner handbooks reveals attempts on the part of authorities to have prisoners govern themselves, but also illustrates how “the true might of the prison’s rigorous and punitive ‘moral economy’ becomes apparent” (74) when strategies of responsabilization fail. Similarly, Lee (2001) explored how the ‘fear of crime’ has become an endeavour of the disciplines, especially criminology, and has resulted in strategies that use images and narratives of fear to promote self-governance. As I stated from the onset, it is my hope that this project, like those of others, will engage with this criticism by attending to the ways in which the ‘transformation’ agenda presented in the *Report* illustrates a relationship between strategies of government *and* those of discipline and sovereignty.

The Translational Relationship between 'Thinking' and 'Doing'

I noted earlier that the governmentality approach focuses on the relationship between political rationalities (ways of 'thinking') and programmes of government (ways of 'doing'). It is important to note that the approach does not view the latter as being derived from, or determined by, the former. For instance, a neo-liberal way of thinking does not, in and of itself, produce programmes of self-government and responsabilization in prison. The literature clearly expresses that the relationship in this regard is *translational* in nature:

Programmes...are not simply formulations of wishes or intentions...programmes lay claim to a certain knowledge of the sphere or problem to be addressed [e.g., 'knowledge' of the individual psyche]...Governing a sphere requires that it can be represented, depicted in a way which both grasps its truth and re-presents it in a form in which it can enter the sphere of conscious political calculation...The theories of the social sciences, of economics...provide a kind of *intellectual machinery*...before one can seek to manage a domain...it is first necessary to conceptualise a set of processes and relations...amenable to management.

(Rose and Miller, 1992: 182; emphasis in original)

In other words, political rationalities, or ways of thinking about government, are translated into practice, and vice versa, through the mediation of various technologies of government, or 'intellectual machinery' (Rose and Miller, 1992).

Having outlined the relationship between rationalities and programmes of government and the focus of the approach on mentalities and strategies of neo-liberalism, let us now take a closer look at the nature of these technologies and the role they play in the process of government.

Technologies of Government

As previously noted, the second focus of the governmentality approach is on *technologies of government* – “the strategies, techniques and procedures through which

different forces seek to render programmes operable, and by means of which a multitude of connections are established between the aspirations of authorities and the activities of individuals and groups” (Rose and Miller, 1992: 183). Analyses that focus on technologies of government require an engagement with the 'microphysics of power' – a meticulous investigation of the "complex of relays and interdependencies...that seek to translate thought into the domain of reality" (Miller and Rose, 1990: 8).

Such an investigation moves beyond an analysis of technologies of domination and focuses on the mundane mechanisms that make government possible, such as notes, assessments, examinations, graphs, charts, language and professional/expert vocabularies (Miller and Rose, 1990: 8). These various presentational and representational forms (ibid.) make government possible because they serve to explain and define a domain of reality (e.g., prisons and prisoners) in such a way that it becomes amenable to strategies of rule. As such, these kinds of analyses focus not on the lived experiences of the governors or the governed, but on the many artefacts, or systems of thought, that are associated with forms of rule:

...we argue for a view of 'discourse' as a technology of thought, requiring attention to the particular technical devices of writing, listing, numbering and computing... 'Knowing' an object in such a way that it can be governed is more than a purely speculative activity: it requires the intervention of procedures of notation, ways of collecting and presenting statistics, the transportation of these to centres where calculations and judgements can be made and so forth. It is through such procedures of inscription that the diverse domains of 'governmentality' are made up....

(Miller and Rose, 1990: 5)

The Role of Expertise

For the governmentality approach, expert knowledge constitutes a central technology of government. First, the approach analyzes how expertise offers the conditions of

possibility to think about issues and experiences in such a way that they are rendered governable. For example, experts in the area of crime control generate knowledge pertaining to rehabilitation, risk analysis and the nature of the 'offender', which then makes this domain amenable to government (such as a particular daily routine or regimen or the use of specific correctional programs). Second, the approach explores how experts lay claim to a specific 'truth' about the world and how individuals use this knowledge to manage themselves. An example of this is how experts in the field of dieting generate knowledge about health and fitness and how individuals use this information to understand themselves and manage their own bodies.

As was mentioned above, inherent in this focus is the understanding that governmental power can exist outside the realm of the central State and "that a whole variety of authorities govern in different sites, in relation to different objectives" (Rose et al., 2006: 85).¹⁴ Let us consider the examples noted above. For crime-control agendas, the authority is not only the State, but also expert criminologists and psychologists. The political objective in this case may be based on a desire to augment public safety, achieve individual rehabilitation, or responsabilize citizens to manage their own communities so as to ease the workload of local police forces. For dieting initiatives, the authority can also exist outside the State and include experts such as dieticians and doctors. The objective of these initiatives can also vary considerably and may be based on a desire to increase levels of self esteem or achieve a healthier population in order to reduce public spending.

¹⁴ In these cases, the State, although not 'central', continues to 'steer' governmental relations and objectives. Stenson (2001) indicates that the governmentality approach's focus on government 'beyond the State' sometimes fails to appreciate that many non-State strategies (like community crime prevention) are initiated by State-based institutions and thus are not as 'decentred' as they appear.

A central line of inquiry in this area is on the ways in which mechanisms of self-government informed by expert knowledge can become an ‘ally’ to political rationalities and objectives (Rose and Miller, 1992: 189). One might argue, for example, that dieting initiatives (whereby individuals gain information and act upon their *own* bodies) support neo-liberal objectives because they promote responsabilization and self-care.¹⁵ Governmentality studies that focus on the relationship between self-regulatory capacities and political objectives are numerous. For example, Barbara Cruickshank (1999) analyzed how self-esteem, and the production of certain kinds of selves, can function as a ‘social vaccine’ that empowers individuals to live responsibly (crime- and drug-free lives). Similarly, Hannah-Moffat’s (2000) study, cited earlier, explored how perceptions and discourses of individual responsabilization and empowerment have been integrated into Canada’s penal system for women, resulting in the creation of new regimes of governing.

Summary

This section outlined some of the central themes and concepts of the governmentality approach. This body of work, although varied and complex, views government as a decentred process and analyzes how various technologies (particularly experts and expert knowledge) act as a medium between broad political rationalities (ways of thinking about government) and everyday programmes of government. Such an approach involves an engagement with the various ways in which actions and thoughts are problematized, made thinkable and practicable, and subject to an agenda of rule.

¹⁵ In addition to promoting individual responsabilization and self-care, it could also be argued that these dieting initiatives support the overall strength of the State (by constructing a population that is mentally and physically fit). This resonates with Foucault’s (2003a [1979]: 199) argument that the modern art of government is, at once, “...both individualizing and totalizing”, in that it “...develops those elements constitutive of individuals’ lives in such a way that their development also fosters the strength of the state”. This line of analysis is generally ignored in governmentality studies.

This section also addressed the central focus of the governmentality approach on the neo-liberal rationality, particularly political power that operates ‘beyond the State’. Consideration was given to the ways in which this focus can serve to neglect the role of State power as well as the necessary connection between government, discipline and sovereignty, which is both specific and fundamental to governmentality.

Bringing it all Together: Situating My Project within My Analytical Framework

This chapter has drawn on a great deal of material from two bodies of work that are varied, comprehensive and, at times, perplexing. In many ways, the material presented is not a framework, but rather a ‘conceptual toolbox’, affording researchers the means to begin to understand the nature of power and rule in the context of governmentality. This is a bulky ‘toolbox’ whose contents are overflowing, providing the basis for a multitude of different studies, in a range of different areas. Unfortunately, for this project, I could choose only one.

I began this chapter by stating my intention to engage with recently proposed changes to the Canadian prison system through an application of the work of Foucault and the governmentality approach. In doing so, I noted that I would make use of concepts from both bodies of work and, at the same time, attend to the criticism that governmentality studies typically focus on government that operates ‘at-a-distance’, while ignoring technologies of domination and State power. Throughout this chapter, I have presented several examples of research in this area. In particular, I referred to a number of scholars who have attended to the ‘triangle’ of governmentality posited by Foucault by engaging with the relationship between technologies of State repression and ‘decentred’ strategies that operate outside the realm of the State. This includes Pratt (1999), who demonstrates

that, even under neo-liberal regimes, where government tends to be ‘decentred’, State-based protection from the ‘dangerous’ remains apparent in the form of special penal measures, such as indeterminate prison sentences. It also includes Stenson (2001), who argues that many strategies that are ostensibly ‘detached’ from the State (e.g., community crime prevention) are actually anchored in, and guided by, State institutions (e.g., the police). In the same article, Stenson also asserts that there is a strong connection between modern governmental practices and issues of sovereign control, such as the State’s struggle for control over geographic territory and those sectors of the population that are perceived to be disorderly (e.g., vagrants, homeless, ‘squeegee kids’, etc.).¹⁶ I also spoke of Bosworth’s (2007) account of how orientation handbooks that are distributed to prisoners at intake include discourses of self-government while, at the same time, illustrating the power of the State to provide a coercive ‘backing’ in cases where responsabilization strategies fail to achieve their desired effects. Similarly, I cited Hannah-Moffat’s (2000) analysis of neo-liberal strategies of governance in women’s prisons, in which she explores how technologies of empowerment and self-government are integrated with those of discipline and sovereignty. Lastly, I spoke of Lee’s (2001) study, which examines how the emergence of ‘fear of crime’ can be understood as both an ‘assignment’ for the disciplines and a conduit through which the population can be compelled to self-govern. Taken together, these scholars have opened up a field of inquiry upon which I seek to build. It is with this intention in mind that I determined the direction of this thesis.

As I noted earlier, this project will analyze the *Report* to determine the ways in which mentalities and strategies of government, discipline and sovereignty are implicit in the

¹⁶ This third argument is also put forth in Stenson and Edwards (2001)

‘transformation’ agenda that is put forth. As a means of achieving this objective, I will engage with the discourses that are contained in the *Report* in order to uncover the various meanings and potential effects related to the government of prisons and prisoners.

This project attends to the work of Foucault because it responds to his principal direction for research, specifically his suggestion that the best way to analyze an agenda of governance is to focus on the types of rationalities that are employed or are implicit in the strategies proposed (Foucault, 2003a [1979]). This research also draws on the work of governmentality scholars by focusing on neo-liberal government and its corresponding concepts and strategies. Indeed, there are several models of government that are implicit in the *Report*, but I am choosing to focus my attention on neo-liberalism because it is such a large part of the agenda that is proposed, and is such an important feature of contemporary government in general. Finally, this project addresses one of the main criticisms of governmentality studies by focusing on the interaction between government that exists ‘beyond the State’ and government that is connected to the State and to technologies of domination and subjugation. More specifically, it gives honest consideration to the relationship between government (in this case, neo-liberalism) *and* forms of discipline and sovereignty, thereby engaging with Foucault’s notion of the ‘triangle’ of governmentality.

CHAPTER TWO: METHODOLOGICAL APPROACH

In this chapter, I outline the methodological approach that was used in order to collect and analyze my data and respond to my research questions. The particular approach that I employ is based on the work of Jean Carabine (1995) and stems from Foucault's method of discourse analysis.

On the Meaning and Status of Discourse

The objective of this thesis is to 'make sense' of recently proposed changes in the government of prisons and prisoners through an engagement with discourse. This focus leads to two central questions: what is discourse and, perhaps more importantly, what 'status' do I attach to it in the context of my research?

My understanding of discourse is based on Foucault's earlier work, wherein he defines it in three ways as: "[1] the general domain of all statements...[2] an individualized group of statements and...[3] a regulated practice that accounts for a certain number of statements" (1972 [1969]: 80). The third meaning points to all the linguistic rules that govern discursive activity (i.e., how knowledge is displayed through the use of grammar and intonation) and the first two meanings frame discourse as a group of statements that form a field of action, thought and influence ('a general domain'). It is the first two meanings that are of interest to me and that are the focus of my methodology and thesis.

Under these meanings, discourse refers to "the ways that an issue or topic is 'spoken' of, through, for example, speech, texts, writing and practice" (Carabine, 1995: 268). Foucault's definition, however, moves beyond a focus on the content itself and views discourse as being linked to "a world beyond" (Prior, 2003: 26), as having a "substance, a

support, a place, and a date” (Foucault, 1972 [1969]: 101). The focus, then, is on a group of “related statements which cohere in some way to produce both *meanings* and *effects* in the real world” (Carabine, 1995: 268; emphasis added). Central to this understanding is the idea that discourses are not merely reflections of the world in which we live, but rather are performative and productive. Discourses create *meanings* by establishing a particular knowledge or ‘truth’ about the world and by forming a representation of how something or someone is or ought to be (ibid.). For instance, a series of newspaper articles regarding panhandling may serve to create an image (‘truth’) of homeless people as being lazy, dangerous and ultimately responsible for their own plight. Discourses also create significant *effects* – or “power outcomes” (ibid.) – because they can define aspects of the world, create stigmas for individuals or groups and lead to the development or amendment of social policies, to name only a few. To use the example noted above, the image of the homeless person as lazy and dangerous can result in their alienation from, and condition their interaction with, fellow citizens (shunning, lack of empathy) or lead to new policies that serve to criminalize acts of panhandling.¹⁷

This definition appreciates that there is no single position or meaning related to an issue. The understanding is that, at any given time, there are several opposing and competing discourses that are ‘out there’, ready to be ‘taken up’, though there may be some that are more prevalent at a particular point in history (Foucault, 1978 [1976]: 100). Therefore, we should “not imagine a world of...accepted discourse and excluded

¹⁷ A telling example of such an effect is the *Safe Streets Act*, which was enacted in Ontario in early 2000. This new law made it illegal for ‘squeegee kids’ to clean the windshields of cars waiting at traffic lights and also criminalized ‘aggressive’ forms of panhandling and solicitation.

discourse...but [rather] a multiplicity of discursive elements that can come into play in various strategies” (ibid.). To once again use the example noted above, the predominant discourse in a series of newspaper articles regarding homelessness may suggest that panhandlers are morally reprehensible, but there may also be other articles ‘in circulation’ that speak of, for example, the civil rights of people who are stricken by poverty and the lack of social programs for the less fortunate. There can also be competing discourses expressed within documents themselves (i.e., a single government report that presents an issue in several different ways). In any event, discourses usually seek, either explicitly or implicitly, to invalidate other accounts and it is often those that are predominant that create the most meaning and effect (Carabine, 1995: 268-9).

