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Conference Presentation

The Construction of Disciplinary Institutions in Canada

My research into the history of the Canadian prison system has focused on the excavation of the political-economic terrain within which the development of the Canadian penal and criminal-justice system occurred. My goal has been to explicate the relationships of the developments in criminal-justice to those in the political economy of Canada from 1760 to 1873. Essentially I am attempting to lay the ground for the development of a Marxist or socialist criminology in Canada. To do this I believe it is essential to examine the international context of the creation of the Canadian nation-state (1867) and the consolidation of its territorial boundaries (1873). The international relations of Britain, British colonial policy and the involvement of a developing class of international capitalists (financiers and entrepreneurs), are of particular significance.

Within this context I examined the political struggles over the form which the developing Canadian society would take. From the point of the conquest of New France (1760) maintaining possession and control was the primary focus of the British colonial office. What they defined as the principal threats was the (French) Canadien of Lower Canada and Republicanism. The struggle over the form of society that

would be created pitted an Anglo-American bourgeois faction who dominated the internal economy (the Chateau Clique) against the Canadiens population in Lower Canada, and a state based pseudo-aristocratic loyalist faction against a radical democratic group in Upper Canada. These struggles reached their climax in the ill-fated Rebellion of 1837-8, which resulted in the Canadien political movement being crushed, and the Canadien contained within a reactionary ultramontane catholicism; and the radical-democratic opposition of Upper Canada being expelled and pushed into the United States.

From that point, the British and a transformed (during the 1840's) internal bourgeoisie concentrated on the orderly creation and organization of a bourgeois social formation and nation-state. Banishment and expulsion formed the bedrock of social control after the Rebellion, reflecting the ruling class aim of grooming rather than disciplining the growing internal population. This aim is reflected in the rudimentary nature of state disciplinary institutions and their focus. The focus of state activities in Upper Canada where the majority of capitalist development and expansion occurred, was not the transformation or disciplining of the population to labour, but the reproduction of the rural petit-bourgeois base of the social formation. The primary means of achieving this was through a centralized program, of general education.

Neither was there an attempt to transform the subsistence farming, non-commercial Canadien population into a proletariat or disciplined body of labour. Here the aim was control and containment through the Catholic church who performed most of the control and disciplinary functions associated with capitalist, state institutions. Both situations are best understood by reference to the political and economic needs of the dominant British and colonial bourgeoisie.

Bourgeois development in Upper Canada, principally the creation of a nation-state, was characterized by two features of relevance. First, a pre-capitalist population in need of transformation was for the most part non-existent, and certainly after 1840, provided no threat to bourgeois rule. Secondly, the base of the social formation was composed of a petit-bourgeois agricultural class. This class was characterized by a capitalist economic position and ideology almost from its initial stage of growth, and that position was clearly dominant after 1840. In light of these considerations, the inculcation of capitalist discipline was shown to be of a different order than the European experience. With no real need to transform a pre-capitalist population (the Canadiens of Lower Canada it is argued were largely contained), a selective immigration policy or program was sufficient to populate the

colony with a distinctly capitalist immigrant settler. Combined with the safety valve, emigration to the United States of portions of the surplus labour component - that fraction of labour "in need of discipline" - the need to actively discipline the population to capitalist economic and social relations differed from that of the industrializing nations. In this setting, bourgeois discipline was largely achieved through the disciplinary effects of the market place.

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