

From Spaces of Mercy to Sites of Sanctuary: A Historical Survey of Canada's Federal Prison  
Libraries

by

Oakley Ramprashad  
MEd, University of British Columbia, 2018  
BA, Cornell University, 2016

A Thesis Submitted in Partial Fulfillment  
of the Requirements for the Degree of

MASTER OF ARTS

in the Department of History

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University of Victoria

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## **Supervisory Committee**

Dr. Jordan Stanger-Ross, Department of History, University of Victoria  
**Supervisor**

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## Abstract

Since the inception of the first modern Canadian carceral structure in 1835, the prison library has existed. The condition of the prison libraries in Canadian federal institutions, as well as the diversity and quantity of their content has changed dramatically over the course of the nineteenth and twentieth centuries. The modern-day federal prison library mirrors, in many ways, its “outside” Canadian public library counterpart. This thesis does not attempt to dispute or affirm the likeness between the Canadian prison and public library. Instead, in this thesis, I examine the evolution of the library from a space that reinforced hegemonic carceral control to a space where inmates could seek refuge and sanctuary. The first half of the thesis charts the emergence of the library as a, what I have termed, space mercy. This conceptualization of the library is inspired by Douglas Hay’s concept of mercy, in criminal law, as an ideological tool to reinforce hegemony. In the second half of the thesis I present a case study of the William Head Institution on Vancouver Island. Through the consulting of inmate publications, interviews, questionnaires, and other primary source material I posit that the prison library has evolved into a site of sanctuary. This term is taken from Laura Madokoro’s public history project *Sites of Sanctuary*. The site of sanctuary differs from the space of mercy in a number of ways and marked a distinct shift in the function and use of the prison library, by inmates, in Canada’s federal carceral institutions.

## Table of Contents

<i>Supervisory Committee</i> .....	<i>ii</i>
<i>Abstract</i> .....	<i>iii</i>
<i>Table of Contents</i> .....	<i>iv</i>
<i>List of Tables</i> .....	<i>v</i>
<i>List of Figures</i> .....	<i>vi</i>
<i>Acknowledgments</i> .....	<i>vii</i>
<i>Dedication</i> .....	<i>viii</i>
<i>Introduction</i> .....	<i>1</i>
<i>Chapter 1. A Space of Mercy</i> .....	<i>22</i>
<i>Chapter 2. A Site of Sanctuary on Vancouver Island</i> .....	<i>61</i>
<i>Conclusion</i> .....	<i>88</i>
<i>Bibliography</i> .....	<i>92</i>

## List of Tables

<i>Table 2.1 Average Circulation of Book per Inmate (1948-49).....</i>	<i>40</i>
<i>Table 3.2 William Head Institution library Questionnaire .....</i>	<i>68</i>
<i>Table 3.3 William Head Institution library Questionnaire continued.....</i>	<i>70</i>

## List of Figures

<i>Figure 3.1 William Head Institution Library, pictured is current William Head librarian Wendy Townsend, taken by author .....</i>	<i>67</i>
<i>Figure 3. 2 William Head Institution Law Library, taken by author .....</i>	<i>85</i>
<i>Figure 3. 3 William Head Institution Law Library, taken by author .....</i>	<i>85</i>

## Acknowledgments

As with most of my graduate school experience this project would not have been possible without a vast support network. Unfortunately, I cannot mention all members of that network, however there are several that warrant specific acknowledgement as they contributed directly to this project.

Thank you to Dr. Jordan Stanger-Ross who took what was a vague and incoherent interest in the connections between pedagogy and incarceration and pointed me in the fascinating and rich direction of the prison library. While I was sometimes stubborn or resistant, you found ways to motivate me when I tired of the process which resulted in this research being presented in a way deserving of its importance. I would also like to thank my other committee member Dr. Penny Bryden who provided invaluable input and commentary, as well as frequent check-ups on my mental stability during the quarantine necessitated by the COVID-19 pandemic. Finally, I would like to thank Dr. Audrey Yapp, who allowed me to audit the philosophy class she ran, through the University of Victoria, at the Vancouver Island Regional Correctional Centre. I will be forever grateful for the experiences I had during my time in that class with Dr. Yapp and the men at that institution.

This thesis would not have been possible without Kim Rempel and Wendy Townsend. The former and current librarians of the William Head Institution library provided me with access to the facilities, information, and stories that were absolutely integral to this project. I would challenge anyone to find two individuals more dedicated to their profession. The world is a better place because people like Kim and Wendy exist. Their tireless efforts to make the lives of those incarcerated at William Head better is admirable.