Discourses and Power/Knowledge

What is said about...[something] must not be analyzed simply as the surface of projection of...power mechanisms. Indeed, it is in discourse that power and knowledge are joined together.

(Foucault, 1978 [1976]: 100)

As was implied in the previous section, my research assumes a strong relationship between discourse, power and knowledge, and I think that it is important to clarify this relation. The understanding here is that power reflects and reinforces knowledge and vice-versa, an association that Foucault (1995 [1975]: 27) refers to as ‘power/knowledge’. In other words, in order to act on or through an entity, there must be a domain of knowledge about that entity; conversely, power determines the forms and possible domains of knowledge (Foucault 1995 [1975]: 28). In this sense, power circulates in and through particular forms of know-how and ‘truth’ and is important in the determination of how such forms are constructed (Carabine, 1995: 275). As is noted in the excerpt above, it is through discourse that this relationship between power and knowledge is constituted.

Discourses present, and lend 'truth' to, specific claims, thereby creating effects in the world. It is also through discourses that the boundaries of the world in which we live are defined (i.e., between 'good' and 'bad', 'right' and 'wrong', 'moral' and 'immoral', and so forth). In this context, the association between discourse/power/knowledge represents an "interconnected triad" (Carabine, 1995: 267).¹⁸

Summary of Key Concepts

For clarity's sake, and before moving on to an outline of my research design, I would like to recapitulate and further define the terms that mean so much in the context of this thesis:

1. *Discourses* are historically variable expressions (text, speech, etc.) that specify knowledges and 'truths' about a particular topic or issue (Carabine, 1995: 275). They serve to create meanings and effects in the world and are thus performative and productive. It is within discourse that power/knowledge networks are constituted.
2. *Knowledges* are socially constructed domains of 'know-how' that are presented within discourse as 'truth' (Carabine, 1995: 75). They produce and imply power.
3. *Power*, in the context of this thesis, is an effect, "a way in which someone act[s] on [or through] others" (Foucault, 1982: 788). Power produces and implies knowledge of a particular domain. The concern here is not so much with the difficult, and often inexplicable, question 'what is power?', as it is with the questions 'what are the characteristics of power relations in our society and on what rationality (knowledge) are they sustained?' (Al Amoudi, n.d.: 17).
4. *Power/Knowledge* signifies the interdependent relationship whereby power and knowledge rely on, and produce, one another. It is within discourse that the relationship between the two is constituted.

¹⁸ I would also like to make a point on the status that I give to the author, that is, those who may engage in the activity of generating discourse. Following Foucault, I argue for a perspective that tries "to grasp discourse in its manifest existence ...without...[reference] to the thought of men, to their mode of perception, their habits and the influences to which they have submitted" (Foucault, 1989: 47). The argument here is that, rather than understanding discourse as a reflection of reality, or as a product of human intention and psychology, researchers should view it as a starting point for analysis (Prior, 1997).

Method

As is noted above, my method is one of Foucauldian discourse analysis. The particular approach that I use was fashioned by Carabine (1995) in a chapter she wrote on the application of Foucault's work to the analysis of social policy. In general terms, this type of analysis looks at the ways in which discourses and power/knowledge networks create meanings and effects in the world. The purpose of this kind of analysis is not to assess discourse in terms of its 'objective' standards (i.e., how well it depicts 'reality' or some experience); rather, the concern is with the particular elements that are contained within the discourse and the functions that these play (Silverman, 2006: 157).

In her chapter, Carabine notes that this approach can be used to trace historical shifts (genealogy) *and* to provide a 'snapshot' of the power/knowledge networks of any given historical moment. In either case, the aim is "to identify how...[something] is constituted through social policy and with what effects" (Carabine, 1995: 280). For the purpose of this thesis, which looks at one current document, it is the latter goal (providing a 'snapshot') with which I engage. This particular method is valuable not only because it provides insight regarding a particular moment, but also because it contributes, albeit on a minor level, to a historical account (genealogy) of the ways in which the prison and prisoner are constituted over time (Carabine, 1995: 280-1).

It is important to note that Foucault never provided clear direction on how to engage in his method of analysis. What his work does offer, however, is a general viewpoint that can be used to analyze and understand discourse. With his methodology, Foucault sought to describe "the procedures, practices, apparatuses and institutions involved in the production of discourses and knowledges, and their power effects" (Carabine, 1995: 270).

This involves not only a description of the processes that produce power/knowledge networks (social context), but also an account of the ways in which these networks produce meaning and influence social practices and policies (social relations) (ibid.).

Data Source

The document that I chose to analyze is the *Report of the Correctional Service of Canada Panel Review*, which is accessible on the website of the Ministry of Public Safety (<http://publicsafety.gc.ca>). As was previously mentioned, this document is a comprehensive and ‘independent’ review of the operations of CSC, the agency in Canada that is responsible for administering federal prison sentences. I chose this data source because of its thoroughness (it speaks to the overall state of corrections in Canada) as well as its potential to influence practices and policies related to prisons and prisoners in Canada. As is noted in the introduction, although it was released less than a year ago, the *Report* has already begun to influence the operations of CSC and is being taken very seriously by prison authorities.

Data Analysis

In order to draw out the discourses that are contained in the *Report* and effectively respond to my research questions, I employed Carabine’s (1995) ‘Guide to doing Foucauldian Discourse Analysis’. This guide contains several elements, although Carabine cautions that researchers should not interpret them as being linear in nature. In my presentation, I have collapsed these elements into two broad categories (see Appendix A for the full list).

1. Knowing the Data and Drawing out the Discourses

Carabine suggests that the best way for a researcher to begin this process of analysis is to immerse themselves in the data, reading it several times over and making notes, where appropriate. It is suggested that the point of this activity is so that the researcher can “get a sense” of what the data is about and determine where their topic of interest enters the discussion, and in what ways (Carabine, 1995: 282). In completing this process, I read the *Report* in its entirety three times, keeping in mind my research questions and overall topic (the government of prisons and prisoners). The first read was quite casual and involved no note taking or highlighting. My intention here was to simply introduce myself to the content of the document. The second read was more intensive and involved note taking and flagging. The objective here was to begin to identify, in general terms, the ways in which the government of prisons and prisoners was spoken of. The third read served to complement the second, in that it allowed me to further interpret the substance of the document.

Once comfortable with the data source, Carabine suggests that the researcher begin the process of analyzing how the document ‘speaks to’ and constitutes their topic of interest. In doing so, she recommends that the researcher take note of the instances where their topic is represented, “identifying the various contexts, the way the problem was ‘framed’, how it was presented and discussed, and the solutions that were recommended” (Carabine, 1995: 283). In my case, this process involved reading the document once over and noting what meanings and/or problematizations were put forth regarding the government of prisons and prisoners and how these were framed. I also noted what solutions were proposed and what effects these solutions could potentially have. With this

reading, I quickly realized that the document addressed several issues pertaining to my topic of interest. In order to draw out the discourses, I started to compose a list of questions that reflected the content of the document and also served to address each of the issues identified. Naturally, my guide for this process started with only a few questions, with more being added as my analysis and understanding of the document progressed. The final version of my question guide was organized around two themes that were similar to those of the document (I noted previously that the first half of the *Report* generally spoke to issues of the prisoner, while the second half primarily addressed issues related to the prison). Taken together, these themes addressed 15 questions of interest (see Annex B for operational definitions):

A. The Prisoner

How does the document speak to:

- Compliance and non-compliance
- The characteristics of the prisoner
- The role of the prisoner
- The ‘needs’ of the prisoner
- Prisoner privileges
- The management of individual prisoners (prisoner case management)
- The disciplinary process
- The prisoner’s release to the community

B. The Prison

How does the document speak to:

- The role of the prison
- Prison population management
- The physical characteristics of the prison
- The daily routine of the prison
- The safety and security of the prison
- Correctional programming
- The prison’s relationship with the outside community

Armed with this guide, I carefully read the document, copying any statement that related to one of the questions and pasting it in my notes under the appropriate heading (i.e., everything that spoke to the role of the prison was copied and pasted into this section of my notes). This process was followed by a second thorough read of the document, the purpose of which was to pick up on anything that I may have missed during the first read. Ultimately, I ended up reading the document six times: three times in order to ‘get a sense’ of the data; once to determine the general ways in which it ‘spoke to’ my topic of interest; and twice to extract statements related to each of the specific questions that were being asked. When this process was complete, I was left with approximately 65 pages of single-spaced notes, organized by theme and question.

The next step was to go through my notes and determine the specific discourses presented. In essence, this involved responding to each of the questions that were posed (identifying how the document spoke to the role of the prisoner, the daily routine of the prison, correctional programming, and so on). This required me to read my notes several times over in order to identify what meaning (or ‘truth’) was being presented regarding a particular issue and the potential effects this meaning could have. After responding to each question and seeing how the various discussions came together to form a ‘general domain’, it was easier to ascertain what discourses were being presented regarding prisons and prisoners.

2. Analyzing the Nature of the Discourses

In addition to drawing out the ways in which a particular issue is ‘spoken of’, Carabine also calls for the researcher to consider the nature of the discourses presented. In doing so, I considered the ways in which the discourses are interrelated. For example, I

reflected on how the meanings and effects related to the prisoner (e.g., the role of the prisoner) were connected to those of the prison (e.g., the role of the prison). I also looked at the discursive strategies used, focusing particularly on techniques of deployment (i.e., is the prisoner depicted in a negative or ‘risky’ way?). Lastly, I considered any absences and silences (identifying what the discourse is *not* saying) as well as any opposing and seemingly contradictory discourses.

For the purpose of my analysis, I was most concerned with the first category, which involved getting to know the data and drawing out the discourses. Indeed, this process constituted my primary method of data analysis. The second category pertaining to the nature of the discourses served to provide additional information and context. Considerations in this regard are documented throughout my findings, where appropriate.

Limitations of Foucauldian Discourse Analysis

As with any research method, there are disadvantages and potential problems with Foucauldian discourse analysis. As a general critique, some suggest that discursive elements – statements, text and speech – are too “ephemeral and insubstantial” to be a source of analysis and that it would be better to focus on more concrete phenomenon like social practices and institutional structures (Silverman, 2006: 154-55).¹⁹ I acknowledge the substance of this critique and can appreciate that the *Report* represents a record of mentalities and strategies of government rather than a concrete display of social action and practice. Even so, I maintain that the discourses presented are indeed significant because they serve to create meanings and effects in the world. In this sense, my concern is less with how well the content of the *Report* corresponds with concrete phenomenon (and their

¹⁹ Silverman draws attention to such critiques, but does not support them.

'facts') and more with how it presents a particular 'reality' and works to create and shape the world in which we live. As Silverman observes, discourses have "relevance and effect" because they "influence how we see the world and the people in it and how we act" (2006: 157). This is apparent by simply considering the ways in which we interact with the text and images that are presented in advertisements and CVs (ibid.).

Another central limitation of Foucauldian discourse analysis (and related types) is that the researcher can select what areas or aspects to 'read into' (Carabine, 1995).²⁰ Although this is true, this critique tends to assume that research can occur in the absence of a subjective position or understanding. The 'presence' of researcher subjectivity is a factor with all types of research, no matter how rigorous the methodology. The key is to limit these subjectivities by using a research design that allows for as much 'objectivity' as possible. In the case of my research, I made sure to be as rigorous as possible in order to limit the presence and influence of my personal motives and subject positions. For instance, I put forth an honest effort to 'get to know' the entire *Report*, drawing out as many meanings and effects as possible, not just the ones that appeared to be supportive of my arguments. In doing so, my goal was to make sure that my presentation accurately captured the essence of the document. Moreover, when responding to my 15 questions of interest, I used clear, operationalized terms so as to ensure transparency and make certain that anyone attempting to reproduce this project would arrive at very similar findings.

One final limitation of Foucauldian discourse analysis that is especially applicable to my project is that it often involves consideration of very few sources (Carabine, 1995).²⁰ It is true that this project involved the analysis of only one document and I stated earlier

²⁰ As a proponent of discourse analysis, Carabine simply identifies and addresses this limitation.

my reasons for choosing it (its thoroughness and its expected influence on the operations of CSC). In my case, the decision to engage with only one document is not necessarily a limitation; it just means that this analysis cannot be regarded as a complete genealogy or an exhaustive, all-encompassing account (but I question what research endeavour can truthfully claim to be so absolute). I agree that it would have been valuable to conduct a historical analysis and to incorporate other accounts and documents (e.g., the voice of the prisoner and CSC's organizational responses to the *Report*), but such an endeavour would have fallen outside the scope of this project.

CHAPTER THREE: FINDING MEANING AND EFFECT: UNPACKING THE DISCOURSES OF THE REPORT

In the following chapter, I discuss my findings with regard to the discourses that are presented in the *Report*. As was mentioned in the previous chapter, my research process involved asking specific questions of the document to determine the ways in which it produces meanings and potential effects related to the government of prisons and prisoners in Canada. In order to complement this activity, I also considered the nature of the discourses presented, such as the ways in which they are interrelated and, at times, opposing, the discursive strategies used and any absences and silences (i.e., what is *not* being said and what perspectives are not being represented).

Recognizing the Aim and Scope of My Research

Although my research covers a considerable degree of content, my findings do not represent every aspect of the *Report*. My specific aim was to draw out the ways in which the document speaks to the government of prisons and prisoners, and my research was centered on these themes. Although the document pertains largely to my specific areas of interest, I acknowledge that it also speaks to other issues surrounding corrections in Canada that are not of particular relevance to this study. This is especially true of some of the final sections, which address issues related to victims of crime and CSC's resources.

My analysis also considers only what is said about the 'typical' male prisoner, which is the central focus of the document. The *Report* does speak to the specific conditions and management strategies concerning women, Aboriginal and minority prisoners, but these sections make up a very small percentage of the overall document. My intention with this project was to unpack the predominant discourses, while recognizing and appreciating that

other competing and secondary discourses exist. I believe that my focus on the content that relates to the ‘typical’ male prisoner has served to fulfill this intention.

The Discourses of the *Report*

My findings regarding the specific questions that were asked of the document have been collapsed into two broad themes that emerged during the course of my research (for a full list of the questions, see Appendix B). The first theme focuses on the discourses related to the prisoner and the second theme addresses the discourses regarding the prison.

