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PENAL COLONIES FOR CANADA:
PROMISE OR ANACHRONISM?

Tonia G. Barker

Submitted to the Department of Criminology,
in partial fulfillment of the requirements
for the degree of Master of Arts, 1985.



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ABSTRACT

This study sought to determine the feasibility of establishing, in Canada, an alternative correctional environment to that of prison for long-term offenders; namely, a remote access or penal community. The penal community model, a variation of the penal colony concept, is currently in use in a number of other countries. It is family-based, program-oriented, and potentially cost effective. Increasing numbers of long-term offenders in the Canadian prison system are expected within the next two decades, necessitating more resources and, perhaps, innovative approaches to deal with their special problem.

The classical and contemporary uses of penal colonies were examined through the historical approach. This strategy brought to light the numerous issues involved in adapting such a reform to the Canadian context. The conditions that could be satisfied in Canada and the ones which remain problematic were identified and addressed within the following framework: Physical factors and resources; programs; human factors and resources; administration; and social climate. It was concluded that, while a Canadian penal community appeared to be a feasible reform on paper, only a small-scale pilot study of an experimental Canadian penal community will tell us whether the major areas of concern raised in this thesis can, in fact, be fully and concretely resolved.

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PREFACE

It has been the experience of this writer that, whenever the subject of penal colonies is broached, the automatic reaction of others is to conjure up terrible images of Australia's Norfolk Island, France's Devil's Island, and the Gulag Archipelago of the Soviet Union. These mental pictures are often derived from history school books in which the use of penal colonies is linked with a brutal age in which torture, mutilation, burning, branding, and execution were not only frequent, but routine and accepted practices. In fact, the notoriety of the classical penal colony is well-deserved. At one time, a sentence to transportation meant banishment for a number of years, if not for life, to a distant colony of the home land where offenders were treated as slaves and, as such, put to hard labour, frequently abused, and often even whipped to death.

What is less well-known to most people, however, is that the classical penal colony has undergone several changes of meaning and form in the twentieth century and that, for a number of countries today, this system no longer conveys the precise and limited definition it once had during earlier centuries. From its inauspicious beginning with the transportation system, the penal colony concept has evolved into two other models: correctional labour colony settlements and penal communities.

From an examination of the ideological basis and operational

procedures of the classical penal colony and its two variants, it becomes abundantly clear that it is the penal community model which is most compatible with contemporary developments in corrections. The penal community model is currently in use in a number of countries as an alternative correctional environment to that of prison for certain offenders. Its purpose is to provide a more humane and "normal" setting in which to rehabilitate offenders through special treatment programs, preservation of familial ties, and the provision of meaningful and paid employment.

This thesis seeks to determine the feasibility of establishing in Canada a penal community for long-term offenders as an alternative to that of traditional incarceration. It has long been recognized by criminologists that the problems of long-term prisoners are very serious ones which are all the more enhanced by the 1976 amendment to the Criminal Code, which established mandatory sentences of 25 years for first degree murder offences and lengthy sentences for other serious crimes.

Chapter I of this paper outlines the problem of dealing with long-term offenders in the Canadian penitentiary system and provides a rationale for considering penal communities as a possible reform. Chapter II discusses various methods which can be used to assess the feasibility of innovative correctional programs and delineates the strengths and weaknesses of each of these strategies. It also describes the historical approach and the reasons for its selection in the present

study. Chapter III presents an overview of the historical use of the transportation system and the experiences of a number of countries with contemporary correctional labour colony settlements and penal communities. Chapter IV brings to light the numerous issues involved in adapting a penal community to the Canadian situation and presents the findings of this study. Chapter V contains conclusions and a policy proposal.

...if any person is addressing himself to the perusal of this dreadful subject in the spirit of a philanthropist bent on reforming a necessary and beneficent public institution, I beg him to put it down and go about some other business. It is just such reformers who have in the past made the neglect, oppression, corruption, and physical torture of the common gaol the pretext for transforming it into that diabolical den of torment, mischief, and damnation, the modern model prison.

George Bernard Shaw
The Crime of Imprisonment, 1922.

"ON CHANGE"

It must be remembered that there is nothing more difficult to plan, more doubtful of success, nor more dangerous to manage than the creation of a new system. For the initiator has the enmity of all who would profit by the preservation of the old institutions and merely lukewarm defenders in those who would gain by the new ones. The hesitation of the latter arises in part from the fear of their adversaries, who have the laws on their side, and in part from the general skepticism of mankind which does not really believe in an innovation until experience proves its value. So it happens that whenever his enemies have occasion to attack the innovator they do so with the passion of partisans while the others defend him sluggishly so that the innovator and his party are alike vulnerable.

Niccolo Machiavelli, 1513

I

INTRODUCTION

David Rothman, the historian, writes that, since the founding of the Republic of America, each succeeding generation has given birth to a "dedicated coterie" of prison reformers. In every case, however, each generation merely "discovers anew the scandals of incarceration, each sets out to correct them and each passes on a legacy of failure. The rallying cries of one period echo dismally into the next" (1973: 8-9).

As new philosophies of penology emerged, the previous ones were never totally abandoned. They were de-emphasized for a time and slowly integrated into the new philosophy. Each model was based on a different concept of the cause and cure of criminality. The problem intrinsic to each one, however, was that the rhetoric behind it did not accurately reflect reality; each theory existed as an ideal, an aspiration which was never attained. The official euphemisms for reform changed over time, with terminology, ever malleable, conforming to the current ideal or philosophy; prisons evolved into penitentiaries, then into reformatories, which became correctional institutions which, in turn, became rehabilitation facilities. A rose, however, by any name still has thorns. Custody and security took precedence over rehabilitation or correction. The promises of "penitence," "reform,"

"correction," or "rehabilitation" by incarceration, therefore, proved hollow; hence the "legacy of failure."

Prisons have failed, but at what? The question remains: For what do we have prisons? Some years ago, Paul Tappan observed that our "total [punishment] objective remains for the most part inexplicit and confused" (1960: 237). This confusion stems from the conflicting demands imposed on the correctional system by various interested parties: the public demands protection, the moralists seek revenge, the rigorists point to the deterrent value of punishment, the humanitarians seek compassionate treatment of offenders, and the advocates of rehabilitative theory believe that offenders can be transformed into law-abiding citizens. We are left with conflicting objectives: retribution, deterrence, incapacitation, and rehabilitation. By locking an offender away, society achieves retribution, as deprivation of liberty is one of the severest punishments that can be imposed on an individual. The act also results in incapacitation: Prisons, in warehousing offenders, keep them off the streets, at least for a limited period of time. And there are, of course, people who come out of prison rehabilitated never to commit a crime again. The fear of punishment and imprisonment can also conceivably be thought of as a deterrent as most members of society are relatively law-abiding. Yet, when one notes an ever-increasing crime rate, the recidivism rate, and incidents of institutional violence and riots, it becomes apparent that prisons have,

at most, only superficially achieved the objectives set for them.

In terms of the most ambitious goal of all, rehabilitation of offenders, the greatest pattern of failure emerges. The idea that imprisonment could "correct" offenders was conceived by the Americans; penitentiaries were to be one of the promises of the New World. Today, we still endorse the ideal of rehabilitating offenders. Throughout the twentieth century, there has been much emphasis placed on special programs for inmates, including individual and group counselling, vocational and educational training, and conjugal visits.

Unfortunately, rehabilitation efforts within the prison system have come to be regarded as failures (Martinson, 1974), although some programs have been found to be more effective than others for certain types of offenders (Palmer, 1975). The prison confinement experience does not seem to teach offenders how to live in society. It seems, rather, to teach them how to adapt and survive in the criminal community (Clemmer, 1941; Sykes, 1958; Goffman, 1961). As one ex-inmate aptly expressed this dilemma: "How can I be rehabilitated when I have never been rehabilitated?" (Report to Parliament, 1977: 10).

Enthusiasm for the rehabilitation of offenders, therefore, has waned and what remains of this ideal exists mainly in the concept of community-based corrections: probation, parole, half-way houses, release and furlough programs, and diversion. These programs attempt not to rehabilitate but to reintegrate, and are designed to keep offenders in close contact with their families, jobs, and communities, so that the

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potential corrupting influences of a prison setting are avoided. A further advantage of these programs is their relatively low cost. In 1984, the gross annual cost of maintaining an inmate in a federal penitentiary was \$41,696 as compared to \$4,327 for the supervision of an offender on parole or mandatory supervision (Correctional Services of Canada [CSC], 1983: 22). Eligibility for community-based correctional programs, however, is necessarily restricted to lower-risk, lesser, offenders in order to appease public concern for protection.

What, however, is being done for the long-term offenders who are ineligible for parole for many years and, consequently, are unable to benefit from community-based correctional programs? Taking the sentence length of 21 years or more as the selection criteria for long-term offenders and calculating one-third of this period, the Research Division of the Solicitor General of Canada estimated that there are approximately 1,650 inmates (15% of the total inmate population) serving a minimum of 7 years in a correctional institution (Wormith, 1984: 2). Over one-half of these inmates (912 or 55%) are incarcerated in maximum security institutions, with the remainder being in mediums (532 or 33%), minimums (165 or 10%), or other (provincial, hospitals) facilities (.8%). The majority of long-term offenders are in Ontario (31%) and Quebec (25%) institutions or the Prairies (18%), Pacific (16%), and Atlantic (8%) Regions (Ibid).

Of these 1650 inmates, 36% have already served more than 7 years of their sentence, 53% have served between 1 to 7 years, with the

rest (11%) serving the first year of their sentence (Ibid). Most (71%) of these long-term offenders are serving their first federal incarceration, with only 3% having more than two federal incarcerations (Ibid, p. 4). The typical long-term offender is older than the average inmate, with a mean age of 35.8 years. At least 8% of these offenders claim to be Metis (2%) or of racial backgrounds of North American Indians (6%) (Ibid). At the time of their incarceration, 32%, or 525, long-term inmates were reportedly married (18%), or possessed a common-law spouse (14%). The majority were single (52%) with the remainder being either divorced, separated or widowed.

In 1976, the Criminal Code of Canada was amended so that a first-degree murder conviction carried an automatic life term without eligibility for parole for 25 years. A sentence for second-degree murder is also life imprisonment but with eligibility for parole set by the court at between 10 and 25 years. Currently, there are about 200 offenders in Canadian prisons serving a 25 year non-parole life sentence, and 600 inmates serving life terms but eligible for parole after 7 to 10 years (Wormith, 1984: 2). It is predicted by the Research Division of the Solicitor General of Canada (1983) that these numbers will remain relatively constant until about 1990, when the number of lifers will gradually increase to about 2,300 after the year 2000, as a result of the accumulation of lifers ineligible for parole for periods ranging between 10 to 25 years.

The irony of imposing those exceptionally long periods of

incarceration on offenders has been noted by Radzinowicz (1968):

...practically nothing is known about the vital subject of the lasting effects on human personality of long-term imprisonment, yet pronouncements on the subject continue to be made and very long prison sentences continue to be imposed (cited in McKay, Jayewardene, and Reddie, 1979: 2).

While there is a general paucity of research in this area and that which does exist demonstrates inconclusive results, it is not unreasonable to suggest that inmates may suffer severe debilitating effects from prolonged periods of confinement which might impair their ability to re-enter and cope in society.

Some dominant themes have emerged from studies of the effects of long-term incarceration. The McKay, Jayewardene and Reddie review of the evidence (1979), while acknowledging the "methodological nightmare" involved in past research in this area, lists a number of specific and often observable consequences of prolonged periods of incarceration: "boredom; altered time perspective; anxiety and stress; 'prisonization'; 'institutionalization'; prison neuroses and psychoses (e.g. Ganser Syndrome); altered states of consciousness; changes in measures of self-concept, intelligence, abilities, personality, and attitudes; and anomie." (1979: 3). Not only is an inmate deprived of liberty, but he/she must also endure sexual, social, sensory, cognitive, and physical privations within the prison environment (American Correctional Association [ACA], 1981:5):

- Separation from family and dependents;
- daily life in a highly abnormal social atmosphere;
- almost total loss of freedom, individual initiative, and decision-making;
- prolonged periods of sensory and sexual deprivation; and
- despite rehabilitative intentions, a lack of opportunities to learn and practice useful work and social skills.

This prison system encourages proclivities towards dependency in that the bare essentials which an individual must ordinarily work for in society are provided for inmates (e.g. food, shelter, work, medical attention). Sommer and Humphry (1961), in their study, "Symptoms of Institutional Care," suggest that this dependency arises as a consequence of the inmate's disculturation, psychological damage, estrangement, isolation, and stimulus deprivation (pp. 254-263). Goffman classifies inmates who are reluctant to return to the community as "colonizers" (1961: 62-63). Clemmer (1941) noted that the degree of "prisonization" experienced by inmates increases as the period of confinement increases, thus once again reducing the chances of the inmate making a successful return to society upon release. In their study of "Aging in Prison," Aday and Webster (1979) reported that inmates were familiar with the concept of "institutionalization" and characterized it as "someone that didn't have 'anyone' or 'anything' on the outside -- they have been imprisoned so long that this is the only life they know" (1979: 281). "Institutionalization" can be interpreted

as a fear of being unable to cope with new-found liberty and the demands of the outside world:

Another resident explained that he was imprisoned at age 16 and served 15 years before parole, which resulted in a return trip to prison. He commented, 'I want to stay here until I'm sure I can make it next time. I want to be able to get along with people on the outside, but I don't know how' (Ibid).

In any event, putting aside the issue of eventual release, long prison terms may prove to be so harsh and inhumane as to constitute cruelty. When we speak of punishing an offender by sentencing him to prison, we intend depriving him of his liberty, not making his confinement unnecessarily painful. Yet, from a review of the literature, it becomes apparent that prolonged periods of incarceration may exact great social, physical, and emotional costs. At present, the Correctional Service of Canada is well-equipped to handle long-term inmates who pose a serious risk of escaping, or who have proven to be violent or dangerous, through the use of maximum security institution and Special Handling Units. On the other hand, special programs designed to deal with the need to offset the harshness of long-term

Note: The Research Division of the Solicitor General of Canada (1983) has found that only 3% of these long-term offenders has proven violent or dangerous. It has also been observed by other researchers that long-term offenders generally have a stabilizing effect on the inmate population, possibly due to what Goffman (1961) termed the "colonizers" effect, with inmates attempting to make their environment/existence comfortable and orderly.

confinement have, as yet, to be developed. At this stage, we are simply warehousing lifers. Zink (1958) notes that special measures are required for them because of their unique status:

...men serving life terms appear to be clearly different types from other felons...it would seem logical to consider the establishment of separate facilities for this type of offender designed to deal with the unusual problems of such a group (cited in McKay, Jayewardene, and Reddie, 1979: 31).

The Canadian criminal justice system given the difficulties rampant in the current prison system, has reached the stage where it is actively seeking change or innovation. Community-based correctional programs are being instituted for minimum risk parolees. The challenge lies in the identification and acceptance of a non-traditional solution, for those offenders who are ineligible for these programs, which will remedy many of the problems inherent in prolonged prison confinement. At the risk of our generation becoming just another unsuccessful "dedicated coterie" of prison reformers, an attempt must still be made to correct the "scandals of incarceration." Prison reform is essential for, as Winston Churchill (1910) once observed: "The mood and temper of the public with regard to the treatment of crime and criminals is one of the most unfailing tests of the civilization of any country" (cited in Walker, 1973).

What alternatives exist for long-term offenders? Several have been suggested. First, there is the proposal of community-based correctional programs. These programs are thought capable of

rectifying many of the problems associated with long-term confinement, as well as easing readjustment into the community. On the other hand, it is doubtful whether such a program would be politically or socially expedient. The National Parole Board is often criticized for the way in which the present parole system operates. All it would take for a system of community-based correctional programs to become a failure is for one long-term offender to violate his parole in some manner that would attract public attention and outrage.

Another suggestion that has been put forth is the reduction of the 25 year sentence for murder or, alternatively, abolishing the fixed minimum sentence of 25 years (with eligibility for parole set by the court at between 10 and 25 years) for second-degree homicide. The Law Reform Commission of Canada is presently studying this latter issue on the grounds that minimum penalties in second-degree offences do not allow judges flexibility in terms of consideration of the often mitigating factors that accompany many of these crimes (e.g. the killer who acts in the heat of passion, or the mercy killer) (Citizen, May 23, 1984). Whether or not this reform ultimately takes place in the laws of Canada, it does not constitute prison reform per se, as it would not affect the plight of those offenders who will be sentenced to periods of long-term incarceration of seven years or more.

A third solution which has been suggested is the establishment in Canada of a penal colony for long-term offenders. The Parliamentary Sub-Committee on the Penitentiary System in Canada

recommended, in its 1977 Report, that an in-depth feasibility study be undertaken to determine the viability of creating penal colonies for that special population of inmates which is particularly affected by emotional and adjustment problems -- the long-term offender (see Appendix A). Subsequently, the subject of penal colonies was studied but eventually discarded by the Honourable Allan Lawrence, who stated in his Progress Report on the implementation of the Sub-Committee recommendations that "...no acceptable justification could be identified for the establishment of such colonies" (July 20, 1979). In his Progress Report of October 26, 1979, Mr. Lawrence further elaborated on his reasons for shelving this project:

- 'major public support' for the concept was not in evidence;
- programs for long-term inmates are being designed on an individual basis for the moment;
- 'when numbers warrant,' group programs including penal communities would be considered.

The conditions perceived by Mr. Lawrence no longer apply today. A Gallup Poll, conducted in January, 1983, found that an average of 61% of respondents was favourable to the idea of implementing a penal community in Canada similar to the one existing on Islas Marias in Mexico (see Appendix B). Moreover, from reports in the press, it becomes evident that the concept of a penal colony has received increased attention. Former Solicitor General, Robert Kaplan, publicly admitted that the possibility of establishing a penal colony

on a small remote island in Canada was under consideration by his Ministry (Citizen, November 25, 26, 28, 1983; Globe and Mail, March 25 1983). Numerous criminologists have also tentatively explored the concept of implementing a penal colony in Canada. Dr. Tadeusz Grygier, Professor Emeritus of the School of Criminology of the University of Ottawa, and a former prisoner in the "Gulag Archipelago" or Siberian camps, advocates the use of penal colonies in Canada for offenders, with the stipulation that the inhumanity and corruption of the Soviet system not be duplicated (The Ottawa Journal, January 16, 1974).

Waller (1974: 212) in his study, Men Released from Prison, suggested that "restricted access communities" might be created in various remote areas of Canada where containment would result from the geographic situation for the "'dangerous' minority convicted of serious offences." Several other researchers have constructed hypothetical blueprints of "village models" for inmates similar to the concept of penal colonies (Murton, 1976; Wolfgang, 1979). Fattah has a unique, if "futuristic," vision of Canada's criminals becoming "space pioneers":

...the solutions lie in space, the new frontier, where the dregs of humanity can be sent to develop new colonies and new life.. The consent of convicts will be required before they are sent off to space.. But they will really have no choice, given the options. It will be life, close to that, in an earth cell or a chance to build a new life in outer space. It will be like the choice between Australia or a British prison... The penal colonies would be self-supporting and would include men and women (National General News, 1981).

In the search for alternative means or environments to deal with an offender, the concept of a penal colony is not novel per se; at one time, it was a common solution to the problem of what to do with offenders and the misfits of society. Canada's experience with penal colonies, however, has been limited to its role in transporting convicts to Australia, and to consideration, at one time, of using Canada as a British penal colony (Parker, 1976). What is being proposed now is the resurrection of the penal colony concept, but adapted to modern reality and, to today's philosophy of humanitarianism.

The idea behind long-term incarceration is the perceived need to incapacitate certain types of offenders for the protection of society. As Bowker (1980) points out, however, the necessity to incapacitate these offenders is not associated with a need to make the confinement particularly painful; though, of course, the confinement cannot be made entirely pleasant lest it defeat the deterrent effect of punishment. These requirements of long-term incarceration can conceivably be met by penal colonies.

In essence, this would mean that a remote, inaccessible but habitable, area within Canada would be selected as a site on which to establish a penal colony for long-term offenders. Its purpose would be to simulate a "normal" community, as well as to provide incentives to offenders to change their lives and attitudes through the following processes:

- preservation and maintenance of inmate-family relationships;
- daily life in a more normal and habitable environment;
- greater sense of freedom, initiative, self-reliance, responsibility, and decision-making power;
- fewer sensory, physical, social and sexual deprivations; and
- increased opportunities for inmates to learn and practice useful work and social skills.

If Canada were to adopt this reform, it would constitute a crucial turning point in its penal history and a general revolution in the policies and practices of its criminal justice system. It is necessary that the whole enterprise be approached with a maximum of caution and great forethought as to its feasibility within the Canadian context. By laying the groundwork and exploring the issues relevant to the implementation of this reform in Canada's correctional system, we may thereby avoid much of the revolutionary zeal and trial-and-error guesswork which have characterized past attempts at prison reform.

This study seeks to examine the feasibility of the concept of a penal colony in Canada for long-term offenders, as an alternative to the present prison system.

II

METHODOLOGY

This study seeks to test the feasibility of establishing a penal colony in Canada. A feasibility study is an analytical report in which an attempt is made to determine the practicality of adopting one system or operation over another. To analyze the feasibility of any undertaking is to address one basic theme: Will the returns of the proposed system be sufficient to justify its implementation? Will the alternative system, or operation, "maximize net benefits, where net benefits are total benefits minus total costs?" (Nagel, 1982: 4). The purpose of a feasibility study is to answer this question before a decision is made to initiate a new system or policy. In other words, one must evaluate the impact of the proposed alternative prior to its possible implementation. Although this type of study cannot ensure the success of a particular venture, it is valuable in terms of reducing the uncertainty of a decision-making situation in which controversial alternatives are being contemplated. Also, as Quade (1982: 184) points out, techniques of this kind are extremely useful in investigating issues which do not lend themselves easily to quantitative analysis. Researchers, however, must keep in mind Hoos' (1977: 123) warning:

We are the new Frankensteins, and we have created a monster -- the information system. First we rationalize it by justifying its 'feasibility.' Then we build it, with an appetite exaggerated by our expectations of its performance in our service. As a consequence, we must keep feeding it. Its digestive system being greater than our consumptive qualities,

we soon find ourselves inundated. Finally, we are devoured and our purposes subverted -- the whole enterprise an information gathering and processing exercise having little relevance to the task at hand.