In addition to the many prison employees who made this research possible, I must thank the men incarcerated at both the William Head Institution and the Vancouver Island Regional Correctional Centre who were willing to share their stories with me. I cannot offer names due to regulations beyond my control but, without these men this project would be incomplete. The inmate voice is an integral part of this thesis and to the men who shared theirs, thank you. Thank you for welcoming me into your space, telling me your stories, being vulnerable with me, and allowing me to be vulnerable with you.

Finally, I would like to thank my friends and family. To my wonderful parents who were always willing to offer love, support, and editorial comments. To my partner who supported me through some of the moodier phases of the writing and editing process. Lastly my friends, who offered a reprieve from the world of academia whenever I needed it. The thesis process specifically, and graduate school more generally, really feels like a collective undertaking. If you are lucky you do not do it alone, and I was very lucky.

## Dedication

*To incarcerated peoples in Canada and around the world*

*While the hegemonic powers that be may try to keep you out of sight*

*We will never let them keep your voices and stories from being heard.*

*To the strong, fiercely intelligent women who I am lucky to have in my life and to those no longer*

*here, lucky to have known. While you may not see yourself in the content of this research know,*

*without you, it would not exist.*

## Introduction

“A whole history remains to be written of *spaces*—which would at the same time be the history of *powers*.”<sup>1</sup>

This thesis documents the history of federal prison libraries in Canada from the 1830s to the end of the twentieth century, laying out significant changes and providing some sense of what those changes meant for inmates. It is the first attempt to present such a comprehensive history of prison libraries in Canada. It offers a historiography (Introduction), provides a detailed institutional history of federal prison libraries (Chapter 1), and uses a case study to examine the role of libraries within the larger power relations of federal prisons and how those changes have been experienced by inmates (Chapter 2).<sup>2</sup>

There have been prison libraries for as long as there have been prisons in Canada. Early nineteenth century versions were often small spaces—the corner of a room serving multiple functions, for example—and offered primarily religious content. The first half of the twentieth century brought important changes aimed at improving library facilities for the benefit of inmates. Through policy recommendation, penal reports, and Commissioner’s Directives, spaces were expanded, collections were diversified and dedicated full-time librarians were hired. The most significant changes, however, occurred in the latter half of the twentieth century when prison libraries began to look and feel like ordinary Canadian ‘public libraries’ and arguably

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<sup>1</sup> Michel Foucault, *Power/Knowledge: Selected Interviews and Other Writings, 1972-1977* (New York: Vintage, 1980), 148.

<sup>2</sup> I refer to incarcerated men as inmates (or sometimes prisoners), but never convicts. CSC (Correctional Service Canada) also uses the term inmates, but I expect our reasons are different. In the context of the criminal justice system, it makes sense to use ‘inmates’ rather than ‘convicts’ because not all inmates have been convicted of a crime, and not all those convicted of crimes are behind bars. My choice to use inmate, however, is rooted in my critical theoretical perspective. At the most basic level I find inmate to be a less dehumanizing term. More than that, implicit in the term convict is guilt or wrongdoing (i.e., it connotes the quality of being bad), whereas inmate speaks to the state of incarceration (i.e., it signifies a location—prison) which leaves space to acknowledge the ways in which external factors can predetermine an individual’s likelihood to end up incarcerated (whether or not they have committed a crime).

represent a unique space—or reprieve—within the larger prison space. Of course, federal prison libraries are, by definition, *inside* federal prisons, and no matter how prisoners *feel* in the library, they remain imprisoned.<sup>3</sup> But my research suggests that within that larger truth lies another, sometimes counter-intuitive truth, about the potential to challenge the hegemonic power structures of the prison. Significantly, prison libraries have become spaces where (some) inmates have been able to (1) challenge the conditions of their own incarceration through the possibility of (mostly self-) education and the dissemination of writing to both other inmates and the outside world, and (2) build community within the prison. Ultimately, I conclude that the prison library is not just a library, or at least not only a library. It has become a unique space in the modern prison system, providing some potential relief from the social, psychological, and physical elements of incarceration even if, at the same time, also embodying a method for controlling inmates within the carceral system.