Part 1: The ‘Modern-Day’ Prisoner

The first central theme of the *Report* focuses on what I call the ‘modern-day’ prisoner. The predominant discourses in this regard speak to recent changes in the profile of the prisoner population as well as CSC’s ability to manage these changes. Under this first theme, I uncovered discussions related to the characteristics and ‘needs’ of today’s prisoner, as well as their role in the processes of rehabilitation and release. Each of these areas, in one way or another, serves to create a representation of the prisoner and the ways in which he ought to be governed.

As was previously noted, despite this central focus on the prisoner, and the potential effects of these discourses on the personal lives of those incarcerated, the consultation process for the *Report* involved communication with only two federal inmates (out of approximately 100 sources). Indeed, this speaks to a major ‘absence’ in the discourse and draws attention to the fact that an integral perspective is not represented in the document.

The Changing ‘Prisoner Profile’

From the outset, the *Report* stresses that the ‘modern-day’ prisoner is much different than that of the 1990s (Canada, 2007: v, 26 and 38). Today’s prisoner is characterized as someone who is relatively violent and more likely to be involved in gang activity, both inside and outside the penitentiary walls. In fact, the document states that many more prisoners are being classified as maximum security upon admission and that “*1 in 6 now have known gang and/or organized crime affiliations*” (Canada, 2007: v). It is also noted that many more prisoners are “*assessed as being hostile, impulsive and aggressive*” (Canada, 2007: 3) and are “*less concerned about the repercussions while incarcerated*” (Canada, 2007: 26). The ‘modern-day’ prisoner is also typified as someone who has increased ‘needs’ and requires more intensive treatment (for mental health, employability and substance abuse problems). In this regard, it is noted that about 80 percent of new prisoners suffer from a serious substance abuse problem and that 12 percent of male prisoners are admitted with serious mental health issues (Canada, 2007: v). Lastly, today’s prisoner is characterized as someone who is serving a relatively shorter sentence of three years or less. Overall, the document maintains that “*CSC is now faced with an offender population that is more violent and requires either more interventions or possibly different types of intervention and this must be done in an even shorter timeframe than in the past*” (ibid.).

The *Report* emphasizes that the above-noted changes in the ‘prisoner profile’ are substantive and can be understood as being linked to a series of recent developments in the Canadian criminal justice system. In particular, the document claims that “*the strengthening of laws [meant] to combat organized crime and gangs*” (Canada, 2007: 3)

has led to an increase in the number of violent, gang members being admitted to federal penitentiaries. Furthermore, the document alleges that amendments to the *Criminal Code* that divert first-time, non-violent offenders, as well as the introduction of conditional sentences for less serious offences, has changed the proportion of violent and non-violent offenders who are entering prison, resulting in more of the former. Additionally, the document notes that the closure of provincial mental health facilities has led to an increase in the number of federal prisoners with serious mental health problems. Finally, it is suggested that the Supreme Court decision *R v. Wust* (2000)²¹ has led to shorter sentences being served in federal custody.

Taken together, the document produces an image of today's prisoner as a violence-prone, high-need individual who is serving a short sentence and requires intensive treatment. This profile is presented as a problem throughout the document because it is seen as adversely affecting CSC's ability to follow through on their rehabilitative mandate, given that there is less time to 'rehabilitate' prisoners who have 'needs' that are more serious and require more intense treatment.

The 'Needs' of Today's Prisoner

As is mentioned above, the *Report* depicts the 'modern-day' prisoner as having more 'needs' compared to the prisoner of the past. It is also suggested that the breadth of these 'needs' is a particular challenge for CSC. In the context of the *Report*, a 'need' is a factor, identified by CSC upon admission, that is thought to have contributed to an individual's

²¹ In this case, the Supreme Court of Canada ruled that the time spent in pre-sentence custody can be credited (usually two days credit for each day served) to reduce the amount of time that will be served once formally sentenced. For instance, if an individual serves six months in pre-trial custody and is ultimately sentenced to a four-year term, then it can be assumed that the individual has already served one year (six months x two days credit for each day = one year).

crime and to require intervention prior to their release to the community (Hannah-Moffat, 2005). In this sense, a ‘need’ is understood as both a ‘deficit’ and a ‘risk’; it is something that the prisoner requires in order to better himself and become rehabilitated (deficit) and it is something that requires intervention prior to a prisoner’s release in order to ensure public safety (risk) (for more on the issue of ‘needs’ and ‘risks’, particularly in the Canadian context and in relation to female prisoners, see Hannah-Moffat, 2005).

In general, the document claims that most of the individuals who are entering prison today “*have failed throughout their lives [and]...need to learn how to live as law-abiding citizens for the first time*” (Canada, 2007: 4; emphasis in original). More specifically, the document maintains that today’s prisoner possesses lifestyle and personality traits that require ‘correction’ and has also failed to learn the basic skills of life, both of which prevent them from functioning as law-abiding citizens and make them high-risk cases. In light of this, the document indicates that today’s prisoner requires substance abuse and mental health treatment to address the factors that contributed to their crimes, as well as interventions that provide basic living and employability skills.

One particular notion that is stressed throughout the *Report* is that today’s prisoner requires development of their basic employment qualifications so that they are ‘job ready’ once released. It is noted that most prisoners “*lack skills development training that can directly link them to an occupational group or specific job market*” (Canada, 2007: 47) and are often not provided “*other important tools needed for a smooth entry into the labour market...[e.g., a birth certificate and social insurance number]*” (Canada, 2007: 70). Interestingly, the document claims that CSC’s recent focus has been on cognitive-based therapies that teach the prisoner how to ‘think’ properly, at the expense of job-readiness

training. It is even suggested that “*employment and employability programs appear to have been placed on the back burner by CSC and not given the attention that they require*” (Canada, 2007: 38). Ultimately, the document underlines the importance of job training and indicates that CSC should be working harder to identify and address the specific employment needs of prisoners in order to make them “*job ready in the eyes of employers*” (Canada, 2007: 76). To this end, the *Report* urges CSC to conduct more research on the relationship between work and positive reintegration and to “*review and rebuild its research and evaluation frameworks to demonstrate the effectiveness of its employment initiatives*” (Canada, 2007: 76-7).

It is interesting to note that the only time the *Report* refers to the perspective of the prisoner is when it is speaking to issues of employment. In doing so, the document refers to a vocational strategy that was produced in relation to prisoners in British Columbia, citing that “*from an offender perspective, the most useful (employment) programs are those that are of longer duration, teach technical, life and interpersonal skills, and provide third-party certification in fields that are accepting of offenders and paying a living wage*” (Canada, 2007: 46). Although this reference is secondary, in that it is not a direct quote, it still represents an indication of the position of the prisoner in a document that is otherwise exclusively from the point of view of prison authorities and other criminal justice personnel.

In addition to the importance of job skills training, the *Report* also highlights the fact that prisoners have much higher rates of mental illness compared to the general population (Canada, 2007: 53-4). It is also noted that many cases of mental illness are not detected because screening and assessment tools at admission are not adequate. In order to address

this particular ‘need’, the *Report* proposes that comprehensive mental health screening occur on admission so that “*offenders with mental health needs are identified before their correctional plans are developed and put into action*” (Canada, 2007: 54).

With regard to assessments at the penitentiary level, the *Report* problematizes the length of time that it takes CSC to identify the ‘needs’ of individual prisoners and indicates that the information that is gathered following admission is ‘too little, too late’. In order to rectify this problem, it is proposed that CSC implement a more timely and comprehensive ‘intake assessment’: an evaluation that is supposed to occur immediately upon a prisoner’s admission in order to determine their individual ‘risks’ and ‘needs’ and establish a correctional plan (Canada, 2007: 33). This assessment involves a review of several elements, including victim impact statements, police reports, court transcripts, judges’ comments, criminal history, psychological information and behavioural observations (Canada, 2007: 36). The document suggests that every prisoner should leave the intake assessment area with a comprehensive ‘treatment strategy’ that addresses their specific and unique ‘needs’, including all of their individual “*behavioural and skills deficits*” (Canada, 2007: 55).

The Philosophy of ‘Responsibilization’: Constituting the Prisoner’s Role

The previous section spoke to how the ‘needs’ of prisoners are constituted in the *Report*. Yet, what does the document suggest is the prisoner’s role in this process? Not surprisingly, prisoners are identified as being responsible and accountable for their own rehabilitation.²² The *Report* maintains that the “*rehabilitation mandate of CSC is not...a*

²² This is not surprising because it is indicative of a general trend toward integrating strategies of prisoner accountability and responsibility with traditional or existing criminal justice practices (see, for example, O’Malley, 1996a; Rose, 1999; Hannah-Moffat, 2000; 2005; and Bosworth, 2007).

one-way commitment” and specifies that “*if rehabilitation is to occur and truly be sustained, it must be a shared responsibility of CSC and the offender*” (Canada, 2007: vii). More specifically, the document notes that it is the role of CSC to provide the tools necessary for rehabilitation, whereas the responsibility of the offender is to “*seize opportunities...to pick up the tools of rehabilitation and use them*” (ibid). Overall, this notion of responsibility promotes the view that prisoners should address their own ‘needs’, with the assistance of CSC.

The *Report* also suggests that a prisoner’s degree of accountability and responsibility should, in principle, be no different from that of any other (free) citizen. In either case, there is an expectation that individuals will respect the fundamental principles of democracy, particularly the rights and freedoms of others in society, and assume accountability and responsibility for their actions. In fact, the document explicitly states that “*life inside penitentiaries should mirror Canadian society*” (Canada, 2007: 109). To this end, it is emphasized that prisoners, like all citizens, need to accept full responsibility for the course of their lives, while acknowledging any harm they may have caused to their community and other members of society.

It is interesting to note that the *Report* contains an alternate discussion on this topic that alleges that many prisoners are actually motivated to work toward rehabilitation but that CSC is not capable of providing the necessary programs because of a lack of resources. For instance, it is noted that “*there is not enough program space [i.e., classrooms] to conduct appropriate programming*” (Canada, 2007: 39). Similarly, it is stated that “*waiting lists for...programs are lengthy, causing a gridlock that forces some inmates to wait months for parole...[even though] they might otherwise be safely managed*

in the community” (ibid.). On this point, the document recommends that CSC work toward addressing the systemic barriers that lead to delays in program delivery.

The Compliant vs. Non-Compliant Prisoner

Throughout the *Report*, prisoners who fail to take responsibility and engage in their own rehabilitation are identified as being ‘non-compliant’. In fact, the document defines the ‘compliant’ and ‘non-compliant’ prisoner almost completely in terms of motivation and willingness to change. On several occasions, the document makes reference to the resistance that is experienced “*from a portion of offenders who have no interest in rehabilitation and are content to ‘wait out’ the system until they reach statutory release (automatic release at 2/3rd of sentence)*” (Canada, 2007: v). This ‘non-compliant’ (non-engaged) prisoner is constituted as being problematic because they pose a challenge to the rehabilitative mandate of CSC as well as the rehabilitative efforts of other ‘compliant’ (engaged) prisoners.

The discussion regarding the ‘compliant’ and ‘non-compliant’ prisoner also proposes that the former deserves more rights and privileges than the latter, given their motivation and willingness to change. In fact, the *Report* clearly states that, “*to encourage the [non-compliant] offender, different privileges should be afforded [to] those offenders who are positively engaged [with their correctional plan] than to those who are not*” (Canada, 2007: 109). This sentiment is also highlighted when concern is expressed over the fact that “*an offender working hard at rehabilitation is often treated no differently than an offender who is seeking only to continue his criminal lifestyle*” (Canada, 2007: v). In another instance, the document notes that the living conditions in segregation, where ‘non-

compliant' prisoners are assumed to reside, should be poorer than that of the general population, where, it is assumed, the more 'compliant' prisoners are housed.

In order to ensure accountability and responsibility when it comes to rehabilitation, the *Report* suggests that the law that governs the federal prison system, the *Corrections and Conditional Release Act (CCRA)* be subject to substantive amendments to underscore the role of the prisoner in the correctional process. Of particular interest is the recommendation that a section be added to emphasize that prisoners must be compelled to “actively participate in programs identified by CSC in their correctional plans (e.g., education, work, correctional programs)” (Canada, 2007: 216). Also of interest are the recommendations that are proposed in relation to section 4 of the *CCRA*, which outlines the basic principles of the federal prison system (including those related to prisoner rights). One such recommendation calls for changes to specify that prisoners retain only the *basic* rights and privileges of all members of society²³, while another suggests that the standard that prisoners be managed using the ‘least restrictive measures’ (a standard that is respected internationally) be changed to allow instead for the use of “*appropriate measures*” (Canada, 2007: 216).²⁴ Interestingly, and in an apparent contradiction, the *Report* concludes this discussion by acknowledging that “*these measures should be applied with respect to the Rule of Law*” (Canada, 2007: 16).

²³ The related section of the *CCRA* currently reads as follows: “offenders retain the rights and privileges of all members of society, except those rights and privileges that are necessarily removed or restricted as a consequence of the sentence”. With the addition of the word “basic”, the spirit of the section changes significantly.

²⁴ The related section of the *CCRA* currently reads as follows: “the Service [Correctional Service Canada] use the least restrictive measures consistent with the protection of the public, staff members and offenders”.

Responsibility and Accountability in the Process of Release

As a means of promoting prisoner accountability and responsibility, the *Report* also speaks of, and fully supports, the introduction of a new system of earned parole. This new system is based on the presumption that there is a real threat to public safety because prisoners are being released without having taken programs, or actively engaged themselves in their correctional plan. On this issue, it is maintained that “*any arbitrary release that is not made based on rehabilitation is counter-productive and...reduces public safety*” (Canada, 2007: ix). In order to support this claim, the document stresses that violent reoffending is highest among those on statutory parole, all of whom are released based on a legal requirement and many of whom have not made efforts towards rehabilitation (ibid.). As evidence, it is cited that individuals on statutory release have only a 60 percent success rate and are three times more likely to commit a violent offence compared to individuals on day or full parole, both of which are earned (Canada, 2007: x). In this context, the *Report* supports the idea that prisoners should have to earn their conditional release by proving that they have engaged in their correctional plan and addressed their ‘deficiencies’. It is specified that, under a new system of earned parole, release to the community “*would be considered after assessing risk, progress in addressing criminogenic, behavioural and skills deficits, and community reintegration requirements, including employment options when released as outlined in the community release plan*” (Canada, 2007: 115). This system is therefore designed to keep incarcerated those ‘non-compliant’ prisoners who do not accept responsibility or fully engage themselves in their own rehabilitation. Because parole would be earned based on demonstrated motivation and willingness to change, this new system would involve the

outright elimination of both statutory parole and accelerated parole reviews (early release in light of specific circumstances related to the nature of the offence committed).