In investigating a phenomenon, the method chosen is usually determined by the problem to be solved and the resources available. The form which a feasibility study takes varies from situation to situation and depends largely on the nature of the data available and the magnitude of the decision to be made. There are five major forms that feasibility studies have taken: (1) experimental pilot study, (2) Delphi method, (3) survey research, (4) field study, and (5) the "historical approach." Each one has its advantages and its disadvantages which make it more suitable for one type of investigation than for another. The advantages and limitations of each of these methods have, therefore, been examined to arrive at a decision as to the most expedient means for studying the concept of a penal colony in Canada. Every study of this type has two characteristics in common. The first is the fact that it is exploring the practicality of a proposed system, not its desirability. The second is that it is hypothetical in nature.

Numerous feasibility studies have been conducted in the field of law enforcement. The Seattle Police Department, for instance, made use of the experimental pilot study technique to investigate the feasibility of adopting a 10 hour/day, 4 day/week plan (the "4-10

plan") for its Patrol Division (Clawson & Hendrickson, 1971). To determine the effectiveness of this alternative system, 16 American police departments which were utilizing the new system were surveyed by questionnaire as to their experience with the "4-10" plan. At the same time, three other police departments, which had considered but ultimately rejected the new plan, were also requested to send any information regarding their non-acceptance of the system. The information obtained from these police departments was utilized to compare and contrast the existing system with that of the proposed plan in terms of efficiency, effectiveness, and police morale. The beneficial and detrimental aspects of adopting the "4-10 plan" were weighed against each other and a decision made regarding the feasibility of the proposal.

In its simplest form, an experimental pilot study involves comparing two conditions, the experimental condition and a control condition, that are identical in all respects except for the presence or absence of the independent variable. If the effect being studied (the dependent variable) occurs when the independent variable is present (treatment condition) but not when the independent variable is absent (control condition), then causality is assumed. In the feasibility study, the association of desirable and undesirable effects with the proposed scheme and not with the other would determine its practicality. In terms of utilizing this approach for studying the penal colony issue, a random sample of long-term inmates would have to be assigned to a

Canadian penal colony while the control group would consist of a random sample of long-term inmates in a maximum-security prison setting.

"Before" measures could be taken from both groups prior to the experiment in terms of institutional behaviour, attitudes, and psychological testing. At a determined follow-up period, "after" measures could be taken for both groups, and then compared to the baseline data. The cost effectiveness of both conditions could also be compared. It would not be possible to use recidivism rates as one of the dependent variables, given the extensive sentences of long-term offenders and the short duration of most experimental pilot studies.

Experimental studies provide maximum control but they are artificial in nature. The external validity of a pilot study experiment involving a penal colony would be questionable at best. Experimenter bias is always a problem, as well as the fact that human subjects are generally susceptible to "demand characteristics" or the awareness that certain behaviour is expected of them in an experimental situation (Kimble & Garnezy, 1968: 44-49). There would also obviously be numerous legal, ethical, political, and administrative problems associated with carrying out an experiment of this nature. Finally, an experimental pilot study to test the feasibility of a penal colony in Canada would entail actually setting one up in Canada.

The investigation by the Virginia Division of Corrections in 1969 to determine whether smaller, specialized, units should be created in place of the Penitentiary constitutes a second example, or

alternative way, in which a feasibility study may be conducted. In this particular study, five national authorities on Corrections (American Correctional Association, National Council on Crime and Delinquency, American Association of Correctional Psychologists, Virginia Probation and Parole Board, and Virginia Youth Division) were consulted, as well as a panel of engineers, to examine the issue in detail and make a decision regarding its feasibility. These experts were qualified in numerous fields: psychology, penology, parole, probation, juvenile, medical, industrial, vocational rehabilitation, counselling, and engineering (Virginia Division of Corrections, 1969: 15). The ultimate recommendations for all phases of relocating and redesigning the Penitentiary were based upon their advice and information. In addition, the Committee responsible for investigating this matter toured twelve American states and Canada for the purpose of determining what new correctional programs or systems were available which could be applied successfully to the Virginia Division (Ibid).

The technique used by the Virginia Division of Corrections in 1969 is similar to that which has been described as the Delphi Method. The Delphi Method, developed by the Rand Corporation in 1950, was designed on behalf of the U. S. Air Force for the purpose of determining what Soviet strategic planners might deem an optimal U.S. target system and to calculate the number of atom bombs required by the U.S. to reduce, by a prescribed amount, the munition production (Juliani, Talbot, and Jayewardene, 1982: 9). Quade (1982: 203) describes the

Delphi technique as "an iterative procedure for eliciting and refining the opinions of a group of people by means of a series of individual interrogations." This group generally consists of experts or individuals who are particularly knowledgeable in the area of concern being studied. Their opinions may be elicited in one of two ways: through the Conventional Delphi or the Delphi Exercise and through the Delphi Conference (Juliani, et al, 1982: 9-10). In either case, the participants individually contribute information on the subject and respond to each other's opinions without the benefit of group discussion "in ways that avoid the psychological drawbacks associated with unstructured face-to-face confrontation" (Quade, 1982: 203).

In the Conventional Delphi or Delphi Exercise, group discussion is replaced by an exchange of information between experts through written questionnaires which are controlled by a steering committee or group manager (Ibid). The research group sends the questionnaire to a number of experts whose opinion is being sought and, once the replies have been returned, the responses are summarized by the group manager and fed back to the participants by means of a second questionnaire (Juliani, et al, 1982: 10). This process enables the individual experts to revise their earlier opinions on the basis of the group response until some sort of consensus is reached. The Delphi Conference technique is similar to the Conventional Delphi Exercise, with the difference being that the monitor team is replaced by online computers which speed up the process of computing and summarizing the

results (Ibid). The Delphi Method, therefore, becomes an effective means of arriving at an answer to an uncertain question for which there is no precise or quantifiable way of finding a definitive solution to a particular problem. Centron and Foster (1977: 101) note the value of resource tools of this type for decision-making processes:

If several experts were asked the same questions, their responses would very likely differ somewhat. Each has different assumptions about the conditions under which the research would be undertaken, who would be performing the research, and how the results of the research would be used in the future. However, if several experts were consulted on several specific criteria for evaluation, their collective responses would reflect the best-informed opinions on the matter, regardless of variations between individual responses.

The Delphi procedure has been used extensively in recent years by industrial and urban planners, researchers and policy makers for technological forecasting, corporate planning, policy evaluation, and organizational decision-making (Quade, 1982: 205).

Closely akin to the Delphi Method is the technique of Focus Group Research. In this approach, expert opinion is canvassed not from known experts in the field, but rather from consumers or those directly affected by the subject and outcome of the study. Again, this type of feasibility study is based on qualitative research and is of particular value to private industry in situations where it is crucial to determine the psychological and behavioural basis of consumer demand and conduct in order that means may be identified to influence this behaviour

(Juliani, et al., 1982: 11). Focus Group Research was created as a result of the realization that the buying habits of consumers are affected not only by the quality or objective value of a product, but by the perceived psychological or subjective value the product attains for the buyer. Understanding the interaction between these two components of consumer behaviour allows the researcher to predict and tailor a particular product to meet the needs of the market.

Essentially, Focus Group Research involves congregating a small (between 6 to 12 individuals), representative, sample of the target population to discuss informally a particular product or idea which affects their group. This discussion is led by a moderator who basically takes on the role of a participant observer: the moderator refrains from interfering with the group discussion, except to introduce relevant topics which have not been covered, promote discussion in other areas when a particular topic has been exhausted, and to bring the discussion back on topic when the group's interest diverges into irrelevant areas (Juliani et al., 1982: 12). These focus group sessions are used to assess the needs, motivations, attitudes, values, and mechanisms of the target group (Ibid, pp. 12-13). The meeting generally opens with the serving of light refreshments to the participants in order to help them to relax and to get acquainted with one another. The moderator then makes a brief introductory statement to outline the purpose of the meeting and to inform the group that it is their opinions on the subject which are of interest to the researchers. The

discussion opens with a question posed by the moderator who, from that point, stays in the background and interferes as little as possible. The proceedings are tape recorded and, later, analyzed and written up in a research report by the moderator (Ibid). Given the involvement of the moderator in all areas of the study, the one major criticism which has been levelled at the Focus Group Research technique is the fact that the results depend on the competence of the moderator in skillfully and imaginatively conducting the sessions. Furthermore, there is always the danger of the moderator being influenced by personal biases in reporting and analyzing the data.

Another form that a feasibility study could take is the field study technique. Kerlinger (1973: 405) defines field studies as "ex post facto scientific inquiries aimed at discovering the relations and interactions among sociological, psychological, and educational variables in real social structures." Typically, a researcher goes into the field, the natural environment of the subjects, and lives amongst them long enough to be able to describe their behaviour or major characteristics. Lofland (1971: 14-15), in his study, Analyzing Social Settings, has suggested at least six different types of social phenomena that may be studied by a field researcher: brief acts, activities of longer duration, verbal meanings of subjects, participation, relationships, and the entire setting under study. The researcher personally collects the data, utilizing what has come to be known as the "participant observation" technique. Margaret Mead, the eminent

anthropologist, used this method to observe and analyze primitive society.

The major advantage of this technique is that data is collected through naturalistic observation of real-life situations, thus avoiding the possibility of artificiality to which other types of methodologies are subject (Kerlinger, 1973: 407). Field studies are also strong in terms of their social significance, strength of variables, theory orientation, and heuristic value (Ibid). The field study technique could be used in this study of the feasibility of a penal colony in Canada. It would entail a visit to an existing penal colony, such as Islas Marias off the coast of Mexico, for a period of time.

Unfortunately, in terms of time and financial resources, this method has considerable drawbacks. It also has disadvantages with regard to objectivity in that it is difficult for an observer, however well-intentioned, to completely guard against allowing personal opinions and beliefs lending bias to observations. The presence of an observer may also influence the outcome of the events being studied. Finally, the most serious weakness associated with this approach is its ex post facto nature, which makes it difficult to draw conclusive statements of relations amongst variables.

Survey research constitutes yet another form that a data feasibility study could take. It involves examining "large and small populations (or universes) by selecting and studying samples chosen from the populations to discover the relative incidence, distribution, and

interrelations of sociological and psychological variables" (Kerlinger, 1973: 410). Data is collected through either questionnaires or personal interviews. The sample survey technique is an effective means of gathering information on a particular subject and has been used extensively for market research studies, public opinion polls, policy decision, and social science studies.

In terms of assessing the practicality of introducing a reform such as a penal colony in Canada, the sample survey would be a useful device for measuring public opinion, as well as the attitudes of inmates and staff towards the idea. In this manner, the social and political acceptability of the concept could be determined prior to any decision being made as to whether or not to implement a reform of this nature in Canada's criminal justice system. In fact, the Research Division of the Ministry of the Solicitor General of Canada is currently conducting a survey of long-term inmates and their families with regard to their willingness to participate in a penal colony program. Similarly, a Gallup Poll was conducted in January, 1983, to determine public opinion towards the proposed reform. While the results of the Gallup Poll (see Appendix A) indicated, on the whole, that the public was favourable towards the concept of a penal colony in Canada, the brevity of the explanation of the reform leads one to question not only the validity but also the reliability of its results. Also public opinion, because of its well-known changeability, is often not treated as a particularly important consideration by planners and administrators in their policy decisions.

An interesting example of this phenomenon exists in relation to the abolition of capital punishment in Canada (Jayewardene, 1981). The sample survey technique could also be used to obtain information about existing penal colonies. A questionnaire could be sent to these penal colonies to obtain the data necessary to study the feasibility of setting up such a colony in Canada.

A major disadvantage associated with sample surveys is that their accuracy depends on the clarity with which questions are asked and the frankness with which questions are answered. The manner in which the questions are phrased is crucial, for they can mislead or confuse respondents. The sample survey technique is further weakened by the fact that, when one uses questionnaires to collect data, typically only one-half of the potential respondents answer and, as a consequence, the sample may be quite unrepresentative. Finally, survey research can be extremely demanding in terms of time and money (Kerlinger, 1973: 422).

Existing examples of feasibility studies indicate that the task at hand comprises: (1) the identification of the possible problems associated with such a venture; and (2) the evaluation of the possible impact of these problems in the present social, economic, demographic, and cultural context. The methods that have been utilized suggest that the identification and evaluation of these problems could be attempted through: (1) actual experience in (a) an experimental pilot project, (b) a sample survey of existing similar projects, or (c) through observation of the operation of such a project in a field study; or (2) through the

considered opinions of experts or non-experts using (a) the Delphi Method, (b) the Focus Group technique, or (c) the sample survey approach.

As mentioned previously, the form which a feasibility study should take is largely dependent on the situation and the type of data to be collected. Canada has had little experience with the penal colony model and what information exists about penal colonies has been gleaned from its use in other cultures and times. The unique social, political, economic, and legal climate of Canada has an important bearing on any consideration of implementing a reform of this nature in Canada's criminal justice system. Consequently, a feasibility study must be designed in such a manner that all relevant factors and steps needed to create a penal colony in Canada would be considered. Since this field of study is essentially still virgin territory, the various forms of feasibility studies previously discussed would not be appropriate: A pilot study would be relatively uninformative at this point; few experts exist in this field; and it would be presumptuous, at this stage, to base a study or program on the opinions of potential consumers. These types of feasibility studies might be relevant and useful if conducted at a later time. Preliminary groundwork, however, must first be laid by setting the stage for the reform, identifying the relevant issues, and creating a blueprint from which subsequent analysis can be made as to the benefits and costs of the proposed alternative. Only after these issues have been explored in detail and dealt with within the Canadian

context will it be possible to determine the feasibility of the plan.

One method which has not yet been identified as a possibility, but which combines all of the aforementioned techniques, is what could perhaps be called the "historical approach." This method would involve: (1) studying past and present penal colonies; (2) identifying, from the information obtained, the problems encountered in penal colonies, their impact, and how these problems were dealt with; and, finally, (3) exploring the possibility of these or other problems arising in Canada and whether or not they could be resolved. The advantages of a historical approach are clear. Foremost, it combines all of the techniques mentioned so far to some degree: it explores the potential for creating an experimental penal colony, it makes use of contributions of experts to the literature on penal colonies, and it involves a study of present-day penal colonies. The historical approach enables a researcher to make use of past experience and apply it to the present day. The literature is surveyed with a view to contributing knowledge to this field of study. On the other hand, a major disadvantage associated with the historical approach is the fact that the researcher is dealing with secondary data and all the incumbent problems generally associated with this type of information source. The data, for instance, might be incomplete, biased, or essential elements might have been left unreported. Furthermore, this type of study suffers in terms of its ex post facto nature.

The historical approach, nevertheless, appears to be the most

useful research tool to explore the practicality of implementing a penal colony in Canada because, unlike the other methods reviewed, this technique is comprehensive and allows this researcher to gain insight into the numerous, and often unquantifiable, issues involved in a reform of this nature. This feasibility study, therefore, will use the historical approach to determine the practicality of establishing a penal colony in Canada for long-term offenders.

IIIPAST AND PRESENT PENAL COLONIES

The origins of penal colonies can be traced to the adoption of transportation as a sentencing alternative. The practice of transporting convicts to colonies far from their home countries apparently began in the early fifteenth century and continued into the twentieth century. Portugal transported convicts to North Africa in 1414; Spain commenced the deportation of convicts to Hispaniola in 1497; England deported her criminals to what is now the United States of America from 1597 until the War of Independence in 1776, at which time the destination was changed to Australia. France established penal colonies in French Guiana in 1791; Italy deported prisoners to Sicily; Holland made use of the Dutch East Indies; Denmark banished criminals to Greenland (Murton, 1976: 2-4); and Latin American countries, such as Mexico, Chile, and Ecuador also made use of penal colonies to rid their societies of criminals (Bowker, 1980: 68). Transportation differed from the ancient practice of banishment or exile in that, typically, it involved the deportation of large numbers of convicts to specific remote destinations where the prisoners engaged in forced labour of some sort under high security conditions (Ibid). As in the case of banishment, however, a transported convict who illegally returned to his/her home country was liable to the death penalty.

As an alternative to the sentencing of offenders to prison terms or to the death penalty, the transportation system increasingly became a popular practice amongst many countries. Aside from its obvious advantages, its use was predicated on one or more of the following basic rationales: (1) it provided a means of isolating the undesirables and their criminal influence from the rest of society; (2) prisoner labour could be used to develop the wild and unexploited colonial lands and, in the process, accrue great profits for the home country; and (3) transported offenders would have the opportunity to reform themselves in a different environment, where they could find employment and so earn their livelihood through honest work. Not all countries, of course, made use of the transportation system for all of the above reasons; many, for instance, were uninterested in rehabilitating offenders or, at most, paid lip service to it.

Aside from a general desire to rid their society of the criminal element, many countries were motivated to make use of the transportation system for practical reasons. Indeed, there is ample evidence to suggest that the origins of the transportation system, like most penal methods, may be traced to economic factors (Mannheim, 1939: 42-45). For one thing, it presented itself as the perfect solution to the immediate problem of relieving overcrowded prisons in the home country. At that time, it was a common practice to sentence convicted criminals to terms of imprisonment for petty offences and, consequently, prisons were generally overflowing (Wilson, 1931: 224). Most

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governments were reluctant to pay the cost of building prisons to house this surplus convict population and thus, the transportation system was viewed as a more economical alternative (Shaw, 1966: 18). In 1837, the Molesworth Committee was created to assess the English transportation system. One of its members, Lord John Russell, concluded that the cost of keeping convicts at home in large prisons was prohibitive, whereas it was possible to make an actual profit from the slave labour of prisoners sentenced to penal colonies.

The transportation system had the additional advantage of promoting the colonization and settlement of remote wilderness areas through the exploitation of prisoner labour. "Peopling the Empire" was the popular slogan of the time for most countries, with their numerous uninhabited colonies and plantations (Mannheim, 1939: 42-43). The difficulty of attracting colonists to these remote and wild areas was compensated for by the use of transported felons to open up and settle the land. Once this task was accomplished and a degree of civilization had been attained, free settlers would generally flock to the colonies. Bowker (1980: p. 69) claims that, between 1832 and 1843, the transportation system as a penal method was at the height of its popularity and well over 35% of the convicts in England, for instance, were sentenced to this punishment. The profits gained from inmate labour and production in the colonies represented great financial savings for the governments concerned. In addition, transporting convicts to colonies became a lucrative business for the private

contractors hired for this purpose by the government.

As a method of punishment, the transportation system provided a useful function in other ways. In a period in which considerable poverty, unemployment, and exploitation prevailed in the home country, authority and the law seemed to have little effect. There was a perception that crime was increasing and the lack of an effective police force led policy-makers to believe that the only way to prevent crime as well as control the criminal population was through a thoroughly terrifying deterrent (Sweeney, 1981: 22-26). It was believed that the fear of being transported away from families and the home country was enough to deter potential malefactors from crime (Shaw, 1966: 17). At the same time, those who had not been effectively deterred from crime by the threat of this punishment would be conveniently removed from the country and provided the opportunity to reform in a new environment. The system also provided what seemed, at the time, to be the only alternative to the death penalty which was frequently, up until about the 1830s, imposed in England. While capital punishment was officially prescribed for virtually any crime, including petty theft, few judges and juries were willing to convict an offender if they believed that a sentence of death would be mandatory (Sweeney, 1981: 23-26). Given the lack of space in prisons, however, it was also clearly impossible to sentence even the obviously guilty to long periods of imprisonment. Many criminals were acquitted and the deterrent aspect of the death penalty was nullified. The transportation system, therefore, was to

play a crucial role in the evolution of a "secondary punishment." A new deterrent had been created - the fear of being banished to a distant and unknown land of exile and punishment. The primary punishment, of course, remained the death penalty (Shaw, 1966: 360).

Finally, the transportation system was no less popular with the various parishes which were only too willing to be rid of the "disordered and helpless" (Mannheim, 1939: 42). As Britannicus' noted in 1820, the transportation system served many useful purposes (cited in Shaw, 1966: 143):

Do you wish criminals to labour? Transport them. Do you wish to reform them? Transport them. Do you wish to decrease your criminal population? Transport it. Do you wish to provide an honest living for criminals after punishment? Transport them. Do you want empty jails? Transport the criminals. Do you wish to preserve a Civil Police? Adopt transportation on an enlarged scale..to embrace every crime and misdemeanour to which it can possibly be applied...extending it to sturdy beggars, vagabonds, and the most depraved of prostitutes.

THE CLASSIC PENAL COLONY

Britain's use of the transportation system was, in many ways, typical of that of other countries in terms of its rationale and practice. For this reason, the British system will be discussed in some detail as representative of the "classic" penal colony.

Transportation of offenders to distant colonies began in England

after 1600, with England's first official law for deportation passed in 1597, elaborated in 1617, and finalized in 1717 (Taft, 1950: 411). The Act 18, Charles II, c.3, authorized the transportation of offenders under the sentence of death "to any of His Majesty's dominions in North America." Felons were given a choice of one of two fates by the courts: hanging or transportation (Wines, 1983: 168). In 1718, Act 4, George I, c.2, extended the penalty of transportation to include felons sentenced to terms of imprisonment of three years or more (Ibid). The Act's preamble made a "great show of the beneficence of the mother country in thus giving the poorly-stocked labour market of America the benefit of these additional men and women" (Witmer, 1927-28: 25). The need for labour in these growing colonies was so great that settlers were generally allotted 50 to 100 acres of land for each servant they brought over at their own expense to the colony (Ives, 1970: 112). It was often also the case that mayors or judges would profitably contribute to the labour forces of colonies by intimidating "small rogues and pilferers who, under terror of being hanged, prayed for transportation as the only avenue to safety" (Ibid, p. 114). Indeed, the offences leading to transportation were mostly minor theft (Sweeney, 1981: 22-25). The exact number of convicts transported to the American colonies is unknown, although estimates range between 15,000 and 100,000 (Barnes & Teeters, 1959: 296). Most prisoners were sent to the Virginia and Maryland colonies and, according to Margaret Wilson in her book, The Crime of Punishment (1936), the conditions were so bad that "one

historian of Virginia says that there is no record of any Virginia offender having left an offspring" (cited in Barnes & Teeters, 1959: 296).

To save money, the British government hired private contractors to handle convict transportation and these individuals maximized profits by overcrowding, underfeeding, and generally mistreating their charges during the voyage to America (Barnes, 1972: 74). Contractors were allotted sixpence per convict for each day of the trip and, consequently, many would deliberately prolong the voyage (Bowker, 1980: 68). The result was an extremely high mortality rate as many prisoners succumbed to disease or starvation. Upon arrival at a colony, the prisoners were auctioned off as slaves for periods ranging from seven to fourteen years: "From 1717 until the revolution of 1776, they were considered bond servants and, in essence, slaves to the state or the master placed over them" (Murton, 1976: 3). Convicts not sold to private settlers worked in either chain gangs or in other government projects. Female convicts shared a different fate than that of their male counterparts. Immediately upon arrival in a colony, they were lined up and inspected by convicts and free men. They were then either unceremoniously married off or selected as "servants" (prostitutes). Those who were not chosen in this market were assigned to picking cotton or spinning wool in a factory. Later, to rectify the sexual imbalance in the penal colonies, increasing numbers of female prisoners were transported, whatever their crime or length of sentence (Sweeney,

1981: 135-138).