## II. Background: Contextualizing the Project

Before beginning I want to situate myself in relation to audience and subject.<sup>4</sup> I am an educated Canadian man of South-Asian and Ukrainian descent. I have never been imprisoned, but as a man of colour who has lived in Canada (13 years) and the United States (13 years) all my life, I am decidedly cognizant of the ways in which my relationship to the state is different from that of (most) white people.<sup>5</sup> As a teenager in Atlanta, Georgia, this difference sparked a passionate commitment to civil rights and a deep concern about the impact of mass incarceration on minority and Indigenous communities in the United States and Canada. Over time that focus

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<sup>3</sup> I made the mistake of describing the library as a potentially liberatory space to one inmate, who was quick to tell me that no space within a prison was 'liberatory'.

<sup>4</sup> Wapshkaa Ma'iingan (Aaron Mills) reminds us that situating oneself in relation to both reader and subject is important because "in providing ... access to this information about my identity, I ... present opportunities for you to relate to me". See, Wapshkaa Ma'iingan, "Aki, Anishinaabek, kaye tahsh Crown," *Indigenous LJ* 9 (2010): 110.

<sup>5</sup> I am also aware that as an educated Canadian man, my relationship to the state is different from many other less privileged peoples of colour and Indigenous peoples.

widened to include education, specifically the connections between education policy, carceral policy and civil rights. As an undergraduate student, I focused on history and education classes. In my M.Ed. program, I explored the history of the relationship between federal education policy and mass incarceration of Black Americans in the United States throughout the twentieth and twenty-first century.

I arrived at the University of Victoria interested in the relationship between prison education and various outcomes for former inmates (recidivism, poverty, homelessness, employment, et cetera). I wanted to examine the history of educational services offered to inmates in Canadian federal institutions. As I began my research, however, the scope of the project narrowed to libraries for several reasons, mostly related to my first experiences of being in prisons *spaces*. Last year I first visited William Head Federal Institution in Metchosin, British Columbia, and the Vancouver Island Regional Correctional Centre in Victoria, British Columbia. In the end, I did not include this latter institution in the project, as I focused exclusively on federal penal institutions and it is part of the provincial penal system, but my experiences there—participating in a philosophy class that embraced the inside-out educational methodology—contributed to my understanding of carceral institutions structurally and operationally in tangible ways. In that sense, it “shows up” in this project without being directly studied.

Despite having studied criminal justice systems for over six years, I am embarrassed to say that I had never entered a penal institution before beginning this project. My visits to different institutions in British Columbia brought my research to life for me. Of course, I cannot truly understand the experience of being incarcerated, but still, there was something visceral and ominous about hearing the thick computerized steel doors latch behind me as I moved through these institutions under constant surveillance, an experience that is nearly impossible to convey

through words. In those moments, the relationship between physical space and power became real in ways I had not previously understood or felt. Where before I was generally focused on the relationship(s) between education, incarceration and civil rights, these initial visits focused me on the dimensions of space and power within that broader rubric. The more often I visited, the more I read, and the more people I spoke to, the more interested I became in the prison library and the space it occupies—physically, philosophically, and psychologically—in the power dynamics of the Canadian prison system.

To further contextualize my project before I turn to my theoretical framework, it is necessary to provide some background on Canadian prisons. The size and complexity of the Canadian prison system and time constraints forced a choice between the federal and provincial systems, and this thesis is focused exclusively on the federal system. But it is worth remembering that the Canadian penal system is really two distinct systems: federal and provincial. The provincial system is reserved for inmates sentenced to two years less a day or those who are awaiting trial and sentencing.<sup>6</sup> The federal system is reserved for those sentenced to more than two years.<sup>7</sup> The difference between the two systems is not limited to sentence length, however. Each is governed by a separate statutory framework, with its own rules and policy imperatives. I chose the federal system and—within that system—men’s prisons because of, among other things, the significant growth in the federal prison population throughout the nineteenth and twentieth centuries.