Although the document supports a system of earned parole, it is important to draw attention to an opposing and contradictory discussion that stresses the notion that a release process that constantly denies conditional release (for whatever reason) and does not include an element of gradual reintegration is neither ideal nor safe. In fact, the *Report* states that “a ‘cold release’ at the end of an offender’s sentence to an unsupervised environment is not effective corrections” (Canada, 2007: 122).

Summary

The above-noted discourses speak mostly to recent changes in the profile of the prisoner and CSC’s ability to deal with these changes. This section sought to unpack the predominant discussions in this regard in order to uncover some of the meanings that are presented as well as the potential effects of these meanings. This activity has demonstrated that the discourses contained in the *Report* present the ‘truth’ that the ‘modern-day’ prisoner is a violent, gang member who is serving a shorter sentence of three years or less, has an increased level of ‘risk’ and ‘need’ and requires intensive treatment. These discourses also create the meaning that the prisoner is less interested in engaging in rehabilitative efforts, opting instead to ‘wait out’ the system until statutory release. These meanings are intended to create significant effects in the ways in which prisoners are managed in Canada (and have already begun to do so). Some of these effects include: a more pronounced focus on prisoner responsibility and accountability through changes to law and penitentiary practices; increased measures to learn more about prisoners at intake in order to better address their ‘needs’ throughout the course of

their sentence; and the introduction of a system of earned parole that allows prisoners to be released only after they demonstrate that they are motivated to rehabilitate and are capable of living as law-abiding citizens.

Part 2: The ‘Reconfigured’ Prison

The other central theme of the *Report* focuses on what I call the ‘reconfigured’ prison. The areas that I uncovered in this respect relate to the role and purpose of the prison, population management, maintaining safety and security and the prison’s relationship with the community. Similar to those of the ‘modern-day’ prisoner, the predominant discourses in this area serve to create representations regarding the nature of the prison and suggest ways to manage this domain and the population confined within it.

Achieving Public Safety Through Measures of ‘Correction’

When speaking to the role and mandate of the prison, the *Report* refers to section 3 of the *CCRA*, which states that the purpose of the federal correctional system is to contribute to the maintenance of a just, peaceful and safe society by:

- (a) carrying out sentences imposed by courts through the safe and humane custody and supervision of offenders, and
- (b) assisting the rehabilitation of offenders and their reintegration into the community as law-abiding citizens through the provision of programs in penitentiaries and in the community.

The *Report* specifies that the purpose of the prison is to provide the necessary tools for rehabilitation – to assist the prisoner in becoming a law-abiding citizen (see subsection b, above); however, the document also draws attention to CSC’s role in maintaining and controlling prisoners (see subsection a, above). In general, the document echoes the law by suggesting that the federal correctional system has a “*mandate of control and assistance*” (Canada, 2007:15).

Despite reference to this dual mandate, the *Report* primarily suggests that the fundamental role of the prison is to ensure public safety, which, it is declared, can be best accomplished through the implementation of “*the rehabilitation principle*” (Canada, 2007: 14). It is stated that the purpose of the correctional system is not to punish (an element that is satisfied through the prisoner’s actual placement in a penitentiary), but rather to “*provide...interventions that allow offenders to learn behaviours and skills that will allow them to return to Canadian communities as law-abiding citizens*” (Canada, 2007: 20). To this end, the document claims that the prison should effectively ‘correct’ any issues that the prisoner is assessed as having, so as to ensure, or at least maximize, public safety upon the prisoner’s release to the community.

Population Management in the Age of the Changing ‘Prisoner Profile’

The *Report* maintains that the management of today’s prison population relies on segments of prisoners being separated, either because of conflict between them or differences among them. It is emphasized that, at present, CSC does not have the capacity to adopt this ‘modern’ management strategy because their prisons are reflective of past correctional philosophies that assumed that prisoners were capable of functioning as a homogenous group.

In particular, the document speaks of how CSC is forced to manage the current prison population in “*antiquated penitentiaries*” (Canada, 2007: v) that were built in the 1800s and early 1900s and are designed to house all prisoners together. It is argued that several of the penitentiaries that CSC is currently using are not amenable to management strategies that rely on the separation of different groups of prisoners. For instance, the document specifies that, within penitentiaries today, there are often “*four or five distinct*

subpopulations that cannot intermingle...and two or three groups of offenders who...must be physically separated from other populations, either through administrative segregation or special units” (Canada, 2007: 20). It is alleged that these circumstances are “placing significant strain on physical infrastructure...[that] has passed well beyond its life cycle” (Canada, 2007: 20).

The *Report* also notes that several of the older institutions have been subject to ‘patching’, whereby new units or amenities are inefficiently added to already “*decaying buildings...[in order to] adapt them to the current realities” (Canada, 2007: 154). Furthermore, the document refers to the “inconsistent institutional layouts” (Canada, 2007: 155) that adversely affect service delivery and prevent staff from being able to effectively monitor and interact with prisoners (i.e., there are ‘blind spots’ where staff do not have a direct view of activities, and there is a lack of control posts that provide for maximum surveillance).*

In order to address these challenges, the *Report* calls for the development of regional complexes that consist of minimum-, medium- and maximum-security wings, offer the complete array of treatment programs and include all the available services (hospital, recreation centre, etc.). These complexes, it is noted, would also be ideal because they would reflect a modern correctional philosophy (maximum surveillance and dynamic security) and allow for the separation of different segments of the population based on security classification and commitment to rehabilitation. It is also suggested that the introduction of complexes would promote responsibility and accountability because a prisoner’s “*overall location within the complex would be dictated by their motivation and participation against their correctional plan” (Canada, 2007: viii). The Report also*

maintains that the development of complexes would assist in reducing the influx of contraband into penitentiaries. In this respect, it is noted that having several penitentiaries within a single compound would allow CSC to more effectively manage who and what enters the penitentiary grounds through the use of technological devices such as ION scanners (which detect drug residue) and drug-detector dogs.

The document also places particular emphasis on the notion that the prison population should be managed based on a system of 'rewards and punishments', which, it is purported, would be easiest to achieve within complexes where everything is located in one area. This discussion suggests that prisoner access to rights and privileges ought to be based on how well they behave and how active they are in their own rehabilitation. In other words, life in prison should be based on an approach that "*links conditions of confinement to an offender's responsibilities and accountabilities*" (Canada, 2007: 59). The document claims that there are specific rights and privileges that could be targeted for this purpose, including the prisoner's degree of association with other prisoners and access to visits, money, leisure activities and personal effects. To this extent, the document is promoting a system that is designed to place further restrictions on any prisoner who acts out or neglects to take responsibility for their own rehabilitation.

Another area regarding the management of the prison population suggests that prisoners are not working 'hard enough' and not using their time productively. In order to address this issue, and promote a positive work ethic, the document proposes that the daily routine be modified to consist of a structured, 12-hour work day. It is alleged that such a routine would provide more time for programming and other rehabilitative efforts, lead to a "*reduction in offender idleness*" (Canada, 2007: 64) and prevent prisoners from

engaging in leisure activities that are not linked to their correctional plan (such as going to the gym or playing cards).

One final consideration regarding population management stresses the importance of collecting data and gathering intelligence about prisoners. This discussion claims that CSC needs to focus on “*dynamic security*’ – *interacting with offenders and knowing them well – [in order] to maintain safe penitentiaries*” (Canada, 2007: 32). The argument is that this information would allow for an increased awareness of what is going on in the prison, an enhanced capability to manage the activities of the prison and an improved ability to make informed decisions about members of the prisoner population (i.e., on matters related to transfers or security levels). In essence, this highlights the significance of managing the prison population through a rigorous and timely process that involves the “*effective and efficient collection, analysis and dissemination of information*” (Canada, 2007: 33).

Maintaining Safety and Security within the Penitentiary

The previous section spoke to the management of the prison population, but another important area relates to maintaining safety and security within the penitentiary. Although there are many factors to consider in this regard, the *Report* primarily speaks to the negative affects that drugs have on the operations of CSC. First, the document argues that drug use in prison creates a culture of violence and conflict (assaults over drug debts) and advances the spread of transmittable viruses, such as HIV/AIDS and Hepatitis. The document also claims that drugs destroy any “*hope of providing a safe and secure environment where offenders can focus on rehabilitation*” (Canada, 2007: 27) because they create a ‘poisoned’ milieu and make it much more difficult for prisoners with

substance abuse problems to maintain their sobriety. Lastly, it is noted that drugs lead to the proliferation of organized prison gangs who are interested in the revenue and power that can be attained through control of the penitentiary drug trade.

In order to address this issue and maintain safety and security, the *Report* recommends that CSC work harder to prevent drugs from entering the penitentiary grounds. The document promotes a focus on interdiction strategies involving drug dogs, perimeter controls, searching of visitors and the use of technology. More specifically, it is proposed that the number of drug dogs be increased so that they are more readily available and that the use of boundary and tower surveillance be augmented in order to detect drugs that are being thrown over perimeter fences. It is also suggested that visitors and their personal effects be subject to more thorough searches and that resources be allocated for the purchase of new technologies that can detect the presence of drugs (such as ION scanners). Taken together, this presents the notion that CSC must protect itself from ‘outside’ threats (visitors and community members) in order to maintain a safe and secure penitentiary. It is interesting to note that the document only refers to these ‘outside’ threats; nowhere is there any mention of the possibility that staff may be bringing drugs into penitentiaries, nor is there any proposition that staff should be subject to the above-noted drug interdiction strategies, particularly ION scans and searches.

The Prison’s Positive Relationship with the Community

Although the *Report* envisions ‘outside’ entities posing a threat to the safety and security of the penitentiary, it also addresses the positive relationship between CSC and the community. The document primarily considers how citizen and community engagement can assist with population management, enhance the services being offered

within the prison (programs, recreational activities, etc.) and contribute to a prisoner's successful reintegration back into the community. Overall, it is implied that volunteers and community participation are essential to the realization of CSC's mandate and that connections with outside entities should be enhanced. In this regard, it is emphasized that CSC has to "*encourage getting 'community' back into Community Corrections*" (Canada, 2007: 136).

The document suggests that the community's involvement assists with the management of prisoners and the delivery of services "*by enhancing the work of CSC and by creating a liaison between the community and the offender*" (Canada, 2007: 135). It is noted that these community members are involved in recreational activities, social and cultural events and treatment programs, all of which contribute to prisoner rehabilitation and improve upon the safety of the public. This discussion also indicates that the "*successful reintegration [of prisoners] requires the support of citizens and communities*" (Canada, 2007: 136) given that most prisoners will be released at some point and will require acceptance and assistance. It is noted, for instance, that the community can serve to effectively bridge the gap between prison life and life in the community by offering services upon the prisoner's release, such as mental health care, further treatment programs and work placements. To this end, the document calls for CSC to "*strengthen its partnerships with various employers, associations, unions, universities and colleges, and private sector firms, to provide transitional support for offenders on conditional release*" (Canada, 2007: 72).

Summary

This section uncovered a predominant discourse that suggests that new penitentiaries and new strategies are required to manage the 'modern' prison population. For instance, the document alleges that the best way to manage the population is to contain large groups of prisoners in a regional complex and separate them based on security level and commitment to rehabilitation. It is also noted that prisoners should be managed through a system of 'rewards and punishments' and be subject to a strict, 12-hour work day that promotes a positive work ethic. Lastly, this discourse speaks to the problems associated with drugs in the penitentiary and emphasizes the importance of community involvement in the correctional process.

These meanings are intended to create significant effects (and, as with those regarding the 'modern-day' prisoner, some have already begun to do so). Some of these effects include the construction of new regional complexes that are amenable to modern management strategies, the introduction of a more disciplined work day for prisoners, the augmentation of interdiction strategies that prevent drugs from entering the penitentiary and a greater emphasis on the involvement of the community and private industry in the correctional process.

CHAPTER FOUR: AN ANALYSIS OF THE *REPORT* AGENDA

The themes that are presented in the *Report*, and outlined in the previous chapter, represent an agenda of governance in the sense that they create an understanding of the prison and prisoner and express ideas and strategies regarding how best to manage these domains. This chapter engages with these themes through an application of the work of Foucault and the governmentality approach. The specific focus is on the ways in which mentalities and strategies of government exist alongside those of discipline and sovereignty.²⁵ In doing so, I engage with Foucault's claim, outlined in *Chapter Two*, regarding the 'triangular' nature of governmentality, recognizing that emergent forms of power do not exist in isolation from previous ones, even if they serve to create new meanings and effects.

As was mentioned earlier, my discussion regarding the mentalities and strategies of government that are presented in the *Report* follows the governmentality approach and focuses on the neo-liberal model. I chose this focus because neo-liberalism has become "a major fact of our time" (Garland, 1997: 183) and is particularly relevant to the 'transformation' agenda. Neo-liberalism is also apposite to Foucault's work in this area because it represents a specific form of what he referred to as modern government.

I would like to preface my discussion by acknowledging what I believe to be some important points. First, I would like to emphasize my appreciation for the complex nature of modern forms of rule. Although this chapter contains separate sections on government, discipline and sovereignty, it does so in order to arrive at a more comprehensive

²⁵ This discussion was largely influenced by Hannah-Moffat's (2000) article "Prisons that Empower: Neo-liberal Governance in Canadian Women's Prisons", in which she analyzed how discourses of empowerment have been integrated into Canada's penal system for women, exploring the governmentality 'triangle' of which Foucault spoke.

understanding of the mentalities and strategies that are presented for each. I acknowledge that these models are interconnected and interdependent and thus cannot be so easily separated from one another (and this is surely evident in the discussion that follows). Furthermore, although my section on government focuses specifically on neo-liberalism, I recognize that there are other mentalities that are 'at play' (e.g., echoes of welfarism). Hence, although the discourses of the *Report* are largely commensurate with neo-liberal governance, the agenda that is presented cannot simply be reduced to one of neo-liberalism.