Prisoners ceased to be deported from England to America in 1776 as a result of the outbreak of the American Revolution, and this created temporary havoc in England as the prison population reached unprecedented numbers: "judges continued to sentence people to 7, 14, or 21 years (intending to have them transported) but there was no place to ship nor (sic) house them" (Moynahan, 1979: 1). Finally, the authorities arrived at the idea of using the hulks of old unused boats anchored in the rivers and harbours as floating prisons to house convicts until a suitable destination for renewed transportation could be located (Ibid). This "temporary measure" was to last for eight years until, finally, "their heyday was cut short by public outcry against the inhuman conditions that existed in these vermin-infested and disease-ridden traps" (Bowker, 1980: 69).

In the meantime, Captain James Cook discovered Australia in 1770 and, in the process, conveniently located a new "dumping ground for Britain's unwanted scoundrels" (Walker, 1973: 96). Between 1787 and 1857, over 750 convict ships sailed from England and Ireland to penal colonies in and around Australia (Rudé, 1978: 157): Botany Bay, Van Dieman's Land (Tasmania), Port Macquarie (New South Wales), and Norfolk Island. The majority of these convicts was transported for larceny or minor common-law offences, with a small minority (mostly Irish protesters) having been found guilty of political crimes (Ibid, p.1). The long voyage to Australia was brutal and the death rate en route

enormous. The experience of the prisoners upon arrival in Australia was just as inhumane and their weakened and diseased condition was further debilitated by hard labour under the supervision of often sadistic overseers (Wines, 1895: cited in Witmer, 1927-28: 31);

On land, the difficulty of enforcing discipline was the occasion for great brutality: the main reliance for order was the lash and in 1838, with 16,000 convicts, the number of floggings administered was 160,000 or an average of ten for each man. From 1793 to 1836, the death rate among the transported was 41%, but among the free colonists was only five per cent.

Having arrived in Australia, convicts were assigned to one of two fates: hard labour in a chain gang in government service or assignment to a private settler. The latter course was viewed as more desirable by the convicts because not only did it afford them an opportunity to obtain job skills which would enable them to find later employment upon expiry of their sentences but, often, private masters treated their servants in a fair and humane fashion (Shaw, 1972: 139).

Skilled convicts were valuable to their masters and often worked their way into partnership with them or filled roles in the community as doctors or teachers (Ives, 1970: 139). On the whole, however, the convict assignment system was as unpredictable as a lottery: "ranging from the worst sort of degradation for the unlucky, to a life of relative ease and promise for the more fortunate" (Sweeney, 1981:68).

At its peak, the Australian transportation system typically involved five main stages through which a convict could progress (Witmer, 1927-28: 24-64). Convicts sentenced to 15 years or more

were sent to Norfolk Island for a minimum of two years of "abject slavery" from which, as one observer noted, many were only too overjoyed to escape even through a sentence of death: "It is a literal fact that each man who learned his reprieve from death wept bitterly, and that each man who heard of his condemnation to death went on his knees with dry eyes and thanked God" (cited in Taft, 1950: 412). Survivors of Norfolk Island and convicts with shorter sentences were transferred in the second stage to Van Diemen's Land where they worked in "probation gangs" performing hard labour in government projects. After approximately one year, a convict could obtain a probation pass which entitled him to enter into private service and receive wages. In the fourth stage, the convict might be granted a ticket-of-leave, which was equivalent to our contemporary system of parole. Finally, convicts could earn a conditional or complete pardon which entitled them to work as free men and women (Witmer, 1972-28: 24-64). Government assistance was available to pardoned offenders in the form of grants of land and money, as well as a convict servant at government expense for 18 months (Bowker, 1980: 70). Charles Darwin, after visiting Australia, voiced his opinion that "as a means of making men outwardly honest, of converting vagabonds, most useless in one country; into active citizens of another, and thus giving birth to a new and splendid country, the transportation system has succeeded to a degree perhaps unparalleled in history" (cited in Shaw, 1972: 137).

Norfolk Island, described in 1838 by a transported Canadian

political prisoner as "un enfer sur terre," became the most notorious of the Australian penal settlements but, because of the revolutionary reforms undertaken there by Captain Alexander Maconochie in 1840, it earned special significance in the history of penology (Barry, 1956: 151). The Island, situated about a thousand miles east of Australia, was approximately five miles long by three miles in width, with an area of about 9,000 acres (Ibid). It has been described as a "natural paradise" but, for almost 70 years, with the exception of Maconochie's period of governorship, it became the site of extreme brutalities (Barry, 1956: 153):

The gallows stood permanently ready as a visible reminder to unhappy wretches of the fate that might soon be theirs; for years at a time men worked and ate and slept in irons; the lash and the cat-o'-nine tails were in habitual use, and the gag, solitary confinement, and the pepper mill were constantly employed as punishments calculated to subjugate creatures made sub-human by deliberate policy...

The prisoner population consisted of the "dregs of the convict system, irreconcilable and irreclaimable" and it was this material upon which Maconochie was given permission by the British authorities to try out his system of reform.

It was in 1840 that Captain Alexander Maconochie of the Royal Navy became superintendent of Norfolk Island. With his interest in reformation of criminals, Maconochie proposed that convicts should no longer be entrusted to private employers but rather that the government should assign its officers to the task of punishing and reforming prisoners (Shaw, 1972: 149). Punishment, he claimed, should be

constructive, with "the immediate and direct object in every case the reform of the criminal...The object of setting a deterring example...was a selfish and low one," instead, it was "a greater duty--a greater protection to society even--to reform than to punish" (Ibid). Shocked by the depraved condition of convicts working in chain gangs in Van Dieman's Land, Maconochie attributed their state to the "slavery to which they were reduced" which led him to "think of the expedient of marks as a form of wages, by which the state of slavery might be obviated, and still the act of punishment not lost" (Maconochie, cited in Wines, 1983: 192). Maconochie's mark system, which he introduced into the penal settlement of Norfolk Island, rested on four main principles (Rev. W. L. Clay, 1861; cited in Barry, 1956: 152):

Instead of a time-sentence it inflicts a labour-sentence, thus setting the convicts to earn back their freedom by the sweat of their brow; it teaches self-denial, by enabling them to purchase a speedier termination to their slavery by the social qualities, and makes the prisoners themselves coadjutors in the preservation of discipline, by giving them an interest in each other's good behaviour; and lastly, it prepares them for restoration to society, by gradually relaxing the restraints on their conduct and training their powers of self-governance.

The mark system shared many features in common with modern-day approaches of behaviour modification such as token economies in that convicts received marks for good conduct and work which could be used to purchase privileges, such as extra food and tobacco. For every ten marks saved, a convict could also shorten his sentence by one day. Bad

conduct, on the other hand, was penalized by deductions of marks and a consequent loss of privileges.

Maconochie divided convict sentences into three periods which enabled a prisoner to progress from a hard existence to a relatively pleasant one. During the first period, a convict was required to work under hard and stringent disciplinary conditions. In the second "social" state, men worked in teams of six and shared a common fund of marks into which the team's earnings were pooled and from which expenses incurred were deducted. Finally, in the last "individualized" stage, convicts became "first class" prisoners. Each convict now worked alone, still earning marks, but free in all other respects. He was allotted his own hut and garden in order that he might learn respect for other people's property through pride and ownership in his own (Barry, 1956: 155).

Given the brutal history of Norfolk Island and the transportation system in general, it is clear that Maconochie's innovations constituted, at the time, a truly revolutionary plan of penal reform, possessing not only a sound philosophical base but also a practical means of achieving reform. Under Maconochie's influence, the brutal penal colony took on the characteristics of an orderly and civilized community: two churches were built, schools were established, a public court was held, a musical band consisting of prisoners was formed, and the gallows were dismantled (Ibid). Maconochie permitted first class prisoners to wear clothing other than convict attire and he

abolished the practice of forcing prisoners to give abeyance before officials. Far in advance of his time, Maconochie advocated prisoners being allowed to have their wives and children live with them during their sentence on the Island, but was refused permission to implement this reform. The success of Maconochie's endeavours was indicated by the fact that over 1,450 so-called irredeemable criminals were discharged from the Island and only three per cent of this number were later known to be reconvicted. There was ample evidence to support, therefore, Maconochie's claim that he found Norfolk Island "a turbulent, brutal hell, and left it a peaceful well-ordered community" (cited in Barry, 1956: 185). Unfortunately, Maconochie's revolutionary ideas did not altogether meet with approval in Britain and he was forced to give up his post in 1844 and return to England. His replacement immediately reverted to the old ways and Norfolk Island was destined to become once again the most notorious of the Australian penal colonies. Maconochie's mark system, combined with the ticket-of-leave program, however, had a lasting influence and presaged our present system of parole, indeterminate sentencing, and "good time" laws.

The British transportation system was finally discontinued in 1853 (Walker, 1973: 117). Discontent with the system had steadily grown throughout the 1830s because of the general feeling that, as a punishment, it lacked a deterrent effect; instead, it "afforded criminals the chance of becoming self-supporting and self-respecting men" (Barnes & Teeters, 1959: 446). Australia was no longer viewed as

a land of exile but, rather, one of opportunity: unlimited land, abundant trading opportunities, high wages, and a standard of living greater than most could expect in Britain (Sweeney, 1981: 172). In fact, between 1820 and 1842 at the height of transportation, the crime rate doubled in England (Ibid, p. 166). In his letter to Sir Robert Peel, in 1826, Sydney Smith ironically expressed his opinion that a sentence of transportation was generally viewed by the convict population as a privilege rather than a punishment (cited in McConville, 1981: 187):

Because you have committed this offence, the sentence of the court is that you shall no longer be burdened with the support of your wife and family. You shall immediately be removed from a very bad climate and a country over-burdened with people to one of the finest regions of the earth; where the demand for human labour is every hour increasing, and where it is highly probable you may ultimately regain your character and improve your future. The Court has been induced to pass this sentence...and they hope your fate will be a warning to others.

Ironically, what was perceived in 1826 as a failure in the penal system would be deemed a success today. For example, the following statement by a witness to the parliamentary committee in 1828 was viewed at the time with much dismay, but in 1986, would probably be greeted with approbation by proponents of rehabilitative theory:

I saw a letter from a convict in New South Wales...stating that he was now the owner of a considerable estate; that he had a great stock of cattle; that he served upon grand juries;

and was in every respect comfortable; that a mutual friend of theirs who had been transported with him, was also extremely comfortably situated..that neither of them had any intention of returning to England, but were quite happy and comfortable (Ibid, p.188)

At that time, the purpose of punishment was believed to be the infliction of suffering on offenders, with the reformation of the criminal being of only secondary importance (Shaw, 1972: 136).

As with its creation, economic factors also contributed to the final breakdown of the English transportation system. For one thing, the transportation system proved to be extremely costly to maintain (Radzinowicz: 1981: 79). It was concluded, for instance, that convict slave labour was inefficient. Prisoners had to be coerced to work and this entailed high administrative and manpower costs. One example cited was the fact that the expense of building a stone bridge in Van Dieman's Land in the 1820s, using prisoner labour, was much greater than would have been the case if free labour had been used instead (Sweeney, 1981, 163). By 1847, the English government had also built more prisons and it was now possible to keep over 16,000 prisoners at home, at a cost of only £15 per year for each convict in an English prison and £10 in Ireland (Shaw, 1966: 349). Transportation of one convict, on the other hand, cost £100 for the term of his sentence in a penal colony (Ibid). Much to the dismay of free settlers, the English government had continually attempted to transfer the cost of maintaining the convicts to the colonies in terms of paying for the police needed to control the prisoners, the public works carried out by convicts, and private service by convicts to colonial employers (Ibid). It was the the contention of

the colonists that there was no reason for them to accept criminals if they were not to be given the compensation of free or, at the very least, cheap convict labour.

For a long period of time, the Australian population was comprised mainly of convicts, with the exception of the officers sent over to control them. The discovery of gold west of Sydney, and the growing prosperity of the sheep-raising and wheat business, however, caused the influx of a great number of free settlers into the colonies (Barnes & Teeters, 1959: 301). Gradually, the number of free colonists increased until it eventually surpassed the convict population. By 1841, only 23 per cent of the penal settlement population comprised convicts or pardoned offenders (Sweeney, 1981: 117). The free immigrants, however, resented the presence of convicts in this new colonial empire because of their effect on crime in the settlement and their so-called "brutalizing effect on colonial society" (Shaw, 1972: 135). They refused to fraternize with the convicts and resented the stigma of being labelled a convict settlement (Ives, 1970: 141). In addition, colonial workers soon noticed that freed convicts were competing with them in the labour market, and there was a "crusade of the Wakefieldians against the use of convicts as bed-fellows of their free labourers" (Forsyth, 1935: cited in Mannheim, 1939: 44). Other settlers became frustrated with the restrictions imposed on their rights due to the presence of the convicts, such as freedom of the press, freedom from arbitrary arrest, and trial by jury (Shaw, 1966: 19).

There was also a growing movement in the colony for self-government through locally-elected assemblies, which culminated in the formation of a league in 1830 to protest the interference of the English government and the use of the settlement as a penal colony (Ives, 1970: 141).

With the end of the Irish famine, the crime rate in Ireland fell to a manageable level and, with the increased prison space, there was less need to transport convicts to colonies. Economic conditions had also greatly improved in England by the 1840s and there was an increased demand for labour in the home country (Shaw, 1972: 348-350). Given all of these developments, the English government decided that the wisest policy was not to force the colonists "into a furious opposition extinguishing all loyalty and affection for the mother country" (Sir John Pakington; cited in Shaw, 1966: 350). The combination of powerful economic factors and social forces, therefore, resulted in the demise of the English transportation system.

As mentioned previously, the English transportation system was in many ways typical of other countries' use of the system in terms of rationale and practice. While the French experience with the transportation system did not begin until 1791, it was to continue well over a hundred years after the English had abandoned it as a punishment. It also originated from similar motives: the desire to be rid of criminals from France and the need to populate and exploit the resources of remote colonies (Wines, 1983: 180). There was little notion, however, of attempting to reform prisoners in the French

colonies and, as a consequence, the fate of a transported convict was not an enviable one. From all accounts, the conditions in Australian penal colonies, however atrocious, did not even closely parallel the inhumanity of the French colonies in Madagascar, New Caledonia, French Guiana, and the Marquesas Islands (Bowker, 1980: 70). According to von Hentig (1937), the French transportation system exhibited "all the infirmities of deportation, a bad climate (tropics), predominance of purely securitive methods, above all in Guiana, very high mortality and slight feasibility of productive work" (cited in Bowker, 1980: 70). Devil's Island, situated off the coast of French Guiana, was the most notorious of the French penal colonies and numerous books have been written which graphically describe the atrocities that occurred in this colony, including first-hand accounts in Belbenoit's Dry Guillotine (1938) and Charriere's Papillon (1970). According to one source, of the 70,000 convicts sent to Devil's Island over the years, only 2,000 survived (Tappan, 1960; cited in Bowker, 1980: 70). The French transportation system was eventually abandoned in 1942 because, economically, the system proved to be not feasible, given the harsh climate and brutal living conditions.

In terms of other countries' use of the transportation system, there were few variations on this general theme. The creation and dissolution of the transportation system may, in many ways, be viewed as stemming from economic considerations. There was nothing inherently evil in the three basic rationales upon which the use of

penal colonies was predicated: (1) isolate criminals from society; (2) use prisoner labour to exploit the natural resources of remote areas; and (3) provide the opportunity for offenders to reform in a new environment. It is important to note, however, that, even with the third objective of reforming offenders, transportation often gave rise to the practice of exploiting prisoner labour in areas in which free citizens were reluctant to settle, or that of simply getting rid of undesirables without resorting to the death penalty. While originally the punishment component of a sentence of transportation was meant simply to be a matter of exile for a number of years from family, friends, and society, it evolved instead into a series of punishments, ranging from severe deprivations, degradation, brutality, and even death. At the same time, however, blame for the cruelty to transported convicts cannot perhaps be attributed entirely to the transportation system per se. The eighteenth and nineteenth centuries were brutal in that abuse was commonplace and considered an inevitable and integral aspect of punishment. It might be more appropriate, therefore, to denounce any system of penal servitude which has few pretences of reforming an offender for the purpose of returning him/her to society as a law-abiding citizen.

Several penal colonies exist today but as a modified or reformed version of the classic penal colony of the transportation era. It must be noted, however, that there is no one definition of what

constitutes a penal colony. Instead, there are a variety of arrangements which may fit under the umbrella of what might be considered a penal colony. A working definition of the term "penal colony" is the transportation of a prisoner to a specific and, often, remote destination where he/she engages in some form of labour (often for remuneration) and under minimal static security conditions (i.e., absence of cells, bars, armed guards, and an emphasis on perimeter security). Basically, a penal colony is a prison without bars. The presence of the inmate's family is an additional feature of some contemporary penal colonies, thus producing a reasonably self-sufficient community setting. One of the most noticeable features of the colonies is the fact that there is an absence of close surveillance of prisoners, which allows them almost complete freedom of movement and association within the confines of the colony. Most modern-day penal colonies have been devised so as to include some form of profit-making enterprise in order to reduce government expenditure in the maintenance of these colonies.

CORRECTIONAL LABOUR COLONY SETTLEMENTS

An example of present day penal colonies exists in the Soviet correctional labour colony settlements. In rationale and practice, the Soviet use of correctional labour colony settlements has been likened to England's transportation of prisoners to Australia and to France's use of Guiana and New Caledonia as penal colonies (Sellin, 1976: 117).

The one difference is that Soviet prisoners never actually leave the confines of their country. The Soviet's penal colony system is predicated not so much on the notion of reforming an offender, though that is often a verbalized reason, but, rather, on isolating their prisoner as far as possible from society and, at the same time, exploiting his/her labour for economical reasons. This system has proved useful for the Soviets because of their need for labour in the more remote northern areas of the country. Since many free Soviet citizens are reluctant to work in these areas, due to the difficult living conditions and type of labour involved, forced labour must be used instead. Indeed, the evolution of Soviet penal camps may be traced to the desire to populate Siberia and exploit its natural resources. The penal labour camps later became instrumental in meeting the goals of the successive Five-Year Plans which were designed for the purpose of making the Soviet Union a great industrial power (Ibid, p. 130). Stalin built the Volga-Don canal and the second Trans-Siberian railway using convict labour. Today, many of the millions of dollars worth of goods Western nations import from the Soviet Union, including chemicals, minerals, cars, farm equipment, gold and wood products, have been produced from the work of Soviet convict labour. The economic exploitation of prisoner labour has, therefore, through the use of penal camps, become the mainstay of the Soviet economy. The Soviet's use of the penal colony system has, however, become a worldwide

controversial issue and, as such, bears discussion.

As early as 1648, Russia made use of the transportation system to remove undesirables from the rest of society; namely, cripples and mutilated criminals (Barnes, 1983: 181). It was not, however, until the eighteenth century, the era of Peter the Great (1682-1725), that the government began the systematic use of this system as a means of populating remote and, therefore, uninhabited areas, specifically Siberia, in order to exploit the land's natural resources of gold, silver, copper, and iron, using convict labour (George Kenna, 1891: cited in Barnes, 1983: 181):

The discovery of the Dauriski silver mines, and the rich mines of Nertchinski in the territory of Trans-Baikal, created a sudden demand for labour...With the abolition of capital punishment in 1753, all criminals that, under the old law, would have been put to death, were condemned to perpetual exile in Siberia, with hard labour.

Siberia was also considered an ideal location, in terms of its remoteness, to exile political offenders; between 1823 and 1877, over 772,979 exiles were transported to Siberia (Ibid.) The Siberian colonies were comprised of two main groups of exiles: prisoners belonging to the first group had their heads half-shaven in order to distinguish them from the second group. The men of this first group had been sentenced by the courts to life terms in Siberia and, as a result, lost all their civil, political, and property rights. Their families were allowed to accompany them into exile but, if the wives chose not to do so, they were entitled to remarry. The second group

of prisoners, on the other hand, had been sentenced to varying periods of penal servitude in Siberia and, upon expiry of their terms, were permitted to return to European Russia. These "quasi-colonists" retained their rights and citizenship and, while their sentences were severe, they were generally allowed to live outside the prison camps and work for the government (Barnes & Teeters, 1959: 303).

The brutality of the Russian transportation system began with the gruelling march of chained prisoners over vast distances from European Russia to the remote penal colonies, in a severe sub-arctic climate (Sellin, 1976: 122);

Even before he reached the place of his punishment, the convict might have spent from two to three painful years on the road and in filthy and overcrowded stations and forwarding prisons. The death toll was very high.

Upon arrival in a prison camp, the prisoners were assigned to hard labour in the Siberian mines under brutal living conditions. The rule of silence and the harsh disciplinary measures for errant prisoners were not abolished until 1901 (Barnes, 1983: 125).

The revolutions of 1917 heralded a major change in the Russian political system with the establishment of a Communist state but the penal servitude system was not, as a result, markedly changed in terms of aim and function. The czarist system of exiling prisoners to Siberia was continued by the Soviet government on an even larger scale, with the one major difference being that the emphasis was now placed on exiling mainly political prisoners to Siberia as opposed to criminals in the conventional sense (Barnes & Teeters, 1959: 304). Numerous books have been written by Soviets describing the brutal

conditions of Siberian prison labour camps, including Solzhenitsyn's The Gulag Archipelago I-III (1973), One Day in the Life of Ivan Denisovich (1961), and The First Circle (1946):

Long work days, inadequate clothing, food and health care, and the harsh and often brutal discipline combined to produce the very high death and morbidity rates described in the writings of inmates who served their sentences...(Sellin, 1978: 130).

In the late 1940s, Soviet prison camps were gradually transformed and absorbed into a new corrective labour colony settlement system (Ibid, p. 131), with emphasis now being placed on the "successful correction and re-education of those sentenced to deprivation of freedom" (Eraksin, 1978: 44). Prisoners were classified into different categories according to their degree of "social dangerousness" and housed in different types of correctional-labour institutions (Ibid).