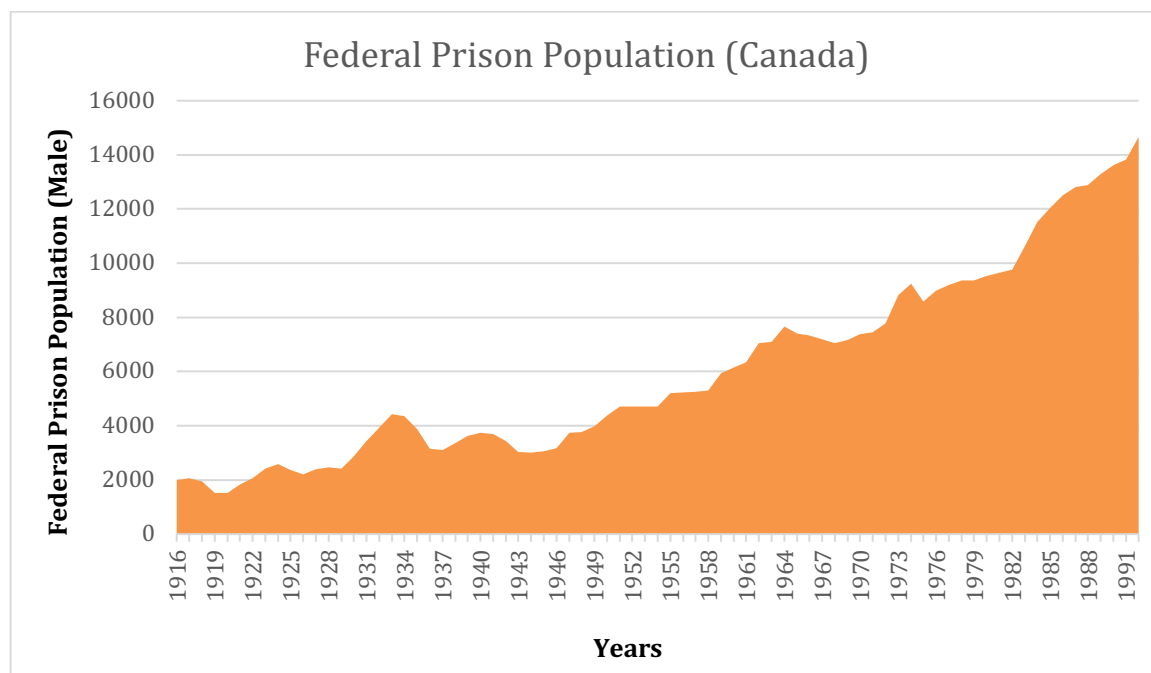
Over the course of the twentieth century, Canada’s federal prison population grew dramatically, at a rate disproportionate to the population. Between 1915 and 1992 (a range in

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<sup>6</sup> “Corrections,” gov.bc.ca (Government of British Columbia), accessed March 25, 2020, <https://www2.gov.bc.ca/gov/content/justice/criminal-justice/corrections>

<sup>7</sup> “Legislation” (Correctional Service Canada, March 14, 2017), <https://www.csc-scc.gc.ca/victims/003006-3000-eng.shtml>

which there are reliable federal prison population statistics), Canada's federal prison population grew roughly 637%, compared to the overall population of Canada's population, which grew 254% over this same time period. At the same time, the percentage of the Canadian population incarcerated more than doubled (from .00025% to .00057%). The graph below shows the prison population increase as a function of time:<sup>8</sup>



**Figure 1.1 Federal Prison Population (Male), 1915-1992**

<sup>8</sup> Incarcerated population statistics taken from, Canada, Office of the Superintendent of Penitentiaries, *Report of the Superintendent of Penitentiaries*, [Ottawa, ON]: King's Printer, 1914-1919. Online, <https://www.publicsafety.gc.ca/cnt/rsrscs/lbrr/ctlg/dtls-en.aspx?d=PS&i=43079270> (accessed November 13, 2019); Canada, Office of the Superintendent of Penitentiaries, *Annual Report of the Superintendent of Penitentiaries*, [Ottawa, ON]: King's Printer, 1920-1946, 12. Online, <https://www.publicsafety.gc.ca/cnt/rsrscs/lbrr/ctlg/dtls-en.aspx?d=PS&i=43010039> (accessed November 13, 2019); Canada, Office of the Commissioner of Penitentiaries, *Annual Report of the Commissioner of Penitentiaries*, [Ottawa, ON]: Queen's Printer, 1948-1968. Online, <https://www.publicsafety.gc.ca/cnt/rsrscs/lbrr/ctlg/dtls-en.aspx?d=PS&i=42967708> (accessed November 13, 2019), Canada, Ministry of the Solicitor General, *Annual Report of the Solicitor General of Canada*, [Ottawa, ON]: Solicitor General Canada, 1968-1992. Online, <https://www.publicsafety.gc.ca/cnt/rsrscs/lbrr/ctlg/dtls-en.aspx?d=PS&i=42766483> (accessed November 13, 2019); Jamil Malakieh, "Adult and Youth Correctional Statistics in Canada, 2017/2018," Statistics Canada: Canada's national statistical agency / Statistique Canada: Organisme statistique national du Canada (Government of Canada, Statistics Canada, May 9, 2019), <https://www150.statcan.gc.ca/n1/pub/85-002-x/2019001/article/00010-eng.htm>