Second, although the *Report* creates several meanings regarding the prison and the prisoner, I acknowledge that its effects are potential in nature; accordingly, I am analyzing government in thought, rather than government in practice. This is an important distinction because rationalities of rule are not always implemented as intended: there will be circumstances where, for whatever reason, an agenda is not carried out as planned (i.e., the meanings created may change or include new elements once implemented) (Garland, 1997); and the individuals involved in a specific programme may not believe in its efficacy and may alter its outcome based on their own personal objectives (ibid.; O'Malley, 1996a). In any event, I appreciate that the discourses that make up my object of analysis, although largely accepted by CSC, may not necessarily be implemented as intended and thus may not have the desired or presumed effect (still keeping in mind, of course, that discourses are productive and performative and serve to *create* meanings and effects).

Third, I believe that a discussion of this nature is somewhat daunting, particularly because of the depth, complexity and sheer volume of the work that has been produced by

Foucault and governmentality scholars. This is compounded by the breadth of the *Report* itself, which speaks to the overall state of corrections in Canada. In light of this, it was especially difficult to decide where to start and focus my discussion. That said, I cannot say that this chapter covers all the relevant aspects of the agenda that is put forth in the *Report*, nor can I say that the work of Foucault and governmentality scholars are reflected or represented here in their entirety. As with any research endeavour, I oriented my focus on what I thought to be the most compelling and relevant aspects, undoubtedly leaving many stones unturned in the process.

Let us now turn our attention to the themes that are presented in the *Report* in order to: (1) draw out the various ways in which mentalities and strategies of government exist alongside those of discipline and sovereignty; and (2) explore how these mentalities and strategies operate together as an interrelated and interdependent triad. In essence, this involves separating the three models for the purposes of uncovering the details of each, then putting them back together again to analyze them as a whole. This chapter will first engage with various governmental strategies of responsabilization; it will then address disciplinary techniques of observation and normalization; lastly, it will speak to sovereign technologies of control and coercion.

Part 1

Responsibilization Strategies: Government and the *Report* Agenda

This section will engage with the mentalities and strategies of neo-liberal government that are implicit in the *Report*. This involves a focus on the ways in which the meanings and tactics that are presented speak to a new conception of the subject of government, responsabilization strategies and the changing role of the prison as an agency of the State.

Constituting the Responsible Prisoner

Perhaps the most salient characteristic of neo-liberal government is the conception of the social actor as a rational, responsible, autonomous, choice-making subject. In general, this understanding involves an intersection between two images: that of the ‘responsible’ actor who will take the necessary steps to manage their own risk (so as to be independent, free and at liberty); and that of the ‘rational’ actor who wants to be responsible for the self because this is the most fulfilling and effective way to manage risk (including one’s own risk) (O’Malley, 1996b: 199-200).²⁶ Accordingly, we have borne witness to the emergence of new tactics that seek to govern through individuals and their inherent desire to enterprise themselves, control their own fate and create fulfillment in their own lives (Rose, 1996a: 57, 61).

This conception of the subject of government as one of rationality, responsibility, autonomy and choice is apparent in the *Report* and plays an important role in the strategies that are proposed. Inherent in these strategies are two underlying and interrelated assumptions: they suppose that prisoners are capable of, and have a natural desire to, self-govern (and are thus rational creatures); and they presume that prisoners would be motivated to self-govern given the right opportunities (and are thus responsible creatures). For instance, when addressing issues of parole, the document states that the prisoner ought to “work to address his/her risks and needs” so they can prove to the Parole Board that “they have changed [their ‘selves’] and are capable of living as lawabiding [sic] citizens” (Canada, 2007: ix). Similarly, when addressing the ‘correctional’ process, the document notes that prisoners must “pick up the tools of rehabilitation and use them...accept

²⁶ This subject is much the same as the one that Foucault (2003b [1979]) argued became so pronounced along with the advent of liberal rationalities, which saw government as relying on the participation of the population through various practices of self-regulation.

accountability for their criminal acts...[and] learn that they are responsible for their actions” (Canada, 2007: 15).

Indeed, both of these examples denote a particular way of thinking in that they suggest that the best way to govern the prisoner is to ‘tap into’ their natural, self-regulatory capacities. They also signify what Dean (1999: 33) refers to as the “utopian element of government”: in an idealized fashion, they assume that the responsabilized prisoner is something that can *actually* be fostered as a means to an end and is something that can be an end in itself. In this sense, they presuppose that the prisoner has self-governing capacities that can be ‘tapped into’ and that the prisoner is someone who can ultimately become responsabilized. Following these assumptions, we see strategies of government presented throughout the *Report* that seek to govern through technologies of the self – by focusing on prisoners’ capacities, desires, choices and determinations, in anticipation that they will learn to manage their lives and the course of their futures.

The Prison as ‘Arena/Retailer’, the Prisoner as ‘Player/Customer’

It is important at this point to draw attention to the way this conception of the responsible prisoner positions the role of the prison. The document states on several occasions that, while prisoners ought to take responsibility for their own rehabilitation, CSC’s role is to provide the environment that is necessary for the prisoner to do so:

First, it is CSC’s responsibility to provide the opportunities and tools necessary to the offender – to provide the offender with ample opportunity to learn the skills required to correct behaviour. However, to change their behaviour, offenders must seize those opportunities...

(Canada, 2007: 15)

This resonates with Garland's argument that the modern penitentiary "is merely expected to provide the arena for personal decisions while warehousing inmates securely" (2001: 199). To provide this 'arena' means to make available to prisoners a 'platform' for personal improvement, including appropriate correctional programs, educational materials, a drug- and violence-free environment, a balanced diet, adequate health services, and so on. Ultimately, prisoners are viewed as being 'free' or 'at liberty' to avail themselves (become 'players') of these opportunities; it is up to them to engage with ('consume') the programs being offered and to take advantage of the prison environment that surrounds them. This defining of roles is especially relevant in the context of the so-called changing 'prisoner profile'. The *Report* emphasizes that CSC is not responsible for 'failure' (recidivism or misconduct), while at the same time purporting that CSC is now faced with a prisoner population that is more likely to 'fail', given their increased risk, shorter sentences and reduced receptiveness to treatment (Canada, 2007: v). Interesting indeed that CSC is granted immunity at a time when they are faced with a challenging 'new' prisoner and their inability to effectively deal with this 'problem' is being explained.

This is a powerful distinction because it reduces CSC's level of responsibility and accountability, while significantly increasing that of the prisoner. CSC is therefore only responsible for ensuring that appropriate opportunities are made available. Any 'failure' is placed directly on the shoulders of the prisoner, who is viewed as being a rational and responsible 'customer' of services provided (Garland, 1996). Prisoners who 'fail' are seen as neglecting to make full use of what has been offered by CSC and as disregarding their role as an autonomous social actor. This distinction not only responsabilizes the prisoner but also positions CSC outside the field of accountability, separating them from any 'end

result' and shielding them from criticism and healthy debate. For example, the notion of prisoner responsibility diverts attention away from claims regarding the ineffectiveness of correctional programming and the harmful affects that the prison milieu can have on therapeutic efforts. Furthermore, it defines, in a very limited way, the subject position of the prisoner, who may not have engaged with the programs offered because of their disagreement with CSC's correctional philosophy and approach, and not because of their own lack of motivation or desire.²⁷

The Paradox of the Responsibilized Prisoner

It is particularly interesting, and perhaps more problematic, that the *Report* applies the concept of the responsible and autonomous subject of government to the prisoner without reflection or reservation. Inherent in this application is the presumption that there is nothing distinct or objectionable about penitentiaries and that they are similar in nature to other institutions or governable domains (Bosworth, 2007).

This leads to questions regarding governance in prison: Can one really assume that prisoners are in the same position as non-incarcerated citizens (and other subjects of government) in terms of choice, autonomy and personal enterprise? To what extent can technologies of the self be realized in the penitentiary, given that it is such a prominent site of discipline and sovereignty (as we will see in the following sections)? Any response to such questions would surely have to consider the fact that prisoners, by virtue of their imprisonment, are constantly subject to technologies of domination and repression that are more significant than those experienced by other citizens. It is therefore difficult to

²⁷ This also speaks to an overall lack of prisoner perspective. Indeed, neither the *Report* nor the 'transformation' agenda that has followed appears to be concerned with the position or opinion of the prisoner.

assume that a prisoner who ‘decides’ to engage himself in his own rehabilitation is demonstrating the same degree of free enterprise and choice as a non-incarcerated citizen who takes it upon himself to join his local neighbourhood watch in order to govern the risk in his community. The distinction lay primarily in the response, which surely plays into the equation: any result of the citizen’s refusal to self-govern would likely be minor, including such things as alienation from his neighbours or an increased level of risk in his community; the prisoner’s refusal, on the other hand, bears much more significant consequences that impinge on residual liberties, including a higher security classification, placement in administrative segregation or the denial of parole.

Notwithstanding this clear distinction, the *Report* alleges that there is an equal playing field among prisoners and non-incarcerated citizens, without any acknowledgment of the fact that such a claim is both paradoxical and nonsensical. Indeed, the *Report* brings together prisoners and citizens as members of the same ‘grand system’ and affords both the role of subjects of responsibility and accountability.²⁸ To this end, it is emphasized that prisoners, similar to all Canadians, “are responsible and must be held accountable for their actions” and that “this should be no different simply because an individual is incarcerated”. (Canada, 2007: 15). The *Report* even explicitly declares that “life inside penitentiaries should mirror Canadian society” (Canada, 2007: 109).

Identifications and Allegiances

Stemming from the notion of the social actor as a rational and responsible subject is the conception of the individual as being connected to a variety of ‘micro-communities’

²⁸ This is indicative of what Garland calls ‘criminology of the self’: a perspective that characterizes the law-breaker and prisoner as a “rational opportunist, little different from his or her victim”, as opposed to an “alien other” who is somehow different from other citizens and for whom there is no hope (1996: 461).

with which they identify and to which they owe allegiance – families, workplaces, neighbourhoods, community groups, leisure clubs (Rose, 1996a: 57). To govern in a neo-liberal way is to govern through these connections: to find ways to encourage individuals to make the ‘right’ choices and to responsabilize themselves based on their affiliations with these domains (Rose, 1996b).

The belief that individuals can be governed through their bonds to particular networks is not new, and this is especially true of prisoners, who have long been governed through their relationships and affinities to the ‘outside’ world (e.g., on family surveillance, see Braithwaite and Daly, 1994 and Silverstein, 2001; on reintegrative shaming, see Braithwaite, 1989; on social attachment and social bond theory, see Reiss, 1951 and Hirschi, 1969). What has changed under neo-liberalism is the degree to which these connections are configured in relation to micro-communities (Rose, 1996b). No longer is the subject of government conceived of as a social citizen, as a member of a society ‘en masse’; instead,

Community proposes a relation that appears less ‘remote’, more ‘direct’, one which occurs not in the ‘artificial’ political space of society, but in the matrices of affinity that appear more natural. One’s communities are nothing more – or less – than those networks of allegiance with which one identifies existentially, traditionally, emotionally or spontaneously...[it] refers itself to something that already exists and has a claim on us: our common fate as gay men...as residents in a village or a suburb...

(Rose, 1996b: 334).

In this context, prisoners find themselves being governed through their obligations to the ‘social order’ and their identification as a ‘threat to the public’ *and* through their representation as an autonomous actor with bonds of obligation and responsibility to specific ‘networks’ of individuals (ibid.).

This view is apparent in the *Report* in several different ways. Perhaps the most apparent of these relates to how prisoners are governed through their attachments and obligations to familial networks (including close friends) located beyond the penitentiary walls. The logic here is quite simple: prison authorities can govern based on affinities with friends and family because they know that prisoners identify with and owe allegiance to these ‘networks’. The *Report* speaks of strategies whereby prisoners who fail to make “progress in addressing criminogenic, behavioural and skills deficits” would not be released on parole (Canada, 2007: 115). Similarly, the *Report* proposes that prisoners who fail to engage with their established correctional plan should have limited access to private family visits. These strategies encourage prisoners to engage in ‘transformative’ efforts in order to be granted access to the familial networks with which they are assumed to identify, to which they are thought to be committed and of which they presumably long to be a part. In doing so, the family becomes a ‘partner of the State’ and a central instrument of government (Silverstein, 2001).²⁹ In an attempt to encourage the prisoner to self-regulate, prison authorities have recourse to the natural ‘hold’ that family and friends can have on a person: as a part of these micro-communities, the prisoner feels a sense of responsibility toward their condition, fate, interests, security and individual members. Thus, the prisoner can be encouraged to govern himself in a manner that permits his access to these domains and allows him to satisfy his feelings of personal responsibility toward them (i.e., the prisoner may be compelled to complete his correctional programming so that he can maintain meaningful contact and ensure the ‘strength’ and ‘prosperity’ of his

²⁹ Through his observation of approximately 270 parole hearings, Silverstein, among other things, analyzed how family members and social networks are compelled to manage a prisoner’s risk once he is released. He also explored how the parole hearing represents a ‘staged event’ where prison authorities can ascertain the degree to which a prisoner’s family members are willing or able to assist in managing risk upon release.

family). Although seemingly 'direct' in nature, these strategies maintain a certain air of neutrality in that they appear to be based on a formal and calculated logic of individualized risk, rather than on elements of control and coercion.

Manipulating Personal Relations

Even more intriguing than the strategies noted above are those that, apparently recognizing the important role of micro-communities in the process of government, encourage prisoners to identify with specific domains and cease allegiance to others. These strategies signify an attempt to govern prisoners through personal relations by first manipulating and arranging the nature and extent of these relations – by both developing those that are amenable to government and governmental objectives and impeding those that are not.

The *Report* speaks at great length of the importance of a prisoner's association to a workforce 'community' through which he can be governed. The claim here is that a prisoner's successful reintegration depends largely on whether he identifies with meaningful employment that will encourage him to be responsible, make the 'right' choices and live as a law-abiding citizen. The *Report* notes that the large majority of prisoners have an unstable employment history (Canada, 2007: 45) and do not identify with, or owe allegiance to, any workplace community; hence, several strategies are proposed to develop this association, including changing the type of prison labour that is available, establishing more connections with community agencies that assist with job placements and providing more meaningful education and training programs. Overall, the *Report* stresses the need for CSC to adopt an employment strategy that will serve to

“directly link them [prisoners] to an occupational group or specific job market” (Canada, 2007: 47) in order to improve their chances of pro-social conduct upon release.³⁰

The *Report* also addresses the need to cease or limit prisoner relations to micro-communities that foster ‘bad’ behaviours and are not congruent with the political objectives of prison authorities. The assumption here is that impeding a prisoner’s relations to such communities will make strategies of government more efficient and effective. One such example is the proposal to manipulate prisoner-on-prisoner associations in order to prevent ‘harmful’ identifications and allegiances to the convict ‘community’.