Under Soviet law, the court not only determines the duration of imprisonment for an offender but also the type of corrective labour institution in which the sentence is to be served. Corrective labour colonies possess one of four regimes which are labelled in increasing order of severity, "ordinary," "reinforced," "strict," and "special" (Amnesty International, 1980: 100). Each regime differs from the others in terms of the amount of rights it accords its prisoners (e.g. number of visits, correspondence, receipt of parcels, and diet). First offenders, who have been convicted of less serious crimes, are confined in the least strict regimes of the "ordinary" colonies or the

"reinforced" colonies. Those offenders who have been convicted for the first time of a "dangerous crime against the state" (e.g. anti-Soviet propaganda or agitation) are sent to the third most severe institution, "strict" regime colonies. Finally, recidivists, or those offenders who have committed a dangerous crime against the state for a second time, are placed in "special" regime colonies which possess the most severe restrictions on prisoner rights. Criminals considered too dangerous for corrective labour colonies are sentenced to prison, where they are kept under close supervision in separate cells and are deprived of most of their rights (Amnesty International, 1980: 79).

Because the Soviets keep their official penal statistics secret, it is impossible to obtain information about the exact number of existing corrective labour colonies or their location in the USSR. According to Amnesty International, however, several hundred of these colonies exist in the USSR (1980: 100). Most are located in rural areas but a few exist in cities to provide prisoner labour for urban area construction projects. On the whole, different regimes' corrective labour colonies are physically separate from one another. Nonetheless, the administration and living conditions of the different colonies are said to share many essential features in common.

With the exception of "special" regimes, prisoners in corrective labour colonies are generally housed in barrack-type accommodations which often hold up to 200 men in overcrowded conditions

(Amnesty International, 1980: 111-112). These barracks are characterized by a lack of privacy, poor ventilation, inadequate heating during cold spells, insufficient toilet facilities, and unsanitary conditions (Ibid). Despite the fact that many of these colonies are located in areas affected by extreme cold temperatures during the winter, prisoners are permitted only one blanket each for their beds. All prisoners must wear a standard uniform which cannot be supplemented with additional clothing even during the winter months; these uniforms may be laundered once a week. Prisoners are allowed a bath once a week but they receive a limited amount of soap and the bathing areas have been reported as generally unhygienic (Ibid). The prisoners' day begins at 6:00 a.m. and ends with lights out at 10:00 p.m. Prisoners who violate any of the above regulations are subject to punishment.

Punishment of prisoners in corrective labour colonies generally involves some form of deprivation of their rights. Essentially, this could mean deprivation of visits and/ or receipt of parcels or correspondence. The most common punishment inflicted is the reduction of food issued to a prisoner, which constitutes a severe hardship because "hunger is a permanent feature of camp and prison life" (Ibid). The authorities have decreed 13 different diets which are issued to prisoners according to the nature of the regime in which they are imprisoned, the nature and location of their work, any punishment which they are undergoing (Ibid, p. 113). The standard diet of

prisoners in corrective labour colonies contains 2500 calories and 65 grams of protein. When confined to punishment-isolation cells, prisoners receive, every second day, 1300-1400 calorie diets and, on alternate days, only 450 calorie diets. Confinement to a punishment-isolation cell for misbehaviour can last for anywhere up to 15 days. "Special" regime prisoners may be punished with solitary confinement for periods up to one year. According to Amnesty International (1980: 165), there have been reports of prisoners being subjected to beatings and other forms of physical ill-treatment. Some examples of the grounds for punishment are the following (Ibid, p. 158):

- possessing forbidden literature;
- walking out of line from the camp dining-room;
- not fulfilling output norms at work;
- drinking tea outside of normal meal times;
- refusing to report for work;
- refusing to speak to the administration in Russian;
- refusing to work on an unsafe machine.

Prisoners who consistently misbehave are often transferred to colonies with more severe regimes.

While Soviet law decrees that the "correction and re-education of prisoners is a goal of the corrective labour system," little is done in the way of rehabilitating prisoners (Ibid, p. 91). Forced labour and compulsory moral-political education are the only means provided to "correct" offenders. As mentioned previously, the Soviets need a large labour force to meet the goals of the Five-Year Plan and, consequently, the corrective labour colonies are operated as

economic enterprises. In order to make the prisoners' work profitable, expenditures for prisoners' accommodation, food, and medical care is kept to a bare minimum. Little money is invested in machinery or work facilities and, yet, the work output norms are fixed at a high level and prisoners are punished for not meeting these output norms (Amnesty International, 1980: 136). According to Soviet law, prisoners in all colonies are required to work an eight-hour day, six days a week. In order to meet time schedules and the monthly output requirements, a work week is often increased by a few hours. While prisoners are supposed to receive remuneration for work performed, in actual fact they receive only about ten per cent of their earnings due to deductions made for their upkeep (Ibid, p. 140). The type of work in which prisoners must engage depends on the regime in which they are imprisoned. Generally, it involves some form of manual labour, whether timber cutting, woodwork, stone quarrying, mining, sewing or a similar production. It has been reported that administrators will often assign the heavier tasks to the ill or the aged and the lighter work to prisoners who have been "corrected" (i.e. informers or those who cooperate with the authorities) (Ibid, p. 137). Overwork, compounded by chronic hunger and medical neglect, add to the suffering of prisoners.

From the summary provided of Soviet Correctional Labour Colony Settlements, it becomes apparent that they operate along much

the same lines as were classic penal colonies in colonial days. The emphasis in both cases is upon the exploitation of the prisoners' labour, whether it results, hopefully, in the reform of the prisoner or punishment of the criminal. It entails some form of hard labour from which accrues considerable profit. Due to a labour shortage in areas where free citizens are reluctant to work and settle, prisoners are a valuable source of cheap labour. While the Soviets are extremely secretive about their penal camps, much information regarding their operation and conditions has been gleaned from the writings of Soviet prisoners. The result has been worldwide condemnation of the Soviet penal system and many countries have set high tariffs on, or forbidden the import of, goods manufactured or produced by Soviet prison labour.

THE PENAL COMMUNITY

While the Soviets' penal system closely parallels the classic penal colonies of the eighteenth and nineteenth centuries, Mexico has resurrected the penal colony concept but adapted it to modern realities and to today's philosophy of humanitarianism. Essentially, it has created a penal community model for long-term offenders. The rationale behind it is threefold: the rehabilitation of the offender in an area remote from society, where the inmate can engage in some form of labour beneficial to himself/herself under minimal security conditions. One of the perceived advantages of this innovative system is the belief that it may overcome many of the debilitating effects associated with

long-term incarceration in a traditional prison setting and, thus, better prepare offenders for their eventual return to society. Variations of the penal community concept are also to be found in the Philippine's Iwahig penal colony, Sweden's prison villages, India's open institutions, and Finnish labour colonies. While there are cross-cultural differences between these countries, it is still possible to identify in their penal community concept certain parallels or common objectives and practices.

In the penal community model, a homesteading community is set up in which correctional staff live alongside the inmates and their families. It is generally located in an area remote from the free community and, because of its inaccessibility, requires only minimum security conditions. Absence of guards, walls, and bars, results in a reasonably relaxed atmosphere and allows freedom of movement within the community. Job opportunities vary with location and the economic resources available but, generally, include some form of agricultural activity or technical industry which enables the colony to pay for many of its own operating expenses, in addition to providing useful training and financial compensation to inmates. The purpose of this type of penal colony is to simulate a "normal" community and provide incentives to offenders to change their lives and attitudes to a more pro-social outlook, not to mention the creation of an economically efficient and effective alternative to the traditional prison system. Emphasis is placed upon preserving and improving inmate-family relationships and

fostering active inmate involvement and responsibility in the community. Discipline generally consists of deprivation of privileges and, as a last resort, return of the offender to a traditional prison setting. Another aim of a penal community is to create a harmonious atmosphere -- a therapeutic community conducive to fostering good relations between staff and inmates.

Mexico's penal colony on Islas Marias is representative of the penal community model in that it incorporates most of the above-mentioned features. As such, it will be discussed in some detail. A brief description of the use by other countries of this model will also be mentioned, because of certain interesting variations.

Islas Marias consists of a group of four islands situated in the Pacific Ocean, 100 miles west of the Baja California peninsula. The Mexican penal colony is located on the largest of these islands, Maria Madre, which is 80 miles west of Tepic off Mexico's Pacific coast and 120 miles south of Mazatlan, the nearest large mainland city (American Correctional Association (ACA), 1981: 9). This island is approximately 13 miles long and 6 miles wide. It accommodates approximately 1,500 prisoners and 2,000 family members, staff, and a small number of marines (Worrall, 1982: 74).

The Islas Marias Penal Colony was once used by the government as a slave labour camp for Mexico's worst offenders. Operated as a

classic penal colony in 1905, prisoners were transported in old boats to the island where they were locked in cages or cells and often subjected to whippings and other forms of physical abuse (ACA, 1981: 10). For 15 hours each day, prisoners toiled in salt mines or performed hard labour in the production of cement. One inmate who survived his sentence under the old regime of Islas Marias described the colony as having been a "stinking hellhole -- the kind of place that would cause a man to curse the day he was born" (Ibid).

In 1971, the philosophy and administration of the penal colony underwent a radical change; Islas Marias was transformed into a humane, family-oriented penal community (Ibid). The island fell under the jurisdiction of the Federal Department of Coordinated Services for Crime Prevention and Social Readaptation and the emphasis was now placed on rehabilitating long-term offenders through the provision of a healthy and relatively non-restrictive environment. The innovative penal reforms implemented in the Islas Marias penal colony have attracted a great deal of attention and, in 1981, members of the American Correctional Association, as well as a representative of the Correctional Services of Canada, Deputy Commissioner John Braithwaite, visited the colony in order to conduct a systematic study of its physical layout, population, administration, economy, and security system. Their ensuing report has provided up-to-date and detailed information regarding the operation of the Islas Marias penal colony.

Approximately 40 per cent of the prisoners have been convicted

of murder, 10 per cent for robbery or theft, and 50 per cent for assault and drug-related offences (Ibid). Inmates are serving sentences ranging from one to ten years (ACA, 1981: 10-11). Violent sex offenders and drug addicts are excluded from the islands population.

The colony is administered by a director, described as a "benevolent dictator" (ACA, 1981: 13):

He has complete control over local businesses, whether run by the colony, the inmates, or non-resident citizens. He controls all means of communication, including staff and inmate leaves, visits, and marriages. He has the final word on remission of sentences, the structure of the economy, work placements, residential facilities, and whether an inmate's family members will be permitted in the colony. The director also determines classification, staff assignments, and has sole authority over disciplinary decisions.

Full services and facilities on the island, provided by various government agencies, include electric power, engineering, investigative staff, medical personnel, chiefs of villages, human - public works, agriculture, education, communication, transportation and naval forces. Staff members of the island are all civil servants who are required to work at least one year in the penal colony. They work a normal 10 to 12 hour day for seven days a week and are on call at all times. The staff generally lives separately from the inmates in one of the five adjoining villages on the island. Security is provided by a small naval unit, which is responsible for both water patrol and island security. Twelve watchtowers have been situated around the island's

perimeter to guard the 12-mile safety zone surrounding the island to which outsiders are not permitted entry. The marines are also responsible for a small lock-up facility in which inmates who have broken the law are detained until a mainland judge arrives to hear their cases (Ibid, p. 14).

The Mexican government feels that the inclusion of the family unit in the correctional process is an essential ingredient in the rehabilitation of the offender. For this reason, the Islas Marias penal colony is run on a family penal colony concept. Prisoners, who display good behaviour for at least six months and have established themselves successfully in a reasonably well-paying job, are permitted by the director to bring their families to the island. The inmate is then housed with his family in small, private, and modest quarters. Family sizes vary but it is interesting to note that, despite all of the correctional innovations the Mexicans have undertaken in this penal colony, they encourage birth control not only to conserve the colony's resources but because they believe that criminal tendencies are genetically inherited (Ibid, p. 11). Common-law relationships are permitted (Goetting, 1982), and a bordello consisting of a madame and eight to twelve girls, who voluntarily come to the island for three months, is provided for the use of single men (ACA, 1981: 22). Single men may marry single women on the island or ones with whom they have communicated on the mainland. In fact, one island magazine runs

personal ads for inmates and women seeking marriage and residence on the island. Inmates are also permitted to marry the daughters of other inmates. Female offenders, whether married or single, are rarely sentenced to the colony.

The children on the island are described as being of primary importance, with no distinction being made between the children of inmates or staff. There is a Catholic church on the island, as well as an inmate priest, who voluntarily committed himself in 1948 (Ibid, pp. 20-21). Both inmates and children are required to attain at least a primary education, and ten teachers are provided by the Department of Education for this purpose. At the age of thirteen, all male children are returned to their relatives or are transferred to a special residential school on the mainland. Numerous recreational activities have been organized, including basketball, soccer, baseball, track, periodic movies and visiting entertainers. Inmates socialize freely with their fellow workers and neighbouring families. Alcohol and drugs are prohibited to all residents of the island.

Life on the island has been described as relaxed, with few incidences of violence or misbehaviour, despite the fact that inmates are permitted to own machettes (Ibid, p. 23). Inmates are at liberty to roam the island's thirty-four thousand acres and to choose any occupation within reason. According to Article 18 of the Mexican Constitution, every offender should be gainfully employed as part of the rehabilitative process. Inmates of Islas Marias generally have a

choice between three basic types of employment: (1) "prodinsa" or work in government-authorized private industries, the products of which are sold on the mainland (e.g. tile, seeds, corn, soda, pop, rope, and salt). These industries receive no government subsidies and the revenue from these exports is returned to the island's economy (Ibid, pp. 15-16); (2) employment in the colony administration; or (3) work in one of the island's government agencies (Ibid). Salaries vary according to the type of work but, in all cases, a proportion of the wages is set aside for family support; the remainder goes to a compulsory-saving fund or "gate money" for when inmates leave the colony. Children are fed three times daily at school, and housing, water, and electricity are provided at no charge. Inmates may also supplement their incomes in their spare time through a number of free enterprise activities, such as hobbycraft, street vending, and other small businesses. The standard of living for inmates and their families in the colony is apparently often higher than it is for most of the average Mexican citizens. Profit gained from the various island industries is used to maintain the colony, the objective being ninety per cent self-sufficiency, which, it is hoped, will be attained in the near future (Ibid, p. 26). As a further incentive for good behaviour, inmates earn one day of sentence remission for every two days of satisfactory work and behaviour. Prisoners who persistently misbehave, on the other hand, are returned to prison on the mainland.

Unfortunately, statistics regarding the cost effectiveness

and overall efficiency of the Mexican penal colony are, as yet, unavailable. The annual expenditure for each inmate averages around \$377, but this amount does not include the expense of staff, construction, or maintenance of the colony. The federal government spends approximately \$2.5 million per year to meet these operating costs. The colony, on the other hand, has raised about \$500,000 in revenue from the export of the goods produced by the "prodinsa" (Ibid, p. 26). On the whole, observers who have studied the operation of this Mexican penal colony have been favourably impressed by this innovative correctional community model. The ACA Report (1981) describes Islas Marias as a "community that provides a less expensive, more civilized alternative to traditional incarceration while preserving and promoting mental health and the family unit" (p. 9). Reportedly, Islas Marias is a relatively peaceful community from which only three (unsuccessful) escape attempts have ever been made and few inmates who have served their sentences there return or recidivate.

The Iwahig Penal colony in the Philippines has also been modelled on the penal homesteading community concept. On the tropical island of Opalawan, characterized by coconut groves, rubber and coffee plantations and rice paddies, almost four thousand male prisoners complete their sentences in a predominantly agricultural area of over 30,000 acres (Alexander, 1967: 31). Prior to transportation to the island, these offenders are carefully selected and evaluated as to

their capability of adapting and doing well in this open penal community setting (Bowker, 1980: 77). Transported offenders who misbehave are returned to a mainland prison.

Similar to the Mexican system, the wives and children of approved colonists may join them on the island; fiancées who may marry them there, are also included. Each family is allotted a cottage and a small tract of land on which is grown much of their own food. Most offenders are employed in agricultural and forestry production, but often supplement their income by selling handicrafts, fish, clams and carved objects made of ebony or mahogany (Alexander, 1967: 32). Children of staff and inmates, alike, attend a free school on the island. An additional feature of this penal colony system is that, upon expiry of their sentence, the offender and his family are not only permitted to remain on the island but are also granted ten acres of land. The objective of the Philippine's system is to transform the offender into a responsible, self-supporting and law-abiding citizen by treating him as such in a healthy and non-restrictive environment.

Sweden has also experimented with the penal community concept, as is evidenced by the lumberjack village of Gruvberget which was set up in 1972 as an experimental home for offenders and their families (Murton, 1976: 241). The "village" was situated in a forest, approximately 25 miles from the nearest town. The cost of the village was \$210,000, including land purchase, clearance of undergrowth, and the building and furnishing of three-room homes. A grocery store,

variety store, and library were also established. In its first year, the program comprised 20 inmates, who had displayed good behaviour in prison. During a one-month stay in the village, they attended compulsory daily job-training courses. They were also granted visiting privileges to nearby towns. According to the Swedish authorities, the focus of inmate rehabilitation was on the whole family and, through this program, the inmate learned how society functions and his role in it (Ibid).

The government of India instituted a similar program in 1972 by housing over 4,000 inmates in open (unwalled) institutions (Murton, 1976: 241). The majority of the inmates selected for the program were serving ten years or more. The largest of these open institutions was Sitargani, a 4,500-acre farm, where prisoners were allotted a tract of land. Money could be borrowed from a "prisoner's council" for the purchase of farming tools and repayment was expected after harvest. Prisoners grew their own food and sold the surplus at nearby villages. Inmates could also hire themselves out as labourers to other farms and their families were permitted to live and work with them.

Indian officials reported few incidences of escape from these open institutions and only a 25 per cent recidivism rate, a statistic which is reportedly lower than that for inmates released from a traditional prison. In addition, Indian authorities claimed that the inmates of open institutions displayed an improvement in attitude, work habits, and general behaviour as a result of this program (Ibid, p.242)

In order to minimize the harmful effects of a traditional prison, Finland has also created a number of open institutions for selected offenders; namely, prison colonies and labour colonies (Moseley, 1973: 319). While these open institutions or penal colonies do not focus on the families of inmates as part of the rehabilitation process, a policy of "normalization" has been adopted. Participants live in a relatively non-restrictive environment, with minimum supervision, in which they engage in productive work and job training. Their families are permitted to visit on weekends.

Prison colonies house offenders for the last six months of their long prison sentences. To be eligible, inmates must have served a long sentence, displayed good institutional behaviour, and possess no escape record. Inmates live in small, comfortable huts, in dormitories. They engaged in productive work at trade union minimum rates. Minimal security, with only four daily counts, could make escape a simple matter.

Labour colonies, on the other hand, contain only "first offenders" or those who have not been reconvicted for five years. All prisoners are serving sentences not exceeding two years. Labour colonies have living huts, a communal sauna bath, communal dining room, a small hobbies room, a library, prisoners' meeting and television rooms, an administrative block, staff married quarters, a clothing store, a volley-ball court, soccer and baseball field, miniature putting course and barbeque area (Ibid). Prisoners are free to roam the grounds, and commute to work unsupervised, by van, on foot or by

bicycle. Inmates wear civilian clothes, as do many staff members. One daily count makes security measures practically non-existent. If an inmate is missing, he is simply reported to the police. Employment mainly involves road building, airport construction, and forestry. Civilian and prison labourers work freely together, with the prisoners receiving minimum trade union rates, less deductions for accommodation; tax, compulsory savings, and family support (Ibid, pp. 321-322). These open institutions or penal colonies have proven to be cheaper to operate than closed prisons.

PENAL COLONIES: SUMMARY

On the basis of the review presented thus far, it becomes apparent that there are differences as well as similarities in the penal colonies of the past and the present in terms of their ideological basis and operation. The classical penal colonies of the past have given way to two types of penal colonies in the present -- the correctional labour colony settlements and the penal communities. Like the classical penal colonies, the present day correctional labour colony settlements have been established primarily because it was expedient for the various involved countries to do so. Essentially, the use of these systems stemmed from a dire need for labour in regions where free citizens were reluctant to go. Little consideration was given to the plight and fate of the offenders sent to these areas. The penal

communities, on the other hand, have been created primarily for the purpose of rehabilitating offenders, despite the fact that this often means additional expense and complications for the country. The main characteristics of the classical penal colony, the correctional labour colony settlements and the penal communities, are presented in summary form in Tables 1, 2 and 3, respectively.

The primary motivating force behind the creation of the classical penal colony was the fact that, at given periods, it appeared to be desirable from an economic standpoint. The economic benefits to be accrued by a country through use of the transportation system were multitudinous. Political unrest, high unemployment, and the phasing out of the death penalty for petty crimes, had caused an increase in the prisoner population. The new system solved the problem of accommodating the ever-increasing number of criminals in the already overcrowded prisons and eliminated the expense of building new prisons. Instead, convicts would be shipped by private contractors, at minimal cost to the government, to the colonies in order to meet the demand for labour. In the process, not only would the country be rid of its criminals and undesirables but colonial land would be cultivated and developed for the use of future settlers. The basics, such as food and clothing for convicts, were easily and cheaply supplied to the colonies. Escape was virtually impossible and, in any case, convicts were either kept in chain gangs or placed under the close supervision of private masters. Prisoners were generally treated as slaves and, as such, could be

TABLE 1

CLASSICAL PENAL COLONIES*

CHARACTERISTICS	COUNTRY	OFFENDER
Remote Location	-Use of overseas colonies -Populate and develop land -Rid society of criminals and undesirables	-Isolated from families, friends, and society -Harsh living conditions in uncivilized areas
Transportation	-Use of private contractors to ship convicts to colonies at minimal cost	-High mortality rate aboard ships due to overcrowding, disease and starvation
Prisoner Labour	-Prisoners constitute much-needed labour source for colonies -Profits for country	-Forced labour/exploitation -Mistreatment by guards and overseers (e.g. chain gangs....) -Little or no remuneration (e.g. slave labour)
Basic Needs (e.g. food, clothing...)	-Basics supplied cheaply by government for mass consumption -Use of private contractors	-Corruption leads to deprivations for convicts (e.g. food shortage) -High mortality rate (e.g. disease, starvation, abuse...)
Control and discipline	-Convicts placed in chain gangs or become slaves of private masters -Brutalities to prisoners condoned	-Convicts endure much physical abuse from keepers (i.e. frequent whippings) -high mortality rate

* British system as a prototype

brutally treated or even whipped to death by their keepers.

While the transportation system proved, at least initially, to be a profitable enterprise for the governments concerned, it took its toll on the prisoners. In developing these systems, governments accorded little, if any, consideration to the effects of transportation on offenders. For many offenders, it meant separation from family, friends, and established society for a number of years, if not until their death. Countless prisoners died on the voyage alone to the distant colonies. Once in the colonies, the treatment meted out to them by guards and overseers was brutal. Together with disease and starvation, this maltreatment resulted in an extremely high mortality rate for transported offenders.

However, transportation was not entirely bereft of benefits for some offenders. For one thing, it meant escape from confinement in primitive, overcrowded, and unsanitary prisons. It further provided many offenders with fresh starts in a new land, affording them opportunities the home country could not afford. Free land grants, upon expiry of their sentences, often provided transported offenders with the chance to become colonists. Unemployment and insecurity, once the colonies were fairly well-established, were almost unknown (Rusche and Kirchheimer, 1967: 116-117). Indeed, many of the emancipated became well-adjusted members of colonial society.

Ironically, while governments had paid little attention to the adverse effects of transportation on offenders, they occasionally became perturbed when it was learned that many offenders were, in fact, eager

for this fate because it meant a free passage to a new land with all its incumbent opportunities. The transportation system was meant to be an effective substitute for the death penalty. The threat of this punishment was to be a deterrent to potential malefactors and, where this proved not to be the case, there was always the consolation that dangerous criminals were far removed from civilized society, living in some penal colony. The possibility also existed that, in the process, offenders might become law-abiding citizens, given a fresh start in a new land. How this rehabilitation process was to come about was never quite set out by penal practitioners, the onus being on the offender to somehow realize this goal. Maconochie's efforts to reform convicts on Norfolk Island were ultimately put to an end because the policy of the time was to punish offenders rather than to cater to them. Later, when economic and social conditions changed in the various countries and colonies, the transportation system ceased to be a paying proposition. It was consequently abandoned in many cases with about as much dispatch as that with which it had originally been created. The interests of the mother country and the offenders were generally at cross-purposes. At the point when the transportation system was most expedient for the country, the condition of the transported felon was at its worst. Later, when prisoners were less disadvantaged by the system and, indeed, derived some benefits, it lost its appeal to the government for economic reasons.

Table 2 sets out the characteristics of correctional labour

TABLE 2

CORRECTIONAL LABOUR COLONY SETTLEMENTS *

CHARACTERISTICS	COUNTRY	OFFENDER.
Remote Location	-Generally located in remote northern areas of the country -Populate and exploit land -Rid society of criminals and political dissidents	-Generally isolated from families, friends, and society -Harsh living and working conditions in areas with extreme temperatures
Transportation	-Prisoners cheaply transported by train and/or marched long distances to penal camps	-Prisoners experience much hardship during trip (e.g. overcrowded trains, brutal guards, inadequate food and facilities, fatigue...)
Prisoner Labour	-Economic exploitation of prisoner labour -Forced labour -Penal labour camps produce profit for country	-Prisoners overworked -Receive punishment for not achieving high work output norms
Basic needs, (e.g. clothing)	-Expenditures for prisoners' accommodation, food, and medical care is kept to a bare minimum	-Prisoners suffer extreme hardships and deprivations (e.g. chronic hunger and medical neglect) -Primitive living conditions
Control and Discipline	-Restricted movement -Harsh punishments (e.g. solitary confinement for one year) -Physical abuse and starvation diets	-Deprivation of rights -Harsh treatment -High morbidity and mortality rate amongst prisoners

* Soviet system as a prototype

colony settlements as they pertain to the country and the offenders. While this penal system is in current use, it shares much in common with the classical penal colonies of previous centuries. The main difference between the two models is that correctional labour colony settlements are located not in overseas colonies but rather within the country itself. They are generally established in reasonably remote areas of the country and are predicated on the same rationale as were classical penal colonies; that is, to populate and exploit the natural resources of areas in which free citizens are unwilling to settle and work, as well as to remove criminals and dissidents as far away as possible from society.

Prisoners in these labour colonies suffer extreme hardships while being transported to and from correctional labour colony settlements. It is common for prisoners to remain in transit for periods of a month or more, depending on the location of the penal camps. Over long distances, they are usually transported in trains to their destination. Reportedly, the prisoner compartments are overcrowded and the prisoners receive little water and inadequate nourishment. They are also subject to arbitrary treatment by guards who commonly display threatening or violent behaviour towards their charges (Amnesty International, 1980: 106-110). Often, transported prisoners spend a night in "transit prisons" which are generally overcrowded, dirty and infested with insects. The morbidity rate of transported prisoners is high with many suffering from illnesses, broken limbs or heart attacks prior to their arrival.

Correctional labour colony settlements are generally set up in areas in which there is a severe labour shortage due to the harsh living conditions. Prisoners thus become a valuable source of cheap labour and are exploited fully under the official guise of reforming prisoners via "socially useful labour" (Ibid, p. 134). The work is compulsory. Correctional labour colony settlements are operated as economic enterprises and, consequently, an attempt is made to make prisoners' work as profitable as possible. This goal is achieved by the administrators of these labour camps by minimizing expenditures on prisoners' accommodation, clothing, food, and medical care. Prisoners are expected to meet high work output norms and those failing to do so are punished. While they are supposed to be remunerated for their work, in actual fact they receive only 10% of their earnings due to deductions for their upkeep (Ibid, pp. 135-145). The goods produced by prisoners in correctional labour colony settlements are a source of profit for the government.

Finally, control and discipline of prisoners in labour camps is of high priority. Camp administrators are given much discretion with regard to punishment of prisoners. The slightest violation of rules may occasion prisoners being put in solitary confinement, placed on starvation diets, or subjected to physical beatings and abuse from guards (Ibid, p. 152-165). For the most part, the ill-treatment of prisoners is kept secret due to the remoteness of the camps and

apparently is not much better than was that of convicts in classical penal colonies, despite the differences in time and cultures. Correctional labour colony settlements have proved to be profitable enterprises for governments and, consequently, it can be surmised that this system, which is based on the economic exploitation of prisoner labour, will not be abandoned until social, political, and economic changes in these countries dictate otherwise. Unlike their classical counterparts, however, these present day labour camps have never offered any benefits to their prisoners (i.e. free land grants, fresh start...), nor are they likely to.

Modern day penal communities are also based on the "penal colony" concept and, as such, share certain features in common with the two models previously discussed; that is, offenders are transported to a remote area where they live and work under supervision. However, unlike the classical penal colony and the correctional labour colony settlement systems, penal communities serve the interests of not only the country but also the offender. They have been created primarily because they are seen as a humane and productive alternative to the traditional prison, the harmful effects of which have been well-documented. The brutalities inherent in the other two models are not condoned in a penal community; instead, the penal colony concept as it was originally conceived, has been radically transformed and adapted to modern reality, reflecting the genuine concern of many countries with the welfare of prisoners.

Modern day penal communities are based on the premise that, while it is unreasonable to expect to rehabilitate offenders in the unnatural environment of a prison, this task might hopefully be

TABLE 3

PENAL COMMUNITIES *

CHARACTERISTICS	COUNTRY	OFFENDER
Remote Location	-Generally located in inaccessible areas in order to minimize the need for high static security -attempt to physically simulate a normal community (e.g. no cells)	-Prisoners allowed general freedom of movement within community perimeters -Families of inmates often reside on site -Distanced from free community
Transportation	-Transportation facilities vary according to location (e.g. ships, vehicles...)	-Prisoners experience little discomfort during trip
Prisoner Labour	-Non-coercive work -Provide job training and productive work to offenders -Emphasis placed on inmate rehabilitation and reintegration	-Inmates learn useful occupational skills and responsibility. -Receive fair remuneration for work -Experience a normal work environment
Basic needs (e.g. food, clothing)	-Basic needs are adequately met by government -Community produces some goods and services for own consumption	-Standard of living in penal communities often higher than that experienced by most citizen/offenders in free society
Control and Discipline	-Minimal static security -Therapeutic community environment (e.g. good staff/inmate relations) -No brutalities condoned	-Little or non-oppressive supervision of inmates -Sentence remission for good behaviour -Return to prison for continual misconduct

* Mexican system as a prototype

accomplished in the penal setting of a "normal" community. The normalcy of the penal community is physically simulated by an absence of cells, institutional walls, and armed guards, all common features of a traditional prison setting. This low static security environment is made possible by the remoteness of the penal community from free society which ensures public safety and discourages escape attempts. It also permits offenders greater freedom of movement and fewer restrictions than they would experience in a prison.

Prisoners are given an option to participate in a penal community or remain in prison and, despite its distance from society, they generally volunteer for the former course. One reason is that, in some penal communities, the families of offenders are allowed to participate in the program as part of the inmate rehabilitation process. The advantages of this policy for offenders is clear: Not only is familial contact maintained, but the social, sensory, and sexual deprivations, typically associated with prison confinement, are greatly reduced. At the same time, the state benefits in that offenders appear to be less motivated to escape, given the presence of their families and the humanitarian aspects of the program. Prisoners experience little discomfort while in transit to the penal community because only those control measures needed to prevent escape are used and ill-treatment of prisoners is contrary to the philosophy of the penal community program.

In penal communities, offenders are provided with job training and productive work. No attempt is made to exploit prisoner labour; instead, the state and the offender mutually benefit from the latter's employment. In prison, inmates often remain idle or perform

token tasks, whereas, in penal communities, an attempt is made to provide inmates with skills that will be useful to them when their sentence expires. At the same time, they receive fair remuneration for work accomplished which goes towards the support of their families, personal expenses, and/or savings. In the process, the state hopes to teach offenders pro-social behaviour and attitudes, which should speed the latter's reintegration into society and, hopefully, lower recidivism rates. The cost of constructing, operating and maintaining the penal community is offset by the profits received by the government from industries in the penal colony.

The basic needs of members of penal communities in terms of food, clothing, and medical care are adequately supplied by the government. Since most of the economies of penal communities are based on agriculture, they are often able to produce many of their own goods and services. Indeed, the standard of living in some penal communities is often higher than that experienced by offenders in free society.

Finally, in terms of control and discipline of offenders, no brutalities are condoned in a penal community. Instead, an attempt is made to create a therapeutic community conducive to harmonious relations between inmates and staff. Participation in a penal community is considered a privilege amongst prisoners and, consequently, the most severe punishment imposed for violation of rules is return to a traditional prison.

IV

THE FEASIBILITY OF A CANADIAN PENAL COLONY:

A PRELIMINARY DISCUSSION OF THE ISSUES

This chapter deals with the feasibility of establishing a penal colony in Canada for long-term offenders. More precisely, what is attempted is a preliminary study of the key issues which must be raised and addressed before any notion of establishing a penal colony in Canada could seriously be considered. Essentially, this task entails the historical approach; that is, taking into account the experiences of other penal colony systems and determining their relevance and applicability to the Canadian situation.

In 1977, the Parliamentary Sub-Committee on the Penitentiary System of Canada recommended that an in-depth study be conducted to determine the viability of creating a penal community in an inaccessible area of Canada for offenders serving long-term sentences (see Appendix A). The impetus for this proposed reform stemmed from the 1976 Ontario Association of Corrections and Criminology Conference, the members of which conducted a two-day public symposium on the subject. The motive was the 1976 Criminal Code amendments, providing for twenty-five year sentences without eligibility for parole for first-degree murder convictions. It has long been a concern of criminologists that inmates may suffer severe debilitating effects from prolonged periods of

confinement in conventional institutions.

The type of penal colony the Parliamentary Sub-Committee envisioned in its 1977 recommendations was a remote access community which incorporated the following features:

- (1) located in a remote area, inaccessible to the public;
- (2) based on voluntary participation of long-term offenders;
- (3) involving inmate-family participation;
- (4) employment-based, providing meaningful productive and paid work for offenders; and
- (5) possessing low static security, with the environment itself providing the necessary security.

The eligibility of offenders to participate in the program would be based on their status, with regard to the following criteria:

- (1) sentenced to long-term prison sentences;
- (2) claiming a married relationship; and
- (3) no prior conviction for particular offences (i.e. sex-related crimes, escape history, institutional misbehaviour...).

"Undesirable inmates" would be excluded from the program and, instead, only those long-term offenders deemed responsive to such a "concrete attempt to provide them with the means for self-reformation" would be chosen as participants.

The penal colony systems that have been in existence in various times and cultures have been described thus far as "transportation systems," "correctional labour colony settlements," "prison colonies," "open institutions," "limited access correctional communities," and "penal communities." This study has grouped them, on the basis of their characteristics, into three models: Classical Penal Colonies, Correctional Labour Colony Settlements, and Penal Communities. They serve as an important source of reference in a discussion of the feasibility of a penal colony in Canada. At the same time, however, while these models may share certain features in common as "penal colonies," disparities exist between them with regard to their respective ideological basis and operation. These differences determine the viability of each model within Canada's unique political, social, economic, and cultural climate.

In its 1977 recommendations, the Parliamentary Sub-Committee specifically rejected any notion of a Canadian penal colony which would incorporate the "worst features of the former penal colonies in French Guiana and the Siberian labour camps and the Gulag Archipelago in the Soviet Union." Indeed, its aforementioned criteria for a Canadian penal colony reflected this concern. For one thing, while the suggestion was made to locate a penal colony in an inaccessible area of Canada for security purposes, this would not necessarily entail "somewhere north of the Arctic Circle." Canadian inmates could not be placed in areas in which the harsh living conditions deter even free citizens from working

there, as was the practice of the classical penal colony system and the present day correctional labour colony settlements. The penal colony would be located in a remote area of Canada not because of a desire to rid society of its criminals and undesirables, but because such a location would reduce security risks and allow members freedom of movement, as in "normal" society, at least within the natural perimeters of the community. Further, to avoid any notion of coercion, the Parliamentary Sub-Committee stipulated that inmate participation in the program would strictly be on a voluntary basis.

Again, contrary to the exploitative and oppressive nature of classical and labour colony models, the focus of a Canadian penal colony system would be on the rehabilitation and reintegration of offenders. For this purpose, inmate families would be permitted to take part in this program. At the same time, an integral aspect of this reformation process would be the provision of meaningful productive work to inmates, enabling them to develop the occupational skills and sense of responsibility needed for a successful reintegration into society. Prisoner labour would not be economically exploited but, rather, "inmates could be employed at improving the environment in or near their own penal community working either for private industry or their own cooperative industries" (Parliamentary Sub-Committee, 1977). They would receive fair pay for such work.

Essentially, the Parliamentary Sub-Committee made use of the Mexican penal colony as the prototype in its recommendations. It

advocated the in-depth study of the third penal colony model, the penal community, in terms of its applicability to the Canadian situation. The ideological basis and operation of both the classical penal colony system and the correctional labour colony system are at odds with the nature of contemporary Canadian society and democracy. Nonetheless, in determining the feasibility of a Canadian penal community or "remote access community," the experiences of these penal colony systems as they might apply in the Canadian context, must be taken into consideration. The discussion of the feasibility of a remote access community falls, as the review of the past and present penal colonies indicate, into the following framework:

- (1) Physical Factors and Resources;
- (2) Programs
- (3) Human Factors and Resources;
- (4) Administration; and
- (5) Social Climate.

PHYSICAL FACTORS AND RESOURCES

Location

The question of a remote access community's (RAC) location in

Canada is of critical importance. In previous centuries, the colonies of the home countries were used for this purpose. But Canada today, has no such options available to it. Other countries, currently experimenting with the penal community concept, have been faced with much the same dilemma -- where to locate these penal communities within their own territorial boundaries. Unlike those who make use of correctional labour colonies, these countries are concerned about the welfare of inmates and do not wish to place them in uninhabitable areas. Canada desires to follow the same policy.

In determining where to situate a correctional institution, the usual policy of the Correctional Services of Canada is to consult available penitentiary guidelines. The American Correctional Association (ACA) has set specific accreditation standards regarding the location of penal institutions (1966: 337):

Correctional institutions should be located in rural settings, but within easy and short commuting distances, either by public transportation or automobile, of one or more communities wherein adequate housing can be found for personnel, opportunities for shopping, education for children, recreation and entertainment, and all of the other advantages of civilization which will make recruitment easy and help employee morale.

The Canadian Association for the Prevention of Crime (CAPC) (1982) has also drafted guidelines for the planning, placement, and construction of penitentiaries. Specifically, the following recommendations have been made with regard to this issue:

5.04.05 The location of the prison is selected to ensure that time, distance, and cost factors do not impede or discourage family contacts and positive community interactions.

5.04.09 The prison is located in or immediately adjacent to a major population centre.

The relevancy of these standards to a remote access community is questionable, however, given its unique nature. By definition, the RAC must be relatively inaccessible. The RAC, thus, could not be located anywhere near a major population centre. This characteristic is particularly crucial, because the proposed population of the RAC would comprise long-term or high security risk offenders, who are to be permitted freedom of movement within the confines of the RAC so that the RAC would simulate a "normal" community. Its inaccessibility reduces security risks. Security would be based on the principle that the more remote the community, the more pointless and harmless would be escape. The natural perimeters of the RAC would serve as the boundaries to not only prevent inmates from escaping but also to keep unauthorized visitors out. The Mexican penal colony, Islas Marias, has effectively put this strategy into practice. It is situated on an island, the perimeters of which are easily patrolled by a small naval unit (ACA, 1981). Within reason, the climate of the area in which the RAC is located can also contribute to security. Many of the Soviet correctional labour colony settlements lie in the far north, the cold climate of which serves as a deterrent to escape. Because the simulation of a "normal" community is an integral aspect of the RAC program, deviation from ACA and CAPC standards could be kept to a

minimum; that is, "positive community interaction," between inmates and staff and their respective families, could be encouraged. The "advantages of civilization" or goods, services, and amenities could also be provided to the community, where possible.

In selecting a site in Canada for the RAC, careful consideration would have to be given to the needs of the community, in terms of the necessary acreage, topography, climatic conditions, water supply, electrical power generation, availability of natural resources, communications, residential housing, and transportation facilities. These factors are critical and will determine the cost of construction and maintenance of the RAC, as well as staffing needs, employment opportunities for inmates, and the provision of essential goods and service. The terrain of the area must be adequate enough to prevent problems arising with regard to the logistics of transporting people and material in and out of the site.

In particular, the location of the RAC, the climate, and the available natural resources will determine the type of employment opportunities open to inmates. Full employment for offenders is a key criteria for a RAC. Most contemporary penal colonies, for instance, base their economy on some form of agricultural production (refer to Chapter III). Not only does this provide inmates with work, but it also often enables these communities to produce much of their own food supply. In determining the economic feasibility of a particular site

for a RAC, planners must also investigate the availability of other natural resources which could provide the raw materials for other types of industries (i.e. forestry, mining, manufacturing). Essentially, the RAC must be located in an area which will provide long-term employment opportunities for inmates, not only to enhance the rehabilitation process but also to minimize government expenditure in this realm. At the same time, climatic conditions must be conducive to reasonable living and working conditions, such that community members will not suffer undue hardships or privations.

Suggestions have been made in the past to locate a RAC somewhere in Canada's North (Parliamentary Sub-Committee, 1977; Ontario Association of Corrections and Criminology, 1976; Grygier, The Ottawa Journal, 1974). The attraction of this proposal is that inmates would provide a source of labour for northern development. The danger lies with the fact that, in doing so, inmates would be providing cheap labour in areas in which free Canadian citizens are reluctant to work, except possibly for high wages. The voluntary participation of the inmates of this program is essential to success, no sense of coercion must be present. The RAC must not emulate the classic penal colony nor the oppressive Soviet system, both of which are exploitative and inhumane in nature. The isolation of humans in remote and inhospitable environments engenders severe physical, psychological, sensory and social deprivations (McKay, et al, 1979: 45-47). These problems are all the more significant when considering the recruitment of staff to the RAC as

well as the impact of this environment on other members of the community, such as the spouses and children of inmates and employees. On the other hand, many Canadian communities are located in the remote north, including the Yukon and North West Territories. Finland, with its intemperate weather, has successfully set up a number of prison colonies which are rehabilitative and productive in nature (Moseley, 1973).

Another possibility is to convert an all but abandoned town for the use of the RAC. The advantage of this approach would be to reduce many of the construction costs, by making use of existing facilities. Unfortunately, it is seldom possible to locate a ghost town which is fully intact, operational, and suitable for habitation. The Falconbridge Mining Company in British Columbia, however, offered the island of Tasu in the Queen Charlottes to the government for this purpose (The Citizen, November 26, 28, 1983). This city is situated in a remote part of B.C. and is accessible only by air. The closing of mining operations in the area left it essentially a ghost town. What remained in 1983, however, was a city which was still largely intact -- the necessary facilities existed for communications, transportation, water supply, electrical power generation, sewage treatment, residential housing, and community services. A major problem associated with the idea of resurrecting such a town, however, is the lack of long-term employment opportunities for community members. It was abandoned for this reason in the first place.

Facilities

If it were possible to find a suitable location for the RAC, then the next consideration would be the design of the physical plant of the community. Obviously, the traditional penal institution designs would be inappropriate in a RAC. The idea is to strive for as near-normal an environment as possible, and that cannot be accomplished if the community was built along the lines of the fortress structure of a prison. In recognition of this fact, the Mexican authorities have created a humane environment, conducive to positive offender programs. Lozano (1980: 6) described the community setting of the Islas Marias penal colony as follows:

What strikes everyone who first sets foot on the island is how much it looks like something off a travel poster, with its swaying palms and long white beaches...And when I first arrived, I was completely unprepared for the extent of the freedom given to the colonos. They roam freely and live in little cottages with their families; it looks in every respect like a typical Mexican village... Which is the whole point. There are no guards, no bars and no regimentation.

The RAC would have to provide all the services and amenities found in comparable communities in Canada. Special facilities would have to be designed for this purpose. In terms of housing, for instance, modest homes or apartments could meet the needs of staff, inmates, and their respective families. The penal communities of the Philippines, Sweden, India, Finland, and Mexico all have small cottages or houses for the use of the prisoners (Chapter III). Planners of a Canadian RAC would have to determine the cost of constructing and

maintaining RAC facilities.

The requirements of a RAC in terms of food must be assessed. If it is located in an area possessing arable land, then much of the food supply could be produced on site. The economy of most contemporary penal communities, for instance, is agriculturally-based. This system is also not uncommon in the present Canadian penal system. Inmates of the Winnipeg federal minimum security prison, Rockwood Institution, for example, farm 1,000 acres. The eggs, milk, meat, and vegetables produced, meet at least a third of the total food requirements of this prison as well as a neighbouring one, Stoney Mountain Penitentiary (Free Press, September 23, 1983). The value of this type of work for inmates is that it provides them with regular working hours, pay, training and productive work — much the same as they would experience outside of a prison. The system, thus, hopefully facilitates the reintegration of offenders into society, upon expiry of their sentences. At the same time, it reduces government expenditure in this domain, to the advantage of the taxpayer. If it is not feasible for a RAC to produce all of its food requirements (e.g., those crops that cannot be grown in a Canadian environment), provisions would have to be made to transport these goods to the RAC on a regular basis. Grocery stores and shopping facilities should also be established for members of the community. These possibly could provide a source of employment for some inmates. A third basic requirement is clothing.