Of course, the separation of prisoners is not a new tactic. The Canadian prison system has long used administrative segregation for various reasons (to induce remorse, for control) (see Jackson, 1983; 2002) and the California Department of Corrections, on orders from the Supreme Court, just recently ended its long-standing practice of dividing prisoners along racial lines as a way to curb gang violence (Vallis, 2008, July 2). Consider also the historical example of the Pennsylvania or Eastern prison system of the early nineteenth century, which promoted repentance and rehabilitation through the separation of prisoners and their absolute isolation from others, including guards (see Kahan, 2008). What is unique about the proposal in the *Report* is the suggestion that prisoners should be separated based on the degree to which they embrace their constituted roles as responsible, autonomous subjects of government. The specific proposal in this regard notes that prisoners who are engaged in their correctional plan and working toward their own

³⁰ An interesting aspect of this strategy, notwithstanding its governmental role, is that it represents a benign initiative that seems to recognize the ‘real’ and self-identified need of prisoners for meaningful employment (see the prisoner perspective in this regard outlined on page 53).

rehabilitation should not be permitted to associate with those who are not. The implication is that engaged prisoners should be prevented from identifying with a potentially 'poisonous' community that fails to accept responsibility and accountability and is morally 'inferior' as a result. In order to accomplish this goal, the *Report* maintains that the prisoner population should be categorically separated "according to their security classification and commitment to their correctional plan" (Canada, 2007: 156). Additionally, the *Report* states that, "to encourage the [non-compliant] offender, different privileges should be afforded [to] those offenders who are positively engaged [with their correctional plan] than to those who are not" (Canada, 2007: 109). Under such a regime, prisoners would find themselves separated along traditional lines (based on security classification and whether they reside in segregation or general population) as well as along new lines related to their personal levels of responsibility and accountability. Thus, a new degree of separation that seeks to keep the 'good' and 'bad' subjects of government with their own kind in an effort to create different 'moral economies' (Bosworth, 2007) and encourage prisoners' identification with, and allegiance to, a community that is deemed to be 'ethically righteous'.

Getting the Community Back into 'Corrections'

Another prominent feature of neo-liberal governance is what Rose (1996a: 56) refers to as the "pluralization of social technologies" or the "de-governmentalization of the State". This involves the incorporation of strategies of government that seek to govern at-a-distance, outside the realm of traditional State entities. These strategies include elements of responsabilization in that they involve the State "seeking to activate action on the part of [individuals,] non-State agencies and organizations" (Garland, 1996: 452). They suggest

that the State alone is not enough and that government initiatives such as crime control require that everyone from individual citizens to property owners assume some degree of responsibility (ibid.). One such strategy was outlined in the previous section and related to the ways in which the prisoner is encouraged to self-govern, with minimal State intervention. This section deals with these strategies as they relate to non-incarcerated citizens and community agencies.

The *Report* thoroughly addresses CSC's relationship with the community, particularly the ways in which citizen and community engagement, both inside the walls and upon release, can assist in the successful rehabilitation and reintegration of prisoners and contribute to the realization of CSC's organizational mandate. In fact, the *Report* admittedly recognizes that the success of CSC in addressing the issues of crime and punishment "requires the support of citizens and communities" (Canada 2007: 136).

With regard to citizen engagement inside the walls, the *Report* recognizes the importance of the 8,000 volunteers who are currently active within CSC, but also emphasizes that more funding needs to be allocated to this area and more recruitment strategies need to be initiated. For instance, it is noted that "there should be adequate financial resources provided to recruit, train and sustain volunteers" (Canada, 2007: 135-6). Moreover, it is suggested that an increased number of younger volunteers (among others) with specific skills ought to be recruited in order to respond to the distinct challenges related to the changing 'prisoner profile'. It is proposed that these recruitment strategies should work toward enhancing the community's awareness of issues of crime and punishment so that they may feel more motivated or compelled to become involved.

With regard to community engagement in the process of release, the *Report* notes that communities can serve to effectively bridge the gaps between prison life and life in the community by offering services to prisoners. These services include such things as mental health care, further treatment programs and work placements, all of which have traditionally been regarded as the responsibility of the State. The document emphasizes the importance of the involvement of a wide array of community members – employers, hospitals, victims’ groups and private sector firms – that can assist in the process of release and provide mechanisms of informal control in the community. Ultimately, it is maintained that “enhancing the capacity of our [CSC’s] partners to provide support services and assistance is critical to an integrated approach to public safety” (Canada, 2007: 134).

In essence, these strategies are emphasizing the importance and responsibility of both citizens and communities in assisting CSC – a State agency – with issues of crime and punishment. The *Report* positions these issues as matters of importance to citizens and communities by noting (as if to concede the limitations of imprisonment) that most prisoners will eventually be released into the area in which they committed their offence(s) and that their successful reintegration as law-abiding citizens will rely on a comprehensive strategy that includes both State and non-State entities. To this end, these strategies serve to remind citizens that they are “a necessary prerequisite” (Canada, 2007: 136) to their *own* safety and security, as well as that of their loved ones and communities.

Part 2

Surveillance and Standards: Discipline and the *Report* Agenda

Disciplinary power is critical to this discussion. This section, however, intentionally steers away from some of the examples of discipline that are presented in the *Report*. It is widely understood and acknowledged that the institution of the prison – the ‘archetype’ of disciplinary power – is fraught with techniques that seek to correct, cure, normalize, organize and make obedient, and an analysis that focuses on all of these elements would be redundant indeed. As one would expect, the *Report* addresses many of the typical features of disciplinary institutions: it speaks to the ‘control of activity’ and the ‘exhaustive use of time’ by proposing a longer, more structured workday; to the ‘art of distribution’ by suggesting the categorization and segmentation of prisoners and prison units; to a system of ‘gratification-punishment’ by stating that compliant prisoners should receive more privileges than the non-compliant; and to ‘examination’ and the ‘dossier’ by maintaining that evaluation and case-management practices need to be augmented to allow for the collection of more information (Foucault, 1995 [1975]). Although these are important aspects, they do not all require deep analytic engagement in the context of this project.

This section focuses on select strategies of *correction*, particularly those referred to by Foucault (1995 [1975]) as hierarchical observation and normalizing judgments. With this focus, which I acknowledge touches upon only the rudiments of this complex form of power, I hope to illustrate the ways in which disciplinary power remains active in governmentalized societies and central to modern forms of rule.

Hierarchical Observation

The exercise of discipline is contingent upon instruments that govern through surveillance. In this context, surveillance denotes more than just simple ‘watching’; it signifies an “uninterrupted play of calculated gazes” (Foucault, 1995 [1975]: 177) and is based on the principle of “general visibility” (Foucault 1977: 171). It is a strategy that is calculated, discreet and omnipresent, making those who are being supervised feel as though they are always under inspection and always susceptible to scrutiny.

The ultimate representation of disciplinary surveillance is the Panopticon, an architectural concept that was conceived of in relation to the prison.³¹ It is a circular compound, with cells around the perimeter and a tower in the centre, into which the prisoner cannot see. In essence, it represents the perfect apparatus: “in the peripheral ring, one is totally seen, without ever seeing; in the central tower, one sees everything without ever being seen” (Foucault, 1995 [1975]: 202). Although the Panopticon was never constructed as envisioned, it remains relevant as an abstract concept of power and as a “figure of political technology that may and must be detached from any specific use” (Foucault, 1995 [1975]: 205). In other words, it is a representation of power and governance that exists both within and beyond the architectural domain.

The *Report* addresses several aspects of surveillance as it exists in the context of the prison. The most central of these pertains to design and layout and proposes an almost literal and concrete application of the Panoptic model. When discussing the problems associated with managing the prisoner population, the *Report* stresses the importance of surveillance as a disciplinary measure. For instance, it is noted that CSC’s penitentiaries

³¹ Jeremy Bentham first wrote about the Panopticon in 1786, but it was his brother, Samuel Bentham, who originally thought of the concept.

do not allow for optimal surveillance because they are characterized by inadequate layouts that contain “blind spots”, such as corner areas, where staff do not have a direct view of prisoner activities (Canada, 2007: 155). It is also noted that “in some institutions the layout of control posts is not conducive to providing optimal security within certain living units” (ibid.). These ‘safe havens’ are presented as both a challenge and problem because prisoners, who would be aware that these areas are not monitored, can engage in unwanted behaviours, such as assaults or drug use, without being detected. As a solution to this issue (among others), the *Report* recommends that CSC construct new regional complexes that reflect a more modern correctional philosophy, particularly notions of maximum surveillance and dynamic security. The expectation is that these new complexes would allow for, and be characterized by, omnipresent surveillance that reaches the “most elementary particle [and] the most passing phenomenon” (Foucault, 1995 [1975]: 214), providing an account of every square inch of the penitentiary and producing prisoners who are constantly mindful of their ‘watcher’s’ incessant gaze.

Panoptic Modernity?

Recent theorists have suggested that the Panoptic model is no longer relevant to issues of modern governance. For example, Bauman argues that, within modern societies, the Panopticon is somewhat obsolete because individuals are “always on the move and ready to move” (1999: 23) in an effort to achieve an ever-increasing degree of sensation. Similarly, Boyne argues that the Panoptic philosophy is not as applicable today (he refers to the present era as one of ‘Post-Panopticism’) because it is best suited for regimented institutions or societies whose members are predictable and “required to have fixed places, functions and appetites” (2000: 286). In this regard, Boyne suggests that the Panoptic

gaze no longer radiates from a central focal point, but rather has moved to the perimeter and is “enshrined in the science fiction of the force field [a good example of which is border control]” (2000: 286-7).

Although I can certainly appreciate the changing context of the world in which we live, I generally disagree with the suggestion that the Panoptic model is no longer applicable to modern societies. In many ways, these suggestions are interpreting the concept of the Panopticon too literally and are abandoning its abstract and principal meaning. As was expressed above, this model is more than an architectural design applicable to a specific area; it is a theoretical concept, a specific logic and representation and a tactic of government that even today has not disappeared.

The Panopticon as a theoretical representation of power is apparent in the *Report* in a discussion regarding how certain prisoners could be monitored once they are granted parole. Recognizing the fact that the ability of CSC to supervise prisoners diminishes significantly upon conditional release, the *Report* supports the possibility of using an Electronic Monitoring program.³² Unlike traditional ‘house arrest’, which uses an electronic device to ensure that parolees remain at their place of residence, the initiative spoken of in the *Report* involves prisoners on release being affixed with an ankle device that tracks their *everyday* movements. These individuals are permitted to be ‘in motion’ and to move about throughout the city in which they live, but are excluded from specific zones (e.g., parks and school yards for an individual who was convicted of a sexual assault or abduction) and regions (e.g., adjacent cities or the neighbourhood in which their victim resides).

³² The *Report* questions the effectiveness of Electronic Monitoring and does not state outright that CSC should implement such a program; rather, it supports CSC’s preliminary efforts towards such a program and suggests that research and evaluation be completed before the implementation of any formal initiative.

This program is a vivid illustration of the applicability of the Panoptic model to domains beyond those of structure, rigidity and predictability. Indeed, it is a testament to the “imaginary intensity” that the model possesses even today (Foucault, 1995 [1975]: 201). In the case of Electronic Monitoring, the parolee is not confined to a fixed space, nor even strictly controlled; to use Bauman’s phrase, cited above, he is “always on the move and ready to move”, free to seek out the objects of his desire. Nonetheless, the Panoptic model remains applicable as a mechanism of discipline. First, this program allows for a single agent to supervise several parolees from a ‘central command post’, usually in the form of a monitoring centre or a work station. Second, the power to which the parolee is subject is both visible and unverifiable: it is visible because the parolee will always have affixed to him a device that represents an object of constant surveillance; it is unverifiable because the parolee never knows when he is being monitored, but is aware that he may always be monitored (Foucault, 1995 [1975]: 201). There is no need for blinds to obscure the shadows of the guard in the central tower, nor designs to manipulate light and noise; the watcher in this case is always separated from the apparatus of inspection, in a space that is beyond the senses of the parolee. At the same time, the parolee is governed by virtue of the presence of the device, which serves as a constant reminder that they are “caught up in a power situation” (ibid.) that leaves them open to scrutiny at all times and in all places.

Normalizing Judgments

The model of discipline is also one which normalizes: it uses rules that are “made to function as a minimal threshold, as an average to be respected or as an optimum towards which one must move” (Foucault, 1995 [1975]: 183). In achieving this, disciplinary

regimes compare, differentiate, hierarchize, homogenize and exclude (ibid.). They understand individual actions (and thoughts) in relation to a whole or standard against which they can be weighed and judged; they divide and rank individuals according to their perceived 'value' and potential; and they seek to understand the nature of each individual in order to condition their 'progression' towards an established standard (Foucault, 1995 [1975]: 177-84). In this sense, mechanisms of normalization seek uniformity, but also individualization: they endeavour to uncover the nature, value and ability of each individual so that these terms can be compared to the standard, rendering differences apparent and thereby practicable (Foucault, 1995 [1975]: 184).

Disciplinary power, in the form of normalizing judgments, is implicit throughout the *Report* and this is because the document is almost always speaking to the ways in which CSC can effectively create the conditions that encourage prisoners to rehabilitate themselves. In relation to the *Report* and the agenda that is put forth, rehabilitation takes on a unique meaning and is, for all intents and purposes, a process of normalization. It does not seek to 'restore to a previous condition', as the traditional meaning would suggest, but rather tries to 'reconstruct to a new standard'. Indeed, who the prisoner was before, is now, or wants to be appears to be irrelevant in the context of the *Report*; there is only concern with who the prisoner ought to be and this is defined in terms of an established standard of what is normal, desirable and respectable (i.e., the prisoner should be educated, should be ready to work a typical day job and should be taking responsibility and accountability for his actions and his own rehabilitation, as would any good, democratic citizen).