The provision of medical care facilities in a RAC is

particularly important; considering the fact that it would be located in a remote area. In previous times, the mortality rate of the diseased and physically-abused transported offenders was extremely high (Witmer, 1927-1928; 31). Not only has medical science evolved considerably since that time, the values of society have also changed sufficiently so as not to tolerate such a situation. The CAPC draft standards (1982) stipulate that health and medical programs of an institution must be of the highest standard and the RAC cannot be an exception in this respect. A hospital would have to be built with facilities for the treatment of the serious cases and of emergencies. For the more serious cases demanding special treatment, provision would have to be made for the transportation of patients to the nearest hospital with facilities for such treatment. A foreseeable problem is that it could be difficult to attract qualified medical personnel to the RAC, not only because of its remote location but also because of its penal nature. The staffing of a RAC is an important issue that must be resolved from the start.

Since the concept of the RAC is based on the "normalcy" of the community, provisions would have to be made for recreational and cultural facilities. Qualified staff and representatives of the inmate body could be made responsible for organizing a diversified program. Entertainment could take the form of movies, videos, dances, and so on. A community hall could be built for this purpose. Football fields, baseball diamonds, and track facilities could also be set up. At the

same time, religious facilities (i.e. a church or multi-purpose community hall), diverse enough to allow for maximum flexibility in serving various faiths, must be provided to the community.

The geographic location of the RAC would determine the necessary modes of transportation. Within the community, for instance, vehicles might be needed for public transportation. As far as outgoing transportation is concerned, the inaccessibility of the RAC might mean that aeroplanes or boats would be needed to transport people and supplies in and out of the site. The cost of these special facilities would have to be taken into account in determining the economic feasibility of a particular area for a RAC. The Soviets use trains, for the most part, to transport prisoners to their northern destination. Because the Mexican penal colony is situated on an island, a ship makes weekly deliveries.

Transportation facilities for offenders and non-offenders to and from the free society are crucial. It is reasonable to anticipate that isolation from the free community and, specifically, from friends and family ties, may produce psychological and social problems for the families of staff and inmates in a RAC. After all, inmates experience much the same problems in the closed society of a conventional prison. To a certain extent, the availability of a psychologist in the RAC may be useful in this realm. Of course, if the administration or professional staff view the adaptation of an individual in the RAC as problematic in any sense, then their participation in the program could

be terminated. Should not arrangements for visits from friends and relatives be made?

In any event, transportation in and out of the RAC must be made available to the non-offenders in the community in order to alleviate any sense of being imprisoned along with their husbands. The issue that arises here, however, is who assumes responsibility for the cost of transportation for visiting purposes: individual families or the government? If the government paid the cost of transporting visitors to the RAC and transporting members of the community out, would these visiting opportunities be limited for economic reasons? If so, would the families of inmates and staff feel that their freedom was also being restricted and that they, too, were prisoners?

Schools, competent teachers, and equipment must also be considered essential features of a RAC. Inmates must be accorded at least the rights and opportunities found in a traditional prison setting. Advanced university courses could be conducted through the usual correspondence system. In addition to the inmates, there are the children of staff and inmates who must be provided with adequate educational training. In the Islas Marias penal community in Mexico, education is compulsory for all children and illiterate inmates (ACA, 1981: 19-20):

The goal is for all inmates to achieve at least a primary education. The administration places considerable emphasis on education and is singularly proud of inmates' achievements. All inmates, staff and children attend the same school in Balleto, and there is a night school for inmates in Bouganville.

In the Islas Marias penal colony, the operation of the educational facilities is the responsibility of the Mexican Department of Education which has assigned ten teachers to the island. The issue of whether the educational system of the RAC would fall under provincial or federal jurisdiction is a question that must be resolved. Qualified teachers would be needed to staff the schools of a RAC.

Finally, the needs of the community in terms of power and energy would have to be assessed and the necessary facilities and resources provided. Engineers and technicians would be responsible for determining the cost and convenience of constructing and maintaining these facilities. Adequate communication facilities are also imperative in a RAC, not only for administrative and security reasons but also to enable members of the community to keep in contact with family and friends in the free society.

The issues relating to the physical factors and resources of a RAC, discussed here, are only some of the obvious. It is difficult to fully visualize what other problems might surface until an actual site for a RAC is chosen. Currently, the Correctional Services of Canada has, in its employ, trained personnel (i.e. engineers, architects, and technicians) whose function is to make cost estimates for the acquisition of land, and the implementation and operation of a new correctional institution. In the consideration of a site for a RAC, the special needs of its members would have to be taken into consideration in assessing the feasibility of a particular site.

PROGRAMS

As the RAC is essentially a penal institution based on a rehabilitation orientation, a number of programs to facilitate this process must be organized. As the core concept of the RAC is normalcy, many of these programs constitute part of everyday life in a conventional community.

Employment

The provision of employment opportunities to inmates has long been considered an integral aspect of the rehabilitation process. An RAC would not be an exception to this rule. Planners should carefully and systematically develop a work program for RAC participants which would incorporate the following objectives: (1) develop inmate job skills; (2) promote pro-social behaviour and attitudes; and (3) provide inmates with remuneration. All of these provisions would be beneficial to an inmate, not only during his period of incarceration but also when he rejoins the free community. At the same time, providing inmates with meaningful productive work can have the added benefit of helping offset the cost of operating the RAC. The 1977 Parliamentary Sub-Committee, in its recommendation to explore the feasibility of a Canadian RAC, envisaged even further gains (particularly from the point of view of taxpayers):

Inmates could support their families, make income tax payments, make contributions to and be eligible for the benefits of welfare programs such as Canada Pension Plan, Unemployment Insurance, Workmen's Compensation and Hospital and Surgical-Medical Insurance. Conceivably these communities to

a greater or lesser degree be self-governing and thereby develop among the inmates a sense of community responsibility.

This idea is not so far-fetched as it might initially seem when it is considered that, in previous centuries, many countries profited from the transportation system by exploiting convict labour. The Soviets continue to do so, to this day, via their penal labour camps (Sellin, 1976). However, in contemporary penal communities, such as in Mexico and Finland, a more symbiotic relationship exists whereby both the state and the individual profit from the latter's employment with no suggestion of exploitation either way. It is this course which a RAC would hopefully emulate. Inmates of a RAC would receive financial remuneration for their work.

The types of employment opportunities open to inmates of a RAC would again depend on the community's location but could conceivably comprise any or all of the following areas: industry, maintenance, or agriculture. In terms of industrial activities, for instance, there are a number of options available to a RAC. First of all, the government could create "make work" programs in the RAC, similar to those industries traditionally subsidized in a prison. Inmates could possibly produce goods required by the government (i.e. assemble desks, shelves and so on). An alternative is for the government to set up one type or another of industry (i.e. manufacturing, forestry, pulp and paper) in the RAC that could yield some sort of profit in the free market. A third option is for the government to introduce incentives to private enterprise to become involved in a RAC, which would be tantamount to

offenders becoming employees of these companies. Finally, inmates could engage in a profit-sharing enterprise with either the government or a private company. This latter route would seem the most opportune in that it could promote a sense of responsibility, independence and even entrepreneurship in the inmates, all qualities that would later be an asset when they return to the free community. While the feasibility of these different courses could only be determined once the site of the RAC has been established, it is important to note that they are not uncommon practices in the penitentiary system in Canada or other countries. Indeed, many contemporary penal communities make use of these different industrial systems (see Chapter III).

Another potential source of employment in a RAC is in the maintenance and upkeep of the community. Inmates could possibly work as mechanics, store employees, sanitation workers, clerics, on construction crews, and so on. Where possible, positions could also be made available in these areas to the families of staff or inmates. The role of the private sector in this regard must also be assessed.

Finally, inmates could engage in agricultural activities if the quality, quantity, and type of land in or around the RAC was adequate for these purposes. The dairy products and meat requirements of the community could, thus, be provided, at least to a certain extent. This would further contribute to the self-sufficiency of a RAC. As mentioned previously, the economies of most modern day penal communities are based on some form of agricultural production.

The Penitentiary Industry Regulations may have an important bearing

on all of these issues and it would have to be consulted in order to determine what rules and standards are relevant to the employment of inmates in a RAC. In the past, a major concern associated with inmate employment was that the goods and services produced by them might constitute competition with private industry. This was considered by some as an unfair practice because not only do these industries have the advantage of government subsidization but they might possibly take jobs away from non-offenders. These concerns would be less relevant to a RAC, however, because much of what is produced (depending on the nature of the industry) could be used for immediate community consumption. In any case, the Regulations of the Canadian Penitentiary Act state that "inmates are allowed to conduct a business enterprise with the Commissioner's approval." One of the remarkable features of the Mexican penal colony is that private firms have voluntarily become involved in assisting the inmates in setting up industries because of their desire to be "good corporate citizens" (ACA, 1981: 16).

Educational Programs

Educational programs should be provided for the benefit of all members of the RAC, including inmates and the families of both staff and inmates. The educational and vocational requirements of members of the community have been discussed in the previous section dealing with physical factors and resources of a RAC.

Cultural Activities and Recreation

A broad range of cultural and recreational activities should be made available to staff, inmates, and their respective families within a RAC. Programs of this nature are particularly important given the general isolation of the community. They may not only relieve monotony but be a source of tension reduction. A full-time recreational director, perhaps elected from the inmate body, could be made responsible for organizing these activities. Recreation could vary from formal programs to leisure time activities. Entertainment could consist of movies, theatre groups, vocal groups, bingo games, and arts and craft exhibitions. An outdoor area could be provided for sports, such as softball, football, tennis, track or miniature golf. An indoor gymnasium could, perhaps, be provided for basketball, volleyball, squash and so on. Of course, the availability of these types of programs and facilities would depend on budgetary constraints. In the Mexican penal colony, for instance, television sets are only available to those who can afford them.

Alcohol consumption by members of conventional society is a common source of recreation and relaxation. Inmates of traditional prisons, however, do not have approved access to it. Contemporary penal communities generally share the same policy: drugs and alcohol are prohibited to all member, including staff. In relation to a Canadian RAC, this issue raises a number of questions: If alcohol is banned, would the non-offenders feel deprived of their rights? If only certain

members of the community (i.e. staff and their families and, perhaps, inmate families) were permitted to drink alcohol, what problems would this policy cause? Essentially, the dilemma is the extent to which the RAC would be operated as a normal open community. The more restrictions of this nature imposed, the more policing will be needed.

Religion

Provision would have to be made to meet the specific denominational needs of the community members. A chaplain could be employed in this capacity.

Treatment Programs

Treatment programs should be made available on a voluntary basis to those interested. Specifically, a psychologist or psychiatrist should be on hand in a RAC to deal with the various problems that might arise. His/her role could entail monitoring the adjustment of RAC participants and providing appropriate counselling or referral services. Social workers would also be useful in this respect.

• An important challenge of RAC programming is to provide for the basic needs of community members. This would entail many of the educational, vocational, cultural, health and social services as well as amenities commonly found in the free community. It would also require the involvement of personnel, such as counsellors, educators, chaplains, and psychologists or psychiatrists. In determining the feasibility of a

RAC, the cost of providing these essential programs and services should be taken into account. At the same time, if a RAC was implemented in Canada, the progress, adjustment, health and welfare of its participants would have to be continually monitored and evaluated. Given the uniqueness of a RAC, it is to be expected that scientists from diverse fields would be extremely interested in conducting studies in this regard. The central focus of RAC programs would be directed at the rehabilitation of offenders; that is, equipping them with all the skills and pro-social attitudes necessary for self-sufficiency not only in a RAC but also for the free community from which they came and to which they will return. In reference to the Islas Marias penal community and its rehabilitative programs, one Mexican authority stated that "it is more necessary to turn a captive into a free person than to make a prisoner's life a state of permanence" (ACA, 1981: 27).

HUMAN FACTORS AND RESOURCES

RAC Inmate Participants

Unlike the case of a traditional penal institution, which must accept all prisoners sent by the courts, the recruitment of offenders to a RAC can be highly selective. It could ensure that only the most manageable of inmates are chosen and, by making good behaviour a prerequisite for continuance in the program, it could enhance the likelihood of their cooperation. Essentially, participation in the RAC would be proffered as a reward for good institutional work and conduct.

in a prison. The proffered reward, of course, must also be considered of value to the offenders. An inmate survey would first have to be conducted to determine if, in fact, offenders would be willing to take part in this type of project. The popularity of modern penal communities and related innovative projects in other countries, indicates that these types of programs, on the whole, are highly desired by inmates. Given the alternative of spending years in the closed environment and regimentation of a traditional prison, the current receptivity of inmates to these systems is hardly surprising. It may also signify that penal colonies, since their heyday in earlier centuries, have come a long way in terms of humanitarianism. In any event, the Research Division of the Ministry of the Solicitor General of Canada has undertaken to resolve many of these issues, and the preliminary results seem to suggest a favourable reception to the idea of a RAC (Wormith et al, 1984). Activities undertaken by inmates of Canadian penitentiaries further indicate a movement in this direction. In 1974, inmates of the Matsqui Medium Security Institution in B.C. created a Wilderness Correctional Community Society to promote a project which shares many features in common with the RAC concept (Young, 1979). The federal government has also set up a number of forestry camps for inmates in B.C., as well as Outward Bound programs in Ontario.

In addition to making good conduct within a prison a prerequisite, other criteria for assigning offenders to the RAC program

would have to be established. Effective selection of inmates for this community is critical to its success. Special screening methods would have to be devised to identify eligible inmates who have the greatest potential to benefit from, as well as contribute to, the RAC. The basic criteria for inmate eligibility to the RAC program have been tentatively suggested as:

- (1) Sentenced to long-term prison sentences;
- (2) claiming a married relationship;
- (3) no prior conviction for particular offences (i.e. sex-related crimes, and escape history, institutional misbehaviour...).

Further factors that could negate inmate eligibility to the RAC would include evidence of emotional instability, poor institutional work and conduct record, length of time to be served, escape history, addiction to alcohol or narcotics, and case notoriety (ACA, 1954: 66-67).

Offenders serving long-term sentences, have been considered a suitable first choice for a RAC because of the dearth of programs to meet their special needs in a traditional prison environment (Zink, 1958). In its 1977 recommendations, the Parliamentary Sub-Committee on the Penitentiary System in Canada placed particular emphasis on exploring the viability of this type of program for long-term offenders. It is feared that confinement, in the abnormal environment of a prison

for long periods of time, can produce harmful effects in these individuals, making their eventual reintegration into society especially difficult. Criteria would have to be established, however, as to what constitutes a "long-term" offender, before the eligibility of inmates to a RAC can be determined. In the Mexican penal community, at least forty per cent of the inmates have been incarcerated for murder, and are serving sentences of twenty years or more (Jewell, 1957-58: 410). There are currently 1,500 inmates on Islas Marias who have one to ten years remaining to serve their sentences (ACA, 1981: 10-11). In India, offenders serving ten years or more are admitted to their penal community system (Murton, 1976). Finland, however, has a different policy: Offenders, serving two years or less, may participate in "labour colonies," while long-term offenders, in the last six months of their incarceration, are admitted to "prison colonies" (Moseley, 1973).

It is the practice of most countries to require inmates to serve at least part of their sentences in a traditional prison before being permitted to participate in a penal colony. The basis of this strategy is that not only does it placate members of the public because retribution is at least one component of the penal sentence, but it also provides inmates with a greater appreciation of their opportunity to take part in a penal community program. In other words, it must remain foremost in an inmate's mind that participation in these programs is a privilege and any behaviour that would disturb the order of the community would jeopardize this privilege. At the same time,

institutional behaviour may be a good predictor of an inmate's potential conduct in a penal colony. It also can serve as a baseline from which researchers can later assess the effect of this alternate program on an inmate. If this system was adopted in Canada, the issue would have to be resolved as to the number of years inmates should be required to serve in a prison prior to transfer to a RAC.

To avoid any notion of coercion (Mandel, 1978), the policy would have to be that inmates must apply for the RAC program. Eligibility, therefore, could be assessed on the basis of inmate classification, as well as classification records. One possible problem arising from this system of selection is the effect it would have on the traditional prison environment. Long-term prisoners are reputed to have a stabilizing or somewhat calming effect on the rest of the inmate population (Gabor, 1985). Transfer of the better long-term prisoners to the RAC would remove this stabilizing factor from the prison.

If the RAC was based on a family participation concept, then the inmate clientele would have to be married, legally or through common-law. The question is how many long-term offenders qualify in this regard? Also, what would be the legal criteria for recognizing "common-law" status? A whole host of other issues arise when considering the participation of inmates' families in the RAC. How many spouses of inmates would actually be willing to accompany their husbands to a RAC? This question underscores the importance of conducting an inmate-family survey with regard to these issues. Again, to avoid

coercion of either party, it would be important to not only interview inmate spouses but to do so privately. For, if the spouse of an inmate refused to take part in this project what ramifications would this have for their relationship when the inmate realizes that he is then rendered ineligible for the RAC? Maximum discretion and confidentiality thus would have to be used by a selection committee in assessing the willingness and commitment of inmate spouses to the program.

RAC Family Participants

Because the concept of the RAC rests on the simulation of a "normal" community, the involvement of spouses and children of inmates and staff is integral to the program. Indeed, the participation of inmate families is being considered not only because it is hoped that it will help preserve these relationships, but in recognition of the fact that the family of inmates may well be a prime treatment agency (Cavan and Zemens, 1958). Several nations in Europe, Latin America, and the Far East permit the practice of conjugal visits in their penal institutions and, as mentioned in Chapter III, India, Mexico, Sweden and the Philippines have created penal communities in which offenders can live with their families for the duration of their sentences. Canada has instituted a private family visiting program in prisons for the purpose of maintaining family ties during incarceration and to facilitate the reintegration of the inmate into the community (CSC, 1983). The RAC would be extending this concept one step further;

families would live on site with the inmates.

Unfortunately, this practice would not be as simple as it might first appear. Incorporating a family-based RAC in Canada's culture and criminal justice system may pose many legal, political, social, and economic problems. Even if the idea was accepted politically and by members of the public, its implementation would be another matter, as far as the individuals or clientele are concerned. Social problems might arise, for instance, if families of inmates and staff prove reluctant to fully interact with the inmate population of the community. Such a reaction is normal in that inmates have traditionally been isolated from non-offenders for the protection of society. There is little information on this subject in the literature regarding the experiences of contemporary penal communities. The director of the Mexican colony, however, has made his views clear (ACA, 1981: 12):

The first and most important concern is the children. ... Their welfare, and an environment conducive to their upbringing, is of major importance. There is no distinction between children of inmates and children of staff... My second concern is the well-being of the women... The respect for the women must be maintained because they are the most important part of the family structure... My third concern is for the men of the penal colony. All men, inmates and staff alike, are to be treated with dignity. This is not only human, but conducive to the harmonious atmosphere that must exist in this closed society.

One possible strategy to help facilitate positive community interaction in a Canadian RAC would be to make clear to all concerned,

from the outset, the program's objectives and the fact that participation is dependent on their cooperation.

While one of the goals of the RAC would be to emulate, as much as possible, a traditional urban community, its remote location and inmate population would make it difficult in many ways to actually create such an environment. It is important when considering the feasibility of a RAC, therefore, to attempt to understand the potential short-term and long-range effects of such a program on the children of both inmates and staff. For example, the interaction between children and inmates may have an adverse impact on the former's development, including the possibility of encouraging delinquency and pro-criminal values. On the other hand, in terms of the children of offenders, research in this area has established that the loss of, or separation from, a parent may cause behavioural problems, may negatively affect children's performances and may lead to criminal careers (Haskell & Yablonsky, 1971: 296-300). A family-based RAC may rectify this problem. In any case, the short-term and long-run effects of a RAC on the children of the community cannot be predicted with any degree of certainty, at this point. These issues must, however, be borne in mind. It is also important to realize that to live in a RAC is presumably a decision that parents will make on behalf of their children. The consequence, however, might be that the children of inmates will feel that they are, in a sense, being punished for their parent's crimes. The social stigma of being the child of an inmate has

always socially, psychologically, and economically-disadvantaged children. Life in a penal colony setting may constitute another social setback for them. Legally, the Canadian Child Welfare Act and, perhaps, the Charter of Human Rights and Freedoms may have serious implications in terms of whether or not these children would, in fact, be permitted to take part in a RAC program. The educational needs of the children of a RAC must also be taken into account and appropriate measures made to ensure that these are of a high standard.

Many of the potential problems identified as applicable to the spouses of inmates would also be applicable to the spouses of the staff involved in this project. While the wives of inmates and staff would be given a choice, the likelihood exists that, in many instances, they will experience personal and social pressure to accompany their husbands to the RAC. Dislocation from the free community and separation from their friends and relatives will be stressful for many. Related to this issue are a number of other problems for spouses: giving up their jobs or careers and losing their homes and property in their own community. These problems may be alleviated, to a certain extent, by building modest homes or apartments for families in a RAC and, where possible, providing them with employment opportunities in the maintenance and service areas. The eligibility of these families for welfare, while in a RAC, must also be determined.

If relations deteriorate between an inmate and his spouse, what effect would this development have on the eligibility of an inmate,

who has displayed exemplary behaviour in the program, to remain in the RAC? If the inmate and his family expressed interest in remaining in the RAC once his sentence has expired, would this practice be feasible socially and economically? It has been the policy of the Iwahig penal colony in the Philippines to offer an offender and his family ten acres of land on the island upon completion of his sentence (Alexander, 1967: 32). Whether this would be possible in a RAC, would largely depend on the extent and location of its territorial holdings. Also, one must consider the ramifications of extending such privileges to ex-offenders, given the fact that Canadian non-offenders are rarely granted such opportunities.

RAC Staff

One of the keys to the success of a RAC will be the nature of the staff and their contribution to the community. For this reason, selectivity in staff assignment to a RAC is a crucial step. A decision will have to be made as to what type of correctional officer would be best suited for the RAC program. Once the RAC is fully operational, internal order will be dependent on harmonious relations between staff and inmates, for the two groups will not only be working with each other but living alongside one another.