As a means of determining how 'far' each prisoner is from this established norm, the *Report* suggests that CSC work to ensure that each individual prisoner is known in such a way that renders apparent the gradations of their individual differences (Foucault, 1995 [1975]: 184). Foucault refers to this process as the making of a 'case':

The examination, surrounded by all its documentary techniques, makes each individual a case...it is the individual as he may be described, judged, measured, compared with others, in his very individuality; and it is also the individual who has to be trained or corrected, classified, normalized, excluded, etc...[no longer is individuality] below the threshold of description.

(1995 [1975]: 191)

This notion of the making of a 'case' is illustrated in the *Report* through the suggestion that CSC implement a more timely and comprehensive 'intake assessment' process that evaluates each prisoner's specific 'risks' and 'needs' and works to establish an individualized correctional plan. Such a system, it is stated, should be based on a multitude of sources and instruments, including psychological and individualized risk assessments, criminal history, court transcripts, medical records, family history, and so on. In doing so, it is claimed that CSC should be able to provide each prisoner with a complete and personalized "treatment strategy" that will address their unique "behavioural and skills deficits" (Canada, 2007: 55). This proposal is a clear demonstration of normalizing power because it seeks to make uniform and homogenous through processes of individualization. In relation to each prisoner, the *Report* cites a need to assess risk, calculate shortages and insufficiencies and verify distance from the norm. Implicit in this process is the question: 'what deficits does this prisoner have and exactly how much correction does he need in order to be normal?' Each prisoner is also understood as requiring a specific programme of rehabilitation – an individualized 'roadmap' that will direct how and when effective

normalization will be achieved. This process involves a determination of the prisoner's home penitentiary, security level, case-management team and treatment schedule, as well as the implementation of a plan surrounding employment, medical care and conditional release.

The Optimum Prisoner and the Optimum Citizen

The *Report* also demonstrates that, in the context of the prison, the process of normalization involves two *closely-related* fields of comparison: that which is established in relation to the prisoner (the institutional norm) and that which is established in relation to the social world (the social norm). Prisoners, then, are constantly subject to operations that comprise of two 'spaces of differentiation' and two 'principles of a rule to be followed' (Foucault, 1995 [1975]: 182).

The Institutional Norm

The *Report* represents the institutional norm as being the fully-compliant prisoner – one who engages in his own rehabilitation (normalization) and accepts responsibility and accountability for his actions. In fact, the *Report* defines the ideal prisoner, towards which all others should progress, almost entirely in terms of willingness and motivation to change. Of course, more traditional measures of normality are also mentioned; thus, the institutional norm is also the prisoner who is non-violent, sober, mentally stable and occupied with penitentiary work and pro-social activities. As is noted in the *Report*, many of these elements are also measured at intake so that prisoners can be managed accordingly (i.e., the violent can be admitted to higher security, those with gang affiliations can be separated from both associates and rivals; and those suffering from mental health issues can be given access to appropriate care). These elements, however,

are not the focal point of the institutional norm. In this context, it is largely assumed that the responsible and accountable prisoner would move himself towards many of these other standards (i.e., he would work to address his own drug addiction and violent tendencies). Hence, in forming the optimum prisoner, the understanding is that it is more efficient and effective for CSC to focus on developing the 'right' kind of subject and 'tapping into' his capacity to normalize himself, as opposed to concentrating on addressing and enforcing each and every element or deficiency that may require movement towards the standard.

In an effort to create the willing and highly-motivated prisoner, it is recommended that CSC work harder at intake to assess the degree to which each prisoner is prepared to engage in rehabilitative efforts (CSC already utilizes a scale that rates a prisoner's motivation level as either low, moderate or high). After information is gathered about each individual 'case', and in order to achieve the process of normalization, the *Report* suggests that prisoners be separated based on their level of motivation and engagement (a system of 'dividing and ranking' that is grounded in perceived value and potential) and that non-compliant prisoners be excluded from certain privileges (e.g., visits and personal effects). Not only does this exemplify the normalization process, it is also indicative of discipline working in conjunction with government. In this case, we see normalization (a form of disciplinary power) operating to create and constitute prisoners who are motivated to engage in their own rehabilitation (a conception and ultimate end of governmental power).

The Social Norm

Similar to the institutional norm, the *Report* represents the social norm as the responsible and accountable citizen who is autonomous and self-enterprising. To this end,

it is noted that “a fundamental principle of democracy is that individuals are responsible and must be held accountable...” and that prisoners, like citizens, “must learn that they are responsible” (Canada, 2007: 15). The *Report* also notes, as was indicated previously, that prison life should mirror life on the outside, in that both prisoners and citizens alike should be required to earn their own way. Efforts to normalize prisoners in this regard are evident in the responsabilization strategies that are outlined above and also in the work ethic that the *Report* maintains should be inculcated into prisoners. On this issue, it is argued that many prisoners are ‘far’ from the social norm of the responsible and accountable citizen because they are not working ‘hard enough’ while in prison, are not using their time productively and are not learning a positive work ethic that will help them retain meaningful employment upon release. In an effort to constitute the ideal citizen, the *Report* recommends that the daily routine in the prison be modified to consist of a structured, 12-hour work day, thereby providing more time for programming and other rehabilitative efforts and reducing “offender idleness” (Canada, 2007: 64). It is anticipated that these measures will transform prisoners into ‘disciplined workers’ who, once released, will assume their role in the workforce and live as ‘productive’ social members.

Part 3

Relations of Might and Muscle: Sovereignty and the *Report* Agenda

Consideration of sovereignty in the context of this project is fundamental primarily because the prison is a modern representation of sovereign power. This is especially true in Canada, where the penal system still operates under the full purview of the central State body, without any (or at least very little) input or influence from private parties and corporations. There are several ways in which the prison, even in its modern form, has

come to represent sovereign power, although I acknowledge that many of the connections are metaphorical and figurative and thus may seem like a ‘stretch’. First, the prison can be likened to a Principality in the sense that it has a ‘Prince’ in the form of the Warden (or Institutional Head, as it is now referred), who has absolute authority over the penitentiary reserve and those who populate it (including prisoners, staff, contractors and visitors). Second, the exercise of power in relation to a prison necessarily involves the exercise of power *over* a particular territory, an element that is both specific and fundamental to sovereignty (Foucault, 1991 [1978]: 93). Indeed, prisons in Canada are constructed on land owned by the State and function within a defined area that is marked by fences, boundaries, barriers and towers. Even minimum-security prisons and Aboriginal Healing Lodges, neither of which have any fences, are clearly defined and managed as a territory in their own right. Third, prisons, like sovereign power in general, are naturally reductive: in order to maintain control of the penitentiary reserve and the subjects who inhabit it, prisons have the ability to *take away* from the prisoner time, mobility, money, labour, the body and, in some circumstances, even life (Foucault, 1978 [1976]: 136).

In terms of the agenda that is put forth in the *Report*, sovereign power is apparent in two ways: first, it can be seen as functioning on its own, alongside strategies of government and discipline; second, it can be seen as functioning in conjunction with government and discipline, in the sense that it becomes more significant as a model of power when other, less ‘direct’ strategies (such as responsabilization or surveillance) fail to produce their desired effect. This section will focus on both of these areas while attempting to demonstrate that sovereign power, although no longer pre-eminent, remains relevant today in the context of governmentality.

Territorial Relations

As I noted above, the idea of territory is essential to the exercise of sovereign power. This is because “sovereignty is exercised not on things but, above all, on a territory and consequently on the subjects who inhabit it” (Foucault, 1991 [1978]: 93). This notion of rule over a particular territory is apparent in the *Report* in several ways, both in the ideas that are presented and in the particular strategies of government that are proposed.

The most salient example in this respect concerns the way in which the document conceptualizes the prison as a ‘compound’ or ‘complex’ that needs to be protected from ‘outside’ threats. This notion, to use the language of the *Report*, involves the maintenance of a “safe and secure [prison] environment” (Canada, 2007: 26). For instance, it is stressed that the introduction of drugs and other contraband onto the penitentiary grounds, which leads to the proliferation of addiction and organized gang activity, disrupts the good order of the prison, the authority of the Warden, and the obedience of the prisoners. In order to address this problem, several strategies are proposed that speak to territorial control, in that they seek to regulate who and what enters the penitentiary grounds, and under what circumstances. Central to these strategies are the suggestions that CSC conduct more searches on the individuals (visitors) who are entering the prison and further augment drug interdiction mechanisms, such as drug dogs, perimeter controls, monitoring towers and the use of technology. These strategies are a vivid representation of sovereign power because they signify an attempt to ensure that the executive authority of the Warden and the security of the prison ‘empire’ are not threatened or disrupted.

Juridical Authority

In addition to territory, law is also an essential component of sovereign power. Under the sovereign model, laws, commands and regulations are the principle instruments of control (Dean, 1999: 105) and are “the fundamental manifestation[s] of power” (Foucault, 2003 [N.D.]: 294). Indeed, the administration of prisons in Canada is governed largely through laws (particularly the *Corrections and Conditional Release Act* [CCRA]), commands (decisions, orders and directions from the Warden) and regulations (there are approximately 150 ‘Commissioner’s Directives’ that spell out national penitentiary policies).

Law, or juridical authority, is a central element of the agenda that is presented in the *Report* and is conceptualized as the principle means of control for several of the problematizations that are presented. In fact, one of the central issues that is put forth – the lack of prisoner responsibility and accountability in the correctional process – is framed as being a ‘challenge’ that can be addressed through the application of juridical authority, namely through changes to the law. For instance, the *Report* proposes that the CCRA be changed to reflect the responsibility of the prisoner to engage in his correctional plan. It is also proposed that the CCRA be amended to allow for the outright elimination of statutory release. These measures point to two things that are reflective of sovereign power. First, they suggest that laws – “the traditional weapons of sovereignty” (Foucault, 1991 [1978]: 93) – play a central role in the administration of the prison in Canada and ought to be used as an expression of power and authority. Second, they assume, with apparent conviction, that juridical authority *over* subjects, in and of itself, can function as an effective means of control.

Coercive Measures

Sovereign power relies heavily on coercive measures that are grounded in the right of the chief ruler “to *take* life and *let* live” (Foucault, 1978 [1976]: 136). While this phrase was quite literal in the Middle Ages, it is more metaphorical today, signifying not the State’s ‘right to kill’ per se, but the degree of control that the State has over its subjects. What is more relevant today is the power of the State to ‘let live or let die’ (ibid.). After all, prison authorities maintain control over the degree to which prisoners are kept alive and well: they govern such things as the availability and diffusion of medication, the distribution of harm reduction items such as condoms, the quality and quantity of food ingested and the level of physical exercise.

Although the examples of coercive measures in the *Report* are, in principle, unlimited, some ideas and strategies are especially prominent. For instance, the notion presented that statutory parole (lawful release) should be withheld in certain circumstances, for reasons determined by CSC, is highly coercive, demonstrating quite intensely the power of the State to confine, oppress and restrain. Even more, it signifies the ability of the State ‘to kill or let live’ in the metaphorical sense of being able to determine, to a large extent, the very nature and direction of prisoners’ lives.

Another example of coercive measures in the *Report* pertains to proposed changes in the law that governs CSC’s handling of prisoners. In order to respond to the challenges posed by the ‘modern-day’ prisoner, specifically their lack of engagement in their rehabilitation, the *Report* suggests that the section of the *CCRA* that outlines the basic principles of the federal prison system be changed to allow for the imposition, in certain cases, of more restrictive measures. One suggestion recommends that the law be modified

to specify that prisoners retain only the *basic* rights and privileges of all members of society (the word ‘basic’ does not presently appear in the law). Another maintains that the law be amended to allow CSC to use the most “appropriate measures” in managing prisoners (Canada, 2007: 216) (the law currently allows CSC to use the “least restrictive measures”). If realized, these propositions would result in significant changes to both the spirit and application of penal law in Canada and would permit prison authorities to implicate themselves in more coercive and repressive measures. Indeed, one should be fearful of what it means to apply “appropriate measures” and should be equally confused as to what the difference is between a right and a *basic* right and what affect such a distinction would have on the lives of prisoners.

The Impending ‘Sword’ of the Sovereign

This section addresses exactly what the title suggests: those instances where the power of the sovereign ‘sword’ is impending, imminent and looming, ready to be put into force to address some matter that could not be dealt with through the more covert and subtle mechanisms that are characteristic of discipline and government. Sovereign power plays an important role in this respect, since it provides the ‘coercive backing’ for other forms of power, ensuring compliance and obedience in the event of political adversity. This makes it a form of power that is ubiquitous, timely and always on the horizon.

Many of the strategies presented in the sections on government and discipline would be supported by elements of sovereign power, if the situation called for it. The *Report* provides several examples of this. Perhaps the most illustrative of these are the measures that supplement governmental strategies that seek to responsabilize prisoners and encourage them to become fully engaged in their correctional plans. The *Report* speaks

quite candidly about 'non-compliant' prisoners "who have no interest in rehabilitation and are content to 'wait out' the system until they reach statutory release" (Canada, 2007: v). This group of prisoners is identified as being problematic because they prevent CSC from fulfilling its mandate and are a negative influence on the rehabilitative efforts of others. In order to deal with these 'non compliant' prisoners who are irresponsible to strategies of government, the *Report* proposes the use of more repressive measures, including the restriction of privileges (e.g., cancellation of visits, confiscation of personal effects), a transfer to higher security and the denial of parole. Such strategies not only serve to support those of government and discipline, thereby ensuring prisoner obedience and compliance, they also highlight the power of the State to protect its interests and *seize* from the prisoner residual freedoms such as human interaction and personal belongings. In doing so, they illustrate the general power that the State has over the prisoner, whose body and freedom are left to the discretion and will of prison authorities. Lastly, these measures point to an interesting moral component in that they signify the power of prison authorities to introduce more coercive measures when prisoners cannot be disciplined through normative judgements (i.e., those techniques that seek to form responsible and motivated prisoners who are compelled to engage in their own rehabilitation). As Bosworth (2007: 74) observes:

...the power of prison officials is always underlined by their monopoly on force and the power to punish. 'Those who refuse to become responsible...', as Nikolas Rose (2000: 202) observes, 'have also refused the offer to become members of our moral community. Hence for them, harsh measures are entirely appropriate'. When the diffuse mode of governance encouraged by the language of 'responsibilization' fails...the true might of the prison's rigorous and punitive 'moral economy' becomes apparent.

Another strategy that illustrates the impending ‘sword’ of the sovereign was touched upon in the previous section on government and relates to prisoners who have admitted themselves to segregation. As was noted above, the *Report* identifies prisoners in this situation as having institutional adjustment problems (e.g., trouble interacting with other prisoners and adjusting to prison life) and as being generally ‘non-compliant’ (not pursuing their correctional plans). Government strategies of responsabilization seek to develop these prisoners’ self-regulatory capacities by encouraging them to address the issues that brought them to segregation, thereby allowing them to reintegrate into general population and engage fully with rehabilitative efforts. For prisoners who are not responsive to such strategies, and who are content remaining in segregation where they can continue to isolate and disengage themselves, the *Report* proposes more repressive elements. For instance, it is suggested that conditions in segregation be made worse than those found in other parts of the penitentiary, with a particular focus on restrictions on personal property and privileges. In essence, these strategies work to ‘force’ the non-responsive prisoner back into general population through the application of sanctions that deprive liberty. In doing so, they demonstrate the sovereign power of the State to control and deprive its subjects. Similarly, they illustrate the way in which ‘softer’ strategies that seek to govern *through* subjects work in close conjunction with more ‘abrasive’ strategies of sovereignty that seek to govern *over* subjects.

Chapter Summary

With this chapter, I sought to analyze the ways in which mentalities and strategies of government, discipline and sovereignty are implicit in the *Report* and the agenda that is put forth. For the purposes of this project, and in order to highlight various intricacies, I

analyzed each of these models of power separately, while acknowledging that they are interconnected and interdependent and naturally exist together.

My analysis highlighted the presence of these three models of power. In terms of government, we see recommendations throughout the *Report* that seek to responsabilize prisoners to engage in their own rehabilitation and encourage citizens and community agencies to assist in the management and reintegration of prisoners. This involves a recasting of the role of the subject of government and State and conceives of 'private' entities (e.g., one's personal communities and one's self) as being central to programmes of rule. With respect to discipline, the *Report* speaks to strategies of surveillance that seek to act upon the consciousness of each prisoner as well as techniques of normalization that endeavour, through processes of rehabilitation, to move prisoners towards 'standards' or 'optimums' that are established in relation to both the institution and the social world. With regard to sovereign power, we see connections throughout the *Report* (many of which are metaphorical and figurative) that speak to territorial relations, juridical authority and coercive measures, illustrating the ways in which the prison continues to hold dominion over the body and life of the prisoner.

CONCLUSION

This project was born out of intellectual curiosity and a general sense of unease about the ‘transformation’ agenda presented in the *Report*. The work of Foucault and the governmentality approach have provided the conceptual ‘tools’ to begin to understand this ‘new chapter of Canadian corrections’ as a manifestation of governmentality – as a representation of rule that exists within a particular historical period identified by a distinct ensemble of thoughts and practices. This understanding situates the ‘transformation’ agenda within a specific governmental rationality that involves a necessary relationship between government, discipline and sovereignty.

The programme presented in the *Report* renders visible the ways in which, in the context of governmentality, the more subtle and subjectifying powers of government operate alongside, and in conjunction with, the more repressive and subjugating powers of discipline and sovereignty. In doing so, it demonstrates quite vividly Foucault’s (1991 [1978]) argument that governmentality represents a ‘triangular’ relationship and that one should not assume a linear history of rule whereby sovereignty was replaced by discipline which was then replaced by government. Surely, the discourses of the *Report* illustrate a modern governmentality that is comprised of, and has recourse to, a multitude of powers that have emerged since antiquity, ultimately representing a complex “encounter between technologies of domination of others and those of the self” (Foucault, 1988a [1982]: 18).

In the context of this governmentality:

‘Technologies of domination’, like the disciplines, only ever constitute one side of the practical systems through which individuals are governed. Government...is the ‘contact point’ where techniques of domination – or power – and *techniques of the self* ‘interact’, where “technologies of domination of individuals over one another have recourse to processes by which the individual acts upon himself and,

conversely,...where techniques of the self are integrated into structures of coercion and repression.

(Unpublished lecture by Foucault, cited in Burchell, 1996: 20)

The 'transformation' agenda is a programme of government that necessarily relies on technologies of domination and those of the self. In the preceding chapter, I drew attention to numerous governmental strategies of responsabilization inherent in the *Report*. These include: attempts to foster prisoners' self-governing capacities; managing prisoners through their identification with, and allegiance to, micro-communities; developing prisoner 'affiliations' that are amenable to government and impeding those that are not; and techniques that elicit involvement on the part of citizens and community agencies to assist the State with matters of crime and punishment. I also spoke to some of the more subjugating technologies of disciplinary power contained in the *Report*, including: strategies of surveillance within the prison that seek to ensure constant supervision and scrutiny; Electronic Monitoring for prisoners who are on conditional release; and techniques of normalization (rehabilitation) that work to 'correct' the particular 'deficits' of prisoners. Lastly, I attended to various examples of sovereign power that are particularly repressive in nature, such as strategies that manage prisoners through law and 'technologies of subtraction' and those that view the penitentiary grounds as a specific territory of rule. When the strategies from all three models are conceived of as a single programme, they demonstrate the ways in which purposely repressive structures like the prison have recourse to technologies of the self that seek to 'tap into' and develop individuals' desires to be agents of 'free' enterprise and autonomy. In this way, they reveal how technologies of the self can be integrated into coercive structures and combined with 'traditional' criminal justice practices. Overall, we can see a programme

that combines repression and responsabilization, one that acts over the body, on the consciousness and the soul, and through the conception of the individual prisoner as a responsible, rational, autonomous, choice-making subject. This is not a power that cascades down over the body, nor a gentle persuasion that operates through the self; rather, it vacillates between both, without being reducible to one or the other.

Directions for Future Research

While I was writing this thesis, ideas for future research came not only when I would realize what I was missing or what I could elaborate, but also when others, whether solicited or not, offered their opinions regarding the ‘transformation’ agenda. These views came from people working within corrections who were already familiar with the *Report* and from individuals who only learned of its content after having asked me to explain my thesis topic. Individuals from both groups argued, as the Ministry of Public Safety recently has, that this ‘new chapter in corrections’ is a step in the right direction, a long-awaited ‘break’ from the liberal politics of the 1990s that centred on the rights of prisoners rather than on those of other Canadian citizens (“Protecting Canadians”, 2008, Aug 11). Some supporters claimed that the ‘transformation’ agenda represents an advancement in corrections that will result in ‘criminals’ *finally* being held responsible and accountable for their actions, rather than being coddled in ‘club fed’.³³ Refreshingly, some individuals were critical, asserting that the agenda is an example of how crime and punishment is ‘politicized’ through the introduction of strategies that are based not on research, but on attempts to appease the public in the context of the current political climate, one that will surely change with time.

³³ The proverbial saying that has entered the minds of the public (no) thanks to the popular media.

Indeed, these perspectives inspired me to reflect on a multitude of directions for further research. Perhaps the most salient of these is the need for a genealogical account of the emergence of the ‘transformation’ agenda, with a particular focus on the conditions of possibility that allowed for this programme at this particular point in time. Some questions in this area may ask whether the agenda is a result of the ‘politicization’ of crime and punishment, or how the recent shift towards ‘law-and-order’ politics in Canada and the momentum of the Conservative party has influenced changes in the government of prisons and prisoners. One may also question what broad processes – economic, juridical, scientific and social – are connected to the emergence of this programme.

These opinions also confirmed for me that the meanings and effects produced by the agenda must be reflected upon critically. O’Malley et al. (1997) speak to the need for governmentality studies in general to be reconnected with political critique. In doing so, they argue for an orientation that questions the effects of power and challenges discourses of ‘truth’. Admittedly, my thesis, like many governmentality studies, asked questions that led to description rather than a critical stance. Although I have certainly tried to render visible some of the problematic aspects of the discourses of the *Report*, and have attempted to be reflective in my approach, the main objective of this project was to describe the nature of the ‘transformation’ agenda and to ‘make sense’ of it by linking it back to the work of Foucault and governmentality scholars. Having rendered visible the nature of this emergent programme, I hope that my study lays the groundwork for critical orientation and reflection in this area, particularly that which explicitly challenges the taken-for-granted ‘truth’ claims presented throughout the *Report*. Such research is important (especially in the current political climate) because it can be deployed to oppose

neo-conservative strategies that use truth claims (such as the notion of the ‘modern-day’ prisoner) to justify ‘law-and-order’ policies. There is also a need to engage with the ‘power effects’ produced by the discourses of the *Report*, particularly how “socially constructed problems are discursively transformed into a set of risks and dangers which serve political – and morally regulative – ends” (Heir, 2002: 36).

Another direction for research that immediately comes to mind is the need to engage with what O’Malley et al. (1997) refer to as the ‘messy actualities’ of programme implementation. This is a broad direction for research and includes an account of how the ‘transformation’ agenda is actually ‘translated’ into practice. There is often a disconnect between agendas ‘in thought’ and agendas ‘in action’ (Carrabine, 2000) and the personal understandings and objectives of the ‘actors’ involved (in this case, prisoners, guards, case-management officers, community volunteers, and so on) can influence the nature and outcome of a programme (O’Malley, 1996a). It would be especially interesting to reflect on how prisoners understand and interpret the ‘transformation’ agenda and how their opposition to it serves to both hinder its deployment and (re)define its features and parameters.

One final area for further research is that which includes the voice of the prisoner. My project has surely demonstrated that the *Report* is lacking the perspective of the inmate, for whom the agenda has the most significant consequences. Research in this area should reflect on the ‘silence’ of the prisoner and on the ways in which power relations play a role in the production of knowledge and ‘truth’ regarding prisoners and the prison.

Closing Reflection

As I end this thesis, I am reminded that what I present here is a mere ‘snapshot’ of modern Canadian penal governance. I certainly hope that it contributes, in some minor way, to an account of how the prison and prisoner have been constituted in the context of modern governmentality – and, perhaps more importantly, that it builds upon a history of how they have been constituted over time. Initially, my thought was that this project would provide a detailed ‘answer’, but I know that what I really offer is a chapter – or perhaps a word, sentence or page – in the long and multifaceted ‘story’ of the government of prisons and prisoners in Canada.

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**APPENDIX A:
CARABINE'S GUIDE TO DOING FOUCAULDIAN DISCOURSE ANALYSIS**

1. Select your topic and identify possible sources of data;
2. Know the data – read and re-read;
3. Identify themes, categories and 'objects' of the discourse – get an overall 'feel' for the data and ask specific questions of it;
4. Identify inter-relationships between discourses – often categories and themes are interrelated;
5. Identify the discursive strategies and techniques that are employed, that is, the ways in which the discourse is deployed (i.e.: through the negative depiction, or categorization/bifurcation of prisoners, etc.);
6. Look for absences and silences, that is, what is not present or not spoken of that one might expect to be;
7. Look for resistances and counter-discourses;
8. Identify the effects of the discourse;
9. Outline the background to the issue;
10. Contextualize the material in the power/knowledge networks of the period;
11. Be aware of the limitations of your research, your data and sources.

(Carabine, 1995: 281)

**APPENDIX B:
QUESTION GUIDE FOR DATA ANALYSIS**

CATEGORY I: THE PRISONER	
Question	Operational Definition (Description / Indicators)
1. How does the document speak of the non-compliant prisoner?	The non-compliant prisoner is one whom the document speaks of as being 'problematic' for CSC. This question seeks to determine what factor(s) constitute non-compliance (i.e., what actions or lack thereof).
2. How does the document characterize the prisoner?	Characterize: the ways in which the prisoner is typified and portrayed in relation to such things as their lifestyle, personality and history (family, employment and education).
3. How does the document speak of the prisoner's role ?	Role: the part that the prisoner plays in the context of the prison system and the ways in which the prisoner 'fits' into the overall scheme of things.
4. How does the document speak of the needs of the prisoner?	Needs: a factor, identified by CSC, that is thought to have contributed to a prisoner's crime and to require intervention prior to a prisoner's release to the community.
5. How does the document speak of prisoner privileges ?	Privileges: a benefit enjoyed by a prisoner within the prison (e.g., recreation time, visits, and personal items).
6. How does the document speak of the management of individual prisoners?	This question seeks to determine what the document says about case-management strategies – the specific ways in which each individual prisoner should be supervised and governed while incarcerated and upon conditional release.
7. How does the document speak of the prisoner disciplinary process ?	Disciplinary Process: the way in which 'problematic', non-compliant or unruly prisoners are dealt with within the prison.
8. How does the document speak of the process of a prisoner's release to the community?	Release: includes conditional releases (Escorted Temporary Absences, Full Parole and Statutory Release) and non-conditional release (Warrant Expiry).

CATEGORY II: THE PRISON

Question	Operational Definition (Description / Indicators)
1. How does the document speak of the prison's role ?	Role: the part that the prison plays in the context of the criminal justice system. This question also seeks to uncover how the prison is spoken of in terms of its ability to fulfill its stated role.
2. How does the document speak of population management within the prison?	Population: the overall body of prisoners within the prison, which includes many sub-groups, such as segregated and Aboriginal prisoners. Management: the supervision and direction of this body of prisoners.
3. How does the document of speak of the physical characteristics of the prison?	Physical characteristics: the objective features of the prison, such as infrastructure, design and cleanliness.
4. How does the document speak of the daily routine in the prison?	Daily routine: the lived reality that is experienced by prisoners (note that this may also include the experiences of staff and visitors, who are also within the confines of the prison). Daily routine includes things such as institutional schedules, daily activities and levels of everyday violence.
5. How does the document speak of the safety and security of the prison?	This question seeks to determine specifically what issues or entities are spoken of as being a threat to the safety and security of the prison. Safety is understood as the well-being of both prisoners and staff; security is understood as CSC's ability to maintain a protected, undisruptive and risk-free environment.
6. How does the document speak of correctional programming in the prison?	Correctional programming: includes any treatment, educational or vocational program that is offered by CSC within the prison or in the community. Such programs play a rehabilitative role in the sense that their function is to address some noted deficiency that has been identified in relation to a prisoner.
7. How does the document speak of the prison's relationship with the community ?	This question seeks to determine how the document speaks to CSC's relationship (good or bad) with individuals and agencies that are based outside the walls of the prison (e.g., community support groups, volunteers).