The fact that the community is to be located in a remote and largely inaccessible area, reduces perimeter security needs relative to a traditional prison. The presence of inmate families will also

hopefully reduce any desire, on the part of offenders, to escape. Given these conditions, the traditional custody-oriented prison guard may not be required. Instead, because of the rehabilitation orientation of the RAC, correctional officers in a RAC should be program-oriented, modelled after the Living Unit officers found in some conventional institutions. They should be experienced, innovative, and able to easily adapt to the many challenges and possible pressures involved in administering and operating a RAC. Part of their role will be to provide inmates with effective case management and counselling services. These staff members would have to be provided with special orientation training to prepare them for their new roles in accordance with the philosophy and objectives of a RAC.

While it is a simple matter to envisage the type of correctional officer required in a RAC, an anticipated problem is how to recruit this type of staff. Relocating to a remote and isolated area and living amongst an inmate population may not be viewed as a particularly attractive career opportunity. In this regard, traditional methods of recruiting staff might prove inadequate. Instead, what would be needed is a general campaign to confer extra status on RAC staff, including promotion and salary benefits. As in the Canadian military, the Correctional Services (CS) could also assemble a special benefit package as a further incentive for RAC staff:

relocation remuneration, housing assistance, isolated post allowance, and extended leave privileges. Essentially, service in a RAC could be promoted as a vital step in the career path of a correctional officer.

The number of staff required to service and maintain a RAC would be determined on the basis of the needs of the community in terms of physical plant, inmate population, security requirements and diversity of programs. Related to this issue is the number of years staff members would be assigned to a RAC. To avoid the possibility of staff suffering adverse effects from living in the isolated RAC, the CSC could set maximum terms to be served by staff. This policy also applies to the family of staff. If the families of staff are permitted to reside within the RAC, then special measures would also have to be taken to alleviate any detrimental effects that they might consequently endure (i.e. frequent trips to the free community, access to educational, medical, and recreational facilities and so on). There may also be reluctance on the part of some of these individuals to interact with inmates and their families. The possible solution to this problem might be to house staff in a separate area from inmates and their relatives, but then this might defeat the very purpose of the RAC so that it might be necessary to specify from the start that the conditions of employment for staff necessitate such interaction. If the families elect not to accompany staff, what should the position be? Should the officer be

sent nevertheless, with the term of employment in a RAC to be of shorter duration, or provisions made for more frequent visits to the free community?

It is not uncommon for experienced personnel within the Canadian military to set up bases in foreign countries or in remote areas as part of their peacekeeping role or as a military exercise. The families are also generally posted to these locations. In setting up a RAC, the military could be of service. The Soviets make use of their military in the correctional labour colonies (Amnesty International, 1980). A small unit of Marines is used in the Mexican penal colony for internal and external security purposes (Worrall, 1982). Other staff members of Islas Marias consist of civil servants who are required to work at least one year in the penal community (ACA, 1981). In a Canadian RAC, military personnel could perhaps play an important role. Indirectly, they could perform an advisory role to the Ministry of the Solicitor General. Directly, they could be of service in lending their expertise to the administration and operation of a RAC. Although the need for external or perimeter security may be reduced in a RAC, there would, nevertheless, be the need for internal security at least to the extent that one finds in the free society. The military could supply this need. But then, would it detract from the normalcy aspect of the RAC?

The discussion, thus far, on human factors and resources of a RAC has been divided into three sub-categories: Inmates, Families, and Staff. This was done deliberately, as each group would have separate

needs, albeit often overlapping which must be addressed in determining the feasibility of the RAC program. The relevant literature also generally treats each of the three groups separately because contact between them is necessarily on a superficial level, given the prison system as it currently exists. Yet, as its name suggests, the fundamental basis of a RAC, in a rehabilitative sense, is its community - a community which, because of its isolation and unique nature, would entail considerable interaction amongst its members in working together towards the achievement of common goals. If this community was weakened by external or internal pressures, the success of the RAC program, in turn, would be endangered.

The issue at stake is not only a question of being able to bring these people together into the program but also whether it is, in fact, reasonable to expect these three groups to successfully form a "normal" functioning community. The population of a RAC would not be "normal," per se. The inmates concerned (i.e. long-term offenders) are not simply petty criminals; they are offenders, who by virtue of committing serious crimes, have been sentenced to the maximum penalties the Canadian criminal justice system currently has the power to impose. At the same time, prison staff has traditionally united into a fairly solid front against its charges. Because of their stereotypical roles and functions, inmate-guard relations within a prison are generally hostile and antagonistic, with the possibility of outright conflict never far from the surface. As for the families of staff and inmates, they are neither prisoners nor employees of the prison system. Their

role has always been a passive one and yet, in a RAC, it must be constructive.

It could be said that the potential exists for an explosive situation in a Canadian RAC. On the other hand, this is not the norm in other modern day penal colonies. Indian authorities, for instance, report favourably on their penal community program: Participants are cooperative and there have been few incidences of escape (Murton, 1976). The atmosphere of the Mexican penal colony has been described as harmonious, with little violence or misbehaviour (ACA, 1981). Essentially, the administrators of these penal communities have recognized not only the importance of providing for the special needs of participants but also of instilling them with a sense of community spirit. This is less difficult than it seems as all members have a vested interest in the success of these programs. Whether or not such a task would be possible in Canada remains to be seen, but what is clear is that the feasibility of a RAC depends on it. Notwithstanding the other issues, it is the human components of a RAC which will decide its fate.

RAC ADMINISTRATION AND OPERATION

Organizational Structure

While admittedly the organizational and administrative structure of a RAC, due to its unique nature and remote location, would

be more complex than that of a regular prison, it is dubious whether the actual feasibility of the program would hinge on this issue. For this reason, and also the fact that the actual planning of a RAC structure is a task best suited to Correctional Services' experts, this section will only briefly touch upon this subject.

A sound organizational structure is, of course, an important aspect of a RAC. However, since this program would constitute an innovative reform in the Canadian criminal justice system, there is no precedent for it. Table 4 features the skeleton organization chart of a typical correctional institution for adult offenders. Basically, custody and control are the first and foremost priorities of prison and, consequently, its bureaucratic structure has been set up in this manner to best achieve these goals. It is the purpose of a RAC, on the other hand, to implement the goal of rehabilitation in a community setting in lieu of simple confinement, isolation from non-offenders, deprivation, and control of the inmate population. The remoteness of a RAC reduces its security requirements and the emphasis is rather on offender programs. Consequently, the traditional organizational structure of a prison will not suffice for the purposes of a RAC. Instead, to get a more realistic idea of what would be required, planners of a RAC should examine the administration and organization of other contemporary penal communities.

Table 5 features the organizational structure of the Mexican penal colony at Islas Marias (ACA, 1981: 15). This penal community is

TABLE 4

SKELETON ORGANIZATION CHART FOR A CORRECTIONAL INSTITUTION FOR ADULTS

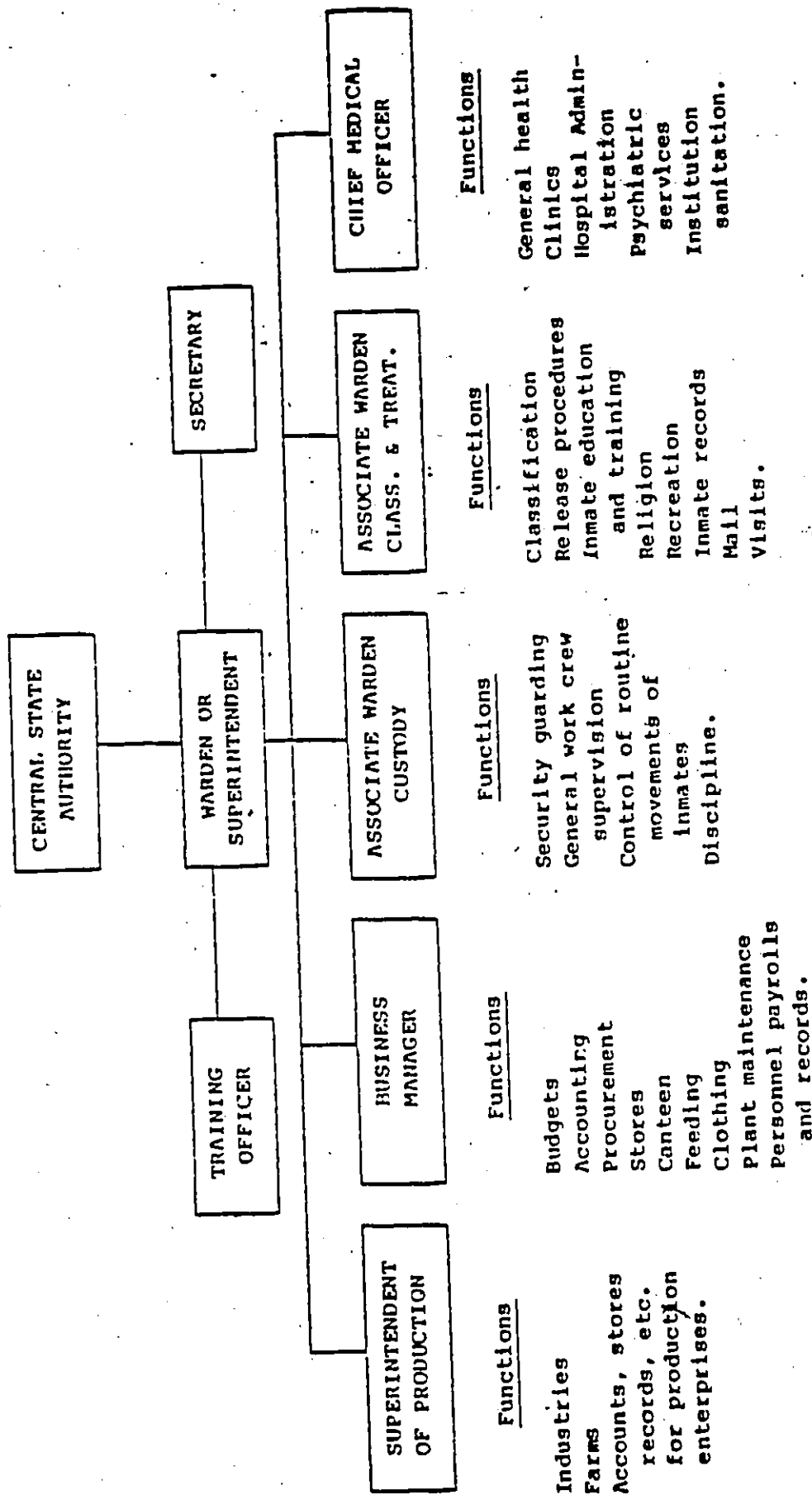
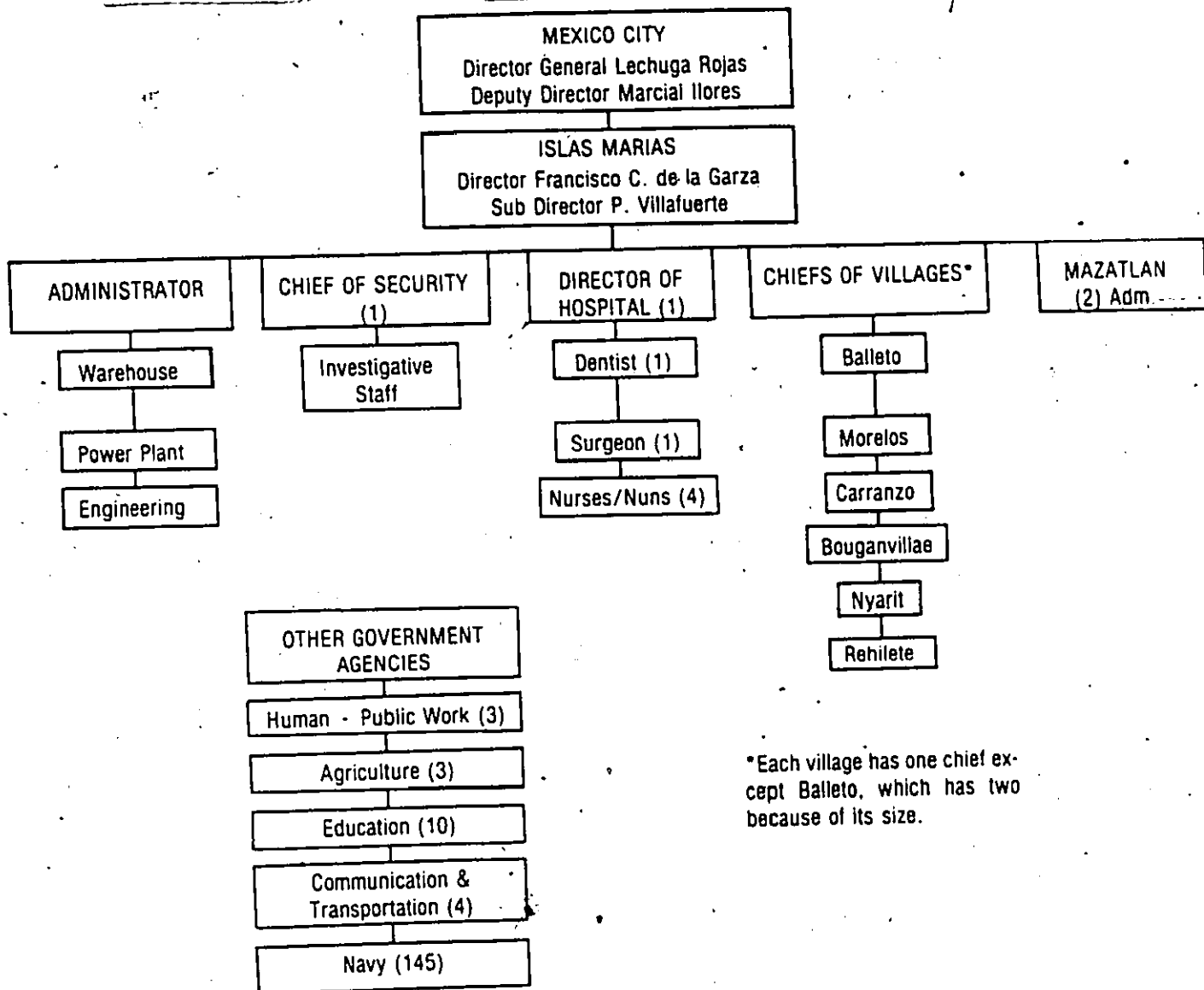


TABLE 5

Mexican Penal Colony at Islas Marias

TABLE OF ORGANIZATION



*Each village has one chief except Balleto, which has two because of its size.

Source: American Correctional Association. (1981) The Mexican Penal Colony at Islas Marias. College Park, MD: ACA.

under the jurisdiction of the Mexican Federal Department of Coordinated Services for Crime Prevention; which is similar in nature to the American Federal Prison System (Ibid, p. 13). The director of the colony is not only the civil administrator of the island but has complete authority over the whole community. He is assisted by a staff of 30 civil servants who are responsible for security programs and general colony operations. There are also seven staff members assigned as the "chiefs of villages" on the island. At least 20 other employees have been supplied by government departments such as Education, Communication and Transportation, Agriculture, and Human-Public Works. Finally, a small naval unit is based on the island for security purposes. This penal community is program-oriented and this is reflected not only by its organizational structure but by its de-emphasis of custody and control: Inmates, for instance, are free to move about the island with only minimal supervision.

Security

Security in a correctional institution must be provided twenty-four hours a day. It entails, to different degrees, two types of security: static and dynamic. The former refers to the walls, fences, watch-towers, inside cell blocks, and armed guards of a prison. Dynamic security, on the other hand, is based more on the interaction of staff and inmates, in terms of the flow of information and communication between the two. The first and foremost priorities of a prison are good

order and discipline, together with custody and control of inmates. Its organizational structure reflects its security objectives.

To some extent, the security requirements of a RAC would differ in emphasis from those of a traditional prison. Its remote location lessens the static security requirements of the community in that its natural perimeters should serve as effective boundaries to keep inmates in and unauthorized visitors out. The Mexican penal colony, as mentioned previously, is situated on an island, the perimeters of which are patrolled by a small naval unit. At the same time, one of the primary objectives of the RAC program is to allow its participants freedom of movement within the community setting, in order to simulate a "normal" environment. The presence of fortress walls, cells, and so on would destroy altogether any notion of a conventional community atmosphere.

On the other hand, despite its outward appearance, the RAC is by no means a normal community in that its population also comprises long-term offenders who pose some security risks. Provisions for adequate dynamic security are, therefore, essential. While the presence of "armed" guards could hopefully be kept to a minimum, there must be an adequate system to ensure that inmates are present and accounted for, at least at prescribed times. This would be one of the roles of RAC correctional officers. Technically, they would have the status of peace officers and it would be their function to keep order in the community.

It is essential that inmates keep in mind that participation in a RAC is a privilege and any misbehaviour that would disturb the order of the community would jeopardize that privilege. The presence of inmate's families would hopefully foster a climate conducive to inmate cooperation. Minor disturbances and misconduct, however, are bound to occur and criteria would have to be developed regarding the number and types of offences that would warrant the return of an inmate to prison. At the same time, provisions must be made to discipline offenders who are guilty of only minor infractions in the community. One strategy would be to impose a curfew on the responsible inmate to serve not only as a punishment but as a warning. An alternative disciplinary measure could be the loss of certain privileges such as the right to recreation or entertainment for a specified period of time. Deductions from wages or fines could serve as another type of penalty but a major disadvantage to this course is that it would also possibly penalize the family of an inmate. One means used by the director of the Mexican penal colony at Islas Marias to maintain good order is to informally discuss, with the inmate's spouse, any problems that might exist in the hope that she will exercise influence over her husband.

Consideration would also have to be given to the idea of constructing a small lock-up facility for offenders who are guilty of more serious infractions. A small RCMP detachment could be responsible for this facility as well as provide routine community policing. Those inmates who continually disturbed the order of the

community or committed a serious offence while in the RAC, should be rendered ineligible for further participation in the program and be transferred back to a prison. This would be a necessary step in maintaining good discipline and order in the community.

A major concern would be that the security restrictions of a RAC would prove too harsh for the non-offenders of the community, such as the families of inmates and staff. They may feel imprisoned or penalized along with their spouses. The legal implications of non-inmate participants violating the law in a RAC must also be considered. Would the administration of the community have the legal right to impose punishment on these offenders or would these offenders have to be transferred to the free community to have their cases tried? Also, would it be possible to actually set up some form of court system in a RAC to examine the cases of inmates or other participants who have committed either infractions of the law or disturbed the order of the community in some way?

On the positive side, incentives could be provided in a RAC that would not only facilitate inmate cooperation but reward it. First of all, simply being allowed to stay in the program should in itself be considered a privilege. Secondly, a special policy could be implemented which would involve the remission of inmates' sentences, based on satisfactory conduct and work in a RAC. Indeed, it should be possible to introduce a variety of incentives in this type of program that are not feasible in a traditional prison.

RAC Financing

It is not the purpose of this discussion to attempt a calculation of the projected cost of creating, operating, and maintaining a RAC. In the first place, there are too many unknown variables (i.e. location, natural resources...) at this point and, in the second, it is a task best suited to CSC experts. Suffice it to say that, in determining the economic feasibility of a RAC, it would be necessary to identify each of its programs and its personnel and maintenance costs. Funding, for instance, would obviously be needed in the following areas: education, vocational training, hospitals, recreation, transportation, staff, mechanical services, religious programs, and so on. In addition, the expense of constructing a RAC, in terms of transporting supplies and machinery to a remote area, as well as contracting the services of architects, builders, and technicians, would have to be taken into account. Since the proposed inmate population for a RAC would comprise long-term offenders, the federal government would probably have to assume most, if not all, of the responsibility for RAC expenditures.

On the other hand, the cost of a RAC might not be as exorbitant as it might first seem. The initial cost of constructing the community, for instance, could be substantially reduced if it was possible to locate it in an abandoned city or town which already possessed many of the required facilities. Even if this was not the case, the RAC security needs, relative to a traditional prison, are minimal. Much of a correctional institution's budget is typically allocated to security. It costs between \$30,000 to \$40,000 per year to maintain a male or

female inmate in a Canadian penitentiary. This expense, perhaps, would be reduced in a RAC, although the staff would probably receive higher salaries as an incentive to live and work in this remote community. Furthermore, if it was possible to develop profitable industries in the RAC, the revenue could be used to offset the cost of operating and maintaining the program.

In determining the economic feasibility of a Canadian RAC, it would be informative to examine the experiences of a contemporary penal community in this regard. The total federal expenditures for the Mexican penal colony, for instance, is approximately \$2.5 million per year (ACA, 1981: 25). This amount translates to about \$377 annually for each inmate, not including the general operating costs of the colony. The individual Mexican states participating in this program contribute \$.65 per day for each inmate transferred to the island. At the same time, the colony raised \$500,000 in revenue from the 1980 inmate industries which offset the cost of operating the program. The objective of the penal community is to achieve 90% self-sufficiency in the near future (Ibid, p. 236).

While it cannot be expected that a Canadian RAC would be as inexpensive as its Mexican counterpart, due to the greater costs of labour and materials in Canada, its value in terms of innovation is incalculable solely on the basis of dollars and cents. In any event, the fiscal cost would probably be variable, depending upon the RAC's remoteness, number of programs, inmate population, production capacity

staffing needs, and so on. Finally, if one considers that this program is primarily oriented towards inmate rehabilitation and reintegration, but not at the expense of traditional goals of custody and control, its potential value is all the more enhanced. Indeed, if the RAC proved successful in this regard, then the fiscal and social costs of inmate recidivism and public victimization would be considerably reduced. The prison system, with its present administration and organization, has come under increasing criticism because of its inability to achieve these goals.

SOCIAL CLIMATE

The concept of a RAC for long-term offenders is unique to Canada and, as such, might meet with a great deal of initial resistance from various sectors of society. This is a realistic assumption when it is considered that, despite the efforts of reformers, North American prisons have not changed radically in design or orientation in the last 175 years. At the same time, few are satisfied with the present system, including the inmates, correctional staff, administrators, and the public. While interest in prison reform is occasionally stimulated by reports of institutional violence, riots, escapes, and inmate recidivism rates, traditional methods of custody and control have not, as a result,

changed markedly. Faith in the rehabilitation model, for instance, has given way to pessimism. People have become sceptical of reform either because they have a vested interest in the status quo or because they are largely distrustful or apathetic towards change.

Clearly, there is no reason to believe that the reception of the proposed RAC program would be any different from that of past attempts at reform. The average Canadian citizen's knowledge of penal colonies, for instance, has been derived from school history text books which characterize transportation systems as inhumane, brutal, and coercive. The Soviet correctional labour colony settlement also has a notorious reputation. Few people today would entertain the notion of our criminal justice system emulating the classical penal colony or correctional labour colony settlements, particularly when it was learned that the population of the proposed RAC would comprise not only inmates but also their families and those of staff. Obviously, people would be fearful of the effects of such an environment on children, psychologically and in terms of increasing their potential for learning anti-social behaviour and values. Moreover, the costs of constructing and operating a RAC would not exactly be greeted favourably by Canadian taxpayers.

On the other hand, if the numerous issues discussed thus far had been satisfactorily resolved and the RAC was, in fact, deemed a feasible undertaking by planners, then it would be worthwhile to attempt to mitigate public resistance to the program through an educational campaign. In other words, an informed public could make a more educated

decision as to whether or not they could support such a program. As citizens became more knowledgeable about the special problems of long-term offenders and the inadequacies of the present prison system in this regard, they could hopefully be made to realize that it is in their best interests to rectify this situation through innovative programs. The RAC program could be promoted in a variety of ways. To dispel any notion of it resembling the oppressive penal colonies of previous centuries, for instance, a communication plan could effectively describe the goals and operations of contemporary penal community systems in other countries. In this light, the proposed benefits of a Canadian RAC, in terms of its potential for inmate rehabilitation and successful reintegration, could be outlined. While it could be represented as a more humane environment for offenders, caution would have to be exercised in avoiding any suggestion that the RAC would constitute a "country club" or resort. The public's desire for retribution must still be satisfied. The potential fiscal benefits of a RAC could also be advertised if, indeed, it could realistically meet these conditions.

The reaction of the media to this project is not at this point, predictable: It could be receptive, neutral, or non-receptive to the idea. In any case, it clearly would be the vehicle for a lot of public debate on the subject and could be instrumental in educating the public as to the general goals of the program. The private sector could also play an important role in this area. Interest groups such as the John

Howard Society and the Canadian Criminal Justice Association could promote full-scale discussion of the issue through their newsletters, workshops, and conferences.

Ultimately, it is the politicians and senior level civil servants who decide the fate of specific programs such as the RAC. Crime control has always been a hot political issue and has given rise, in the past, to sharp debates concerning the severity of punishment to be dealt out to offenders. While public opinion is not always considered a crucial variable in policy decisions, it is nevertheless a factor that is not lightly disregarded by politicians. The January 1983 Gallup Poll (see Appendix B), which indicated the public was largely in favour of setting up a penal community in Canada, might thus have an important bearing on this issue. In any event, the final verdict will be determined not only by the social climate, at the time when serious consideration is given to the implementation of a RAC in Canada, but also by the extent to which the numerous feasibility issues discussed thus far have been satisfied.

V

SUMMARY AND CONCLUSIONS

This study sought to determine the feasibility of establishing in Canada an alternative correctional environment to that of prison for long-term offenders; namely, a remote access (RAC) or penal community. The penal community model, a variation of the penal colony concept, is currently in use in a number of countries. Its adoption stems from its perceived advantages over traditional incarceration: Not only does it isolate, punish, and deter offenders through the deprivation of liberty, but it appears that this family-based correctional community provides a more appropriate setting than prison to serve its fourth and fifth purposes — rehabilitation of the offender and his reintegration into society. Given its promise as an alternative to the traditional prison system, its potential for Canada was explored.

Throughout the history of corrections, there has been a tendency among reformers concerned with punishment and treatment philosophies, to put into effect unproven techniques simply on the basis of intuition and enthusiasm about an innovative strategy. This study attempted a more systematic and analytical approach in determining the feasibility of a penal colony in Canada. The historical approach was a useful research tool in that it enabled this researcher to not only identify and distinguish between the various penal colony models, but also to bring to light the numerous issues involved in transplanting a

strategy, which has been adopted in other countries and in other centuries, into another society with its own unique social, economic, political and cultural background. By examining in detail the historical and contemporary uses of penal colonies, it was possible to make use of past experience and apply it to the present day and, more specifically, to the Canadian context. Later, if more serious consideration is given to the idea of a Canadian penal colony, a more comprehensive study would be necessary. This would entail consultations with specialists from a diversity of fields, as well as the identification and full assessment of a concrete site.

A review of the literature on past and present penal colonies revealed that, in terms of their ideological basis and operational procedures, the penal colony concept can be broken down into three distinct types: Classical Penal Colonies, Correctional Labour Colony Settlements, and Penal Communities. Of these three models, the penal community appeared to be the most germane to the contemporary Canadian situation. The feasibility of a Canadian remote access community (RAC) was, therefore, examined within the following framework: Physical Factors and Resources; Programs; Human Factors and Resources; Administration; and Social Climate. Numerous issues were raised and explored in each of these areas. What remains is a summary of the major findings in order to determine which conditions can be satisfied in Canada and which ones are still problematic.

In terms of the physical factors and resources of a remote access community, the question of its location in Canada is most important. The penal community must be remote but accessible, habitable but secure. The greater the abundance and variety of natural resources available on site, the more diverse the employment opportunities available to offenders. The cost of constructing and maintaining the penal community and its facilities will also depend on the location. While all of these issues taken together appear formidable, they are by no means insurmountable. The findings of this study indicate that even countries such as Mexico and the Philippines, which possess larger populations and considerably smaller land area, have found sites for their penal communities. Finland and Sweden, which have climatic conditions similar to Canada, have also set up penal communities. Canada, as the second largest country in the world, has no shortage of land or natural resources. There must be a multitude of sites in virtually any province in which to establish a penal community. Ultimately, the obstacle will not be one of acquiring and equipping a site which would meet the necessary criteria for a Canadian penal community. Rather, simple economics could decide the fate of this project: The cost of incarcerating these offenders in prison versus the expense of locating, constructing and operating a penal community.

The concept of creating a Canadian penal community is under consideration primarily because it has the potential of not only minimizing the harmful effects of long-term incarceration, but also of

providing a more appropriate setting for the rehabilitation of offenders than does the traditional prison environment. Accordingly, this study has identified some of the essential RAC treatment programs and services: education, employment, religion, culture and recreation, as well as health and social services. These programs are currently available in Canadian penitentiaries and it should not be too difficult to implement similar ones in a penal community.

One foreseeable problem is the recruitment of a qualified staff to administer these programs in a remote area of Canada. With the operation of forestry camps and Outward Bound programs in Canada, however, the Correctional Services of Canada has already had some experience in this regard. Interest groups, such as the John Howard Society, the Elizabeth Fry Society, and Canadian Criminal Justice Association could also, perhaps, lend support personnel for the purposes of this project. In any event, financial incentives or promotional benefits could be proffered to staff. Contemporary penal communities, located in far more impoverished countries than Canada, offer a variety of well-staffed programs to their inmate population and other participants.

The nature and variety of employment opportunities open to the RAC inmates would, of course, depend on the location of the penal community. Ideally, such work would not only provide inmates with useful trades or skills, but also entail some sort of profit-making enterprise in order to reduce government expenditure in this realm. With the cooperation of the federal government, private foundations, and

private industry, the inmates of the Mexican penal colony have set up a number of profitable businesses which they believe will eventually make the penal community completely self-sufficient. The economies of many of the penal communities in other countries are agriculturally-based, enabling the inmates to produce their own goods at great savings to the government. There is no reason to believe that inmates of a Canadian penal community could not participate in similar ventures. In any case, the Canadian government already heavily subsidizes prison industries.

The human factors and resources of a Canadian penal community would consist of three main groups: Inmates, staff, and their respective families. Their willingness to take part in the project is crucial to not only its success but also its actual creation. In terms of the prospective inmate clientele, there is little doubt that many would be willing to participate, given the alternative of long-term incarceration in a prison setting. Indeed, a group of inmates from Matsqui Institution formed a Wilderness Correctional Society in 1974 to promote a program similar in nature to the penal community. They obtained a contract from the British Columbia Ministry of Forestry Services and, accompanied by their families, planted trees in a remote area of B.C. under minimal supervision. The federal government has also set up a number of forestry camps for inmates in B.C. in response to the success of these and other innovative programs. With regard to a penal community, however, one anticipated problem is that there may not be

enough long-term offenders who meet the eligibility criteria suggested in this study. These conditions, however, are not inflexible and alterations could be made to include other offenders serving long-term sentences (e.g. 10 years or more) so as to make up the requisite inmate population for the penal community.

As mentioned previously, the recruitment of staff for this project should not pose any serious problems if a special benefit package was offered which included salary and promotion benefits. Such practices are common, for instance, in the Canadian military.

This leaves the issue of whether or not the families of inmates would be willing to relocate to a remote area and participate in a penal community. Certainly, a large number of penal communities in other countries are family based, but, because of the vast cultural differences between them and Canada, it is difficult to generalize here. Family participation, however, is being considered in this study primarily because it is recognized by criminologists that one of the most serious consequences of long-term incarceration in prison is the fact that contact between inmates and their families, as well as other social ties, are jeopardized. In a sense, the family is also being punished by the ensuing separation. Many of the spouses of inmates must resort to welfare and the children, as a result of the family breakdown, often become juvenile delinquents. The Correctional Services of Canada has instituted a private family visiting program in Canadian penitentiaries to help rectify this problem. A penal community,

however, would hopefully preserve family relationships and, in the process, better prepare the inmate for reintegration into society. An inmate-family survey with regard to possible participation in a penal colony has been conducted by the Research Division of the Ministry of the Solicitor General of Canada. The results, however, are not yet available. There is reason to believe, nevertheless, that a favourable response would be forthcoming from the families of long-term inmates if they were provided with the proper reassurances. For instance, they could be assured that the penal community would contain, as far as possible, adequate programs and services, as well as most of the amenities found in the free community. At the same time, they would be briefed on their role in a penal community and informed that they would be free to leave at any time.

The administration and organization of a penal community would be the task of the Correctional Services of Canada. Their reference point would be the experiences of penal communities in other countries. Since it has been proposed that the population of the RAC would be comprised of long-term offenders, security is, of course, of top priority. In this respect, however, the remoteness of the penal community serves two purposes; (1) reduces the risk of escape; and (2) it permits maximum freedom of movement for offenders within the community. Also, given the presence of their families and the advantages of a penal community over prison confinement, it should not

be too difficult to obtain the cooperation of the inmates. Few escapes have been reported from the penal communities of other countries.

The economic feasibility of a Canadian penal community is another important area which must be addressed. Some of the projected costs include the following: construction and maintenance, staff salaries, financial support of families, and the transportation of people, goods, and services in and out of the community. One of the most important questions a feasibility study must answer is whether the alternative system being contemplated will "maximize net benefits, where net benefits are total benefits minus total costs?" (Nagel, 1982: 4). It is difficult at this point, without a specific site in mind, to fully estimate how much funding would be needed for a penal community. What is well known, however, is the exorbitant cost of prisons. The Correctional Services of Canada reported in 1984 that the gross annual cost of maintaining an inmate in a federal penitentiary was \$41,696. This figure does not include the capital costs of constructing and maintaining prisons, nor does it take into account the hidden costs to society of removing the inmate, as a taxpayer, from the work force and leaving his dependents to rely on the welfare system. Given these costs, the only economic solution seems to be that of making the inmate into a useful and productive member of society, who pays taxes, supports his family, and contributes to the gross national product. Our prison system, as it currently exists, is unable to accomplish this goal, but the penal communities in other countries are attempting to realize it

through profit-making enterprises. Thus, they benefit in two ways: (1) through meaningful employment, the inmates learn pro-social behaviour and attitudes which should, hopefully, reduce recidivism rates; and (2) the government and taxpayers save money in this area. The administrators of the Mexican penal colony claim that they will achieve economic self-sufficiency in the near future. If it is well-located, a Canadian penal community could, perhaps, provide similar relief to taxpayers.

Finally, if the Canadian social climate is not conducive to this reform, then all concerns previously discussed become purely academic. Support for a Canadian penal community must come from the public, the policy-makers, and the prospective candidates of the project. Evidence of such support, however, already exists to some degree. The crime rate, the recidivism rate, and incidents of institutional violence and riots have led to a widespread demand for prison reform. The results of the January 1983 Gallup poll indicate that a sizeable portion of the Canadian population is amenable to the idea of a penal community. The Parliamentary Sub-Committee on the Penitentiary System in Canada recommended, in its 1977 Report, that an in-depth study be undertaken to determine the feasibility of a Canadian penal community for long-term offenders. Since that time, the Ministry of the Solicitor General of Canada has given serious consideration to the reform. In 1981, Deputy Commissioner John Braithwaite accompanied members of the American Correctional Association to the Mexican penal

colony to study its operations. Their findings were received enthusiastically and the former Solicitor General, Robert Kaplan, authorized a number of studies in this area, including an inmate-family survey, a report (Limited Access Correctional Communities for Canada, 1984), and an analysis of Tasu, B.C., as a possible site for a penal community. Finally, there is reason to believe that long-term offenders would be favourable to this innovative project, although this remains a presumption until the attitudes of inmates, families, and staff are fully probed.

Despite the potential of a Canadian penal community, caution should be exercised in relation to the findings of this study. The historical approach is a valuable research tool and it was particularly useful in this type of study because, as mentioned previously, the penal colony concept is novel to Canada and the information obtained about the experiences of other countries and even other centuries constitute an important frame of reference. The information gleaned from the literature enabled this researcher to identify and discuss all of those issues relevant to the feasibility of a Canadian penal community. But it is important to keep in mind that the review of contemporary penal communities presented thus far is by no means exhaustive, largely due to the fact that many of these systems are still in an experimental stage and only limited information is available on their day-to-day operations. At the same time, little has been done in the way of

scientifically determining the overall efficiency and effectiveness of these penal communities relative to the prison system. Finally, as much of the evidence relating to contemporary penal communities is derived from official sources with vested interests in their success, one must be wary of a bias in available reports.

It is not within the scope of this study to fully resolve all of the issues raised thus far. Lingered questions remain: Where in Canada would we locate a penal community? Is the project politically sound or even economically feasible? Given its remoteness, does it constitute a more humane alternative for long-term offenders than that of the traditional prison environment? Would it be fair to ask inmate families to participate in the program and how many would refuse? Is it reasonable to request staff to not only work but to live in the same community environment with inmates who have been convicted of serious crimes? Would the program, in fact, rehabilitate the offender or would it simply corrupt the non-offender? Is it realistic to believe that these inmates would cooperate in the program and become pro-social, responsible, productive members of the community? The penal community concept is used in many countries but would it be rejected ultimately by the Canadian public, government agencies, the media, business interests, and inmates and their families?

On the other hand, is the project totally unrealistic? The function of our prison system is fourfold: incapacitation, deterrence, retribution, and rehabilitation. The recidivism rate of offenders and

the relatively high rate of crime in society indicate that the threat of prison does not, in fact, serve as an effective deterrent to those who violate the law. Criminologists are now recognizing that rehabilitation in the socially abnormal environment of a prison is a difficult if not impossible task. Prisons do not "correct" or "reform" offenders, nor do they create "penitents." The law merely stipulates the removal of an offender from society and does not explicitly call for the debilitating psychological, social and physical problems encountered in the prison environment which serve as further punishment and degradation of inmates. The prison system's popularity lies in its success with one of its main functions - incapacitation.

The penal community still incapacitates offenders for the protection of society but, at the same time, it purports to rehabilitate the offender by providing a reasonably normal environment in which the inmate would have the opportunity to learn pro-social values and attitudes as well as engage in interactions and work that will, in the process, teach him self-respect and dignity. In this healthier environment, familial ties could be preserved and the offender hopefully would learn the necessary psychological, social, educational, and vocational skills that are needed for a successful return to the free community. Can it be realistically said that the current prison system provides any of these opportunities?

The findings of this study indicate, on the whole, that a Canadian penal community for long-term offenders could very well be a

feasible undertaking. This conclusion was reached from an analysis of the available literature on penal colonies and a study of the operations of present-day penal communities. On the other hand, it is recognized that it would be premature at this point to conclude that Canada should at once fully commit itself to this proposed reform. After all, the issues raised in this study have often necessarily been addressed only on the abstract level and the practical problems identified still remain to be resolved by the experts. At the risk of being labelled a "new Frankenstein" (Hoos, 1977: 123), this researcher advocates the collection of more information through the creation of a small-scale experimental pilot study of a Canadian remote access community, involving a volunteer group of inmates, staff and families in a suitable location. In the end analysis, it is only through direct experience and trial and error that the feasibility of a penal community in Canada can be fully determined.

Through an experimental Canadian penal community, many of the major areas of concern identified in this study could be directly and concretely resolved. In this manner, the guesswork which has characterized past attempts at reform could be avoided. Essentially, the pilot study would involve comparing the progress of a group of long-term inmates in a Canadian penal community with that of a control group of long-term offenders in a prison setting. "Before" and "after" measures of the two groups could be taken in terms of client satisfaction, social and psychological adaptation, attitudes and behaviour. The level of cooperation and commitment to the project of

other participants could also be assessed through self-report techniques and psychological testing. The response of the staff is another crucial variable to be tested. Also, through a pilot study, a realistic estimate of the costs involved in creating a full-scale penal community in Canada could be obtained and compared to that of the prison system. Finally, a pilot study could not only provide us with much of the information that is currently lacking from the reports of penal communities in other countries but, if it proved to be unsuccessful, the expense of another "white elephant" could thereby be avoided.

Over the past decade, the trend in corrections has been towards the expansion of community-based alternatives to imprisonment. The goal is to reduce the number of offenders sent to prison, as well as to hasten the release of those already there. Increasingly, prisons have been viewed as inhumane, expensive, and an ineffective means of dealing with offenders. Community-based correctional programs, however, are reserved exclusively for the lower-risk or less serious offenders. No suitable alternative has yet been devised for those offenders who commit serious and/or violent crimes. With the sheer volume of long-term offenders expected in the next twenty years or so, this researcher is of the opinion that something must be done to rectify their problems and the prison system, as it exists today, is not the solution. There is a very real fear that the lengthy sentences established for first and second degree murder offences by the 1976 amendment to the Criminal Code may lead these inmates to desperate

actions directed at others or against themselves. In a society that preaches the sanctity of human life and liberty, how can we deprive even offenders of hope?

This study laid the groundwork for an alternative correctional environment to that of prison for long-term offenders -- a Canadian remote access community. In the long-run, it is for the framers of public policy, the experts, the inmates, the general public, and all concerned to give further consideration to this reform and to decide whether, indeed, it is acceptable in Canada. Certainly, we must not reject this reform out of hand because of its radical nature. Unless substantial changes are made in our present prison system, the results of this century's efforts will be no different from those of the failures of past attempts at justice.

APPENDIX A

Excerpt from the Report to Parliament by
the Sub-Committee on the Penitentiary System
in Canada, 1977, pp. 146-147

Another possible experiment is the development of remote-access institutions or penal communities, an idea in which the C.P.S. has already shown some interest.

The C.P.S.'s interest was stimulated by last year's Criminal Code amendments providing for twenty-five-year sentences without eligibility for parole. In September, 1976, the Ontario Association of Corrections and Criminology conducted a two-day public symposium on the subject.

Unfortunately, mention of such institutions tends to provoke an adverse reaction based on the assumption that what is being proposed would automatically incorporate the worst features of the former penal colonies in French Guiana and the Siberian labour camps and the Gulag Archipelago in the Soviet Union. It is also usually assumed that such colonies, if they were established in Canada, would necessarily be located somewhere north of the Arctic circle in order to provide a high degree of security, that inmates would be forced to go to them, and that it would be virtually impossible to recruit staff for them.

However, there are alternatives, penal communities could be established in wilderness areas of Canada's national parks or on coastal

islands where they would be inaccessible by road, with the environment providing the necessary security. The communities could be built and populated by selected volunteer inmates. Inmates could be employed at improving the environment in or near their own penal community, working either for private industry or for their own cooperative industries. They would be employed in meaningful productive work and should be paid somewhere near the going wage for such employment. Inmates' families could join them if they chose to do so. Inmates could support their families, make income tax payments, make contributions to be eligible for the benefits of welfare programs such as the Canada Pension Plan, Unemployment Insurance, Workmen's Compensation and Hospital and Surgical-Medical Insurance. Conceivably, these communities could be to a greater or lesser degree self-governing and thereby develop among the inmates a sense of community responsibility.

Staff could live in either bachelor or married quarters in the community or, if necessary, be frequently relieved by being flown in and out by helicopter.

The conclusion of the O.A.C.C. symposium was that, penal colonies could work provided that the problems of staff and inmates isolation could be overcome, there was adequate protection from possible abuse, and the program would not be used for undesirable inmates but for long-term offenders who could benefit from such a

concrete attempt to provide them with the means for self-reformation.

There is reason to believe that many suitable long-term inmates would volunteer to go to penal communities provided adequate safeguards, programs and opportunities were assured.

Contrary to some commonly expressed opinions, the British practice of transporting offenders to penal colonies in Australia between 1788 and 1868 was not abandoned because it was considered to be an unduly harsh sanction. It was stopped because:

- (a) the Home Office concluded that the penal colonies were not sufficiently oppressive;
- (b) there was too much contamination of younger minor offenders because of the lack of an adequate classification system; and
- (c) normal immigrants were complaining about the excessive number of offenders being transported to and being at large in the colonies.

A reputedly successful penal community has been established in Mexico. It is the Trés Marias Penal Colony located on a 34,000 acre island in the Pacific ocean. Some 800 long-term inmates live a near normal life with their wives and families in this community.

We believe that there is merit in establishing penal communities for long-term offenders as an alternative to serving long sentences in conventional institutions.

RECOMMENDATION 63

The Canadian Penitentiary Service should carry out an in-depth study of the feasibility and viability of penal communities in reasonably inaccessible areas as an alternative to confinement in conventional institutions for inmates serving long sentences without eligibility for parole.

APPENDIX B

GALLUP POLL -January, 1984

OPINION ON ISOLATED AREAS FOR LONG-TERM PRISONERS AND THEIR FAMILIES

A representative sample of 2096 Canadian adults was asked to assess the following statement:

In some countries, specifically chosen, isolated communities have been set up so that selected inmates serving long sentences, may live there with their wives and families, if they are able to work within this setting to support themselves and their family.

BREAKDOWN OF RESPONSES:

	<u>Nat'l</u>	<u>Atl.</u>	<u>Que.</u>	<u>Ont.</u>	<u>Pr.</u>	<u>B.C.</u>
	2096	186	572	720	342	234
No. of Respondents *	100%	100%	100%	100%	100%	100%
A highly desirable development in Canada	11	8	20	10	7	5
Worth a try	49	55	50	51	47	40
A doubtful experiment	18	16	15	18	20	25
A non-desirable development	17	19	11	17	22	24
Don't know	4	2	4	5	3	5

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