Given the large numbers of inmates, it is perhaps not surprising that the federal prison system is vast and complex, consisting of many different institutions and agencies working at various levels. Consequently, I aim to be as specific as possible about how and where my research fits into that larger picture. The Correctional Service of Canada (CSC) manages the federal penal system. Currently there are forty-three institutions that fall under it.<sup>9</sup> The CSC is one of the four government agencies involved in federal corrections, but it is the agency most directly involved in penitentiaries and therefore most pertinent to this project.<sup>10</sup> This thesis uses documents produced by and for the commissioner of penitentiaries, the person who heads the CSC.<sup>11</sup>

Within the federal prison system, my project focuses on men's prisons. When I refer to prisons, prisoners/inmates and prison libraries, I mean men's prisons, male prisoners, and so on. Again, time and space constraints forced a choice; a project that endeavoured to study both male and female federal institutions was impractical. Once I realized I had to choose, I chose men's prisoners for several reasons. First, I am a man and my sense was that male prisoners might be more open to speaking to me. More, I am aware that my gender and physical size may be imposing or threatening to women who have been abused, and female prison populations are disproportionately made up of women who have suffered abuse, further complicating my hope to interview prisoners for this project. Finally, men make up the vast majority of prisoners. At the

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<sup>9</sup> "Facilities and Security" (Correctional Service Canada, November 7, 2018), <https://www.csc-scc.gc.ca/facilities-and-security/index-eng.shtml>

<sup>10</sup> The other three consist of Public Safety Canada (PS), the National Parole Board (NPB), and the Correctional Investigator (CI). See, Canada, Public Safety Canada, *Corrections and Conditional Release in Canada: A General Primer* [Ottawa, ON] Public Safety Canada, 2010, 2.

<sup>11</sup> *Ibid*, 2.

end of 2018 (the most recent statistic reported from Statistics Canada), 92% of adults held in federal custody were male (or were identified as male by the criminal justice system).<sup>12</sup>

### III. Mercy and Sanctuary

My thesis attempts to document the evolution of the prison library in Canada within the field of critical legal history. According to sociologist and philosopher, Max Horkheimer, critical theory seeks human “emancipation from slavery” through liberation from the historical discourses and structures that claimed apolitical motivations and neutrality, but were in fact oppressive and subordinating.<sup>13</sup> Here, I apply critical theory to penal history, drawing on frameworks that closely and critically examine the criminal justice system. Critical legal studies has its foundations in early neo-Marxist critiques of the “orthodoxies of legal culture,” and draws on Antonio Gramsci’s conception of law as an ideology that can be used as a political instrument of hegemony.<sup>14</sup> That is, critical legal theorists argue that traditional law and legal writings are fundamentally discursive, and “function so as to portray existing constellations of rights, powers, privileges, and immunities recognized by the legal system as if they were natural and inevitable...and as close to being good as they could be...[b]y such means the law ‘reifies’ and thus helps to freeze in place scripted social roles.”<sup>15</sup> While critical legal studies originated from Marxist ideas focusing on social class, it evolved to include all “subordinated groups, using historical examples to show how ruling groups had used neutral- and equal-sounding legal doctrines to extend and justify their rule.”<sup>16</sup>

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<sup>12</sup> Jamil Malakieh, “Adult and Youth Correctional Statistics in Canada, 2017/2018,” Statistics Canada: Canada's national statistical agency / Statistique Canada: Organisme statistique national du Canada (Government of Canada, Statistics Canada, May 9, 2019), <https://www150.statcan.gc.ca/n1/pub/85-002-x/2019001/article/00010-eng.htm>).

<sup>13</sup> Max Horkheimer, *Critical Theory* (New York, NY: Continuum, 1982), 246.

<sup>14</sup> *Ibid*, 251.

<sup>15</sup> *Ibid*, 252.

<sup>16</sup> *Ibid*, 253.

In the field of critical legal history, the work of scholars such as Douglas Hay are particularly important to this thesis. Hay's work focused on seventeenth and eighteenth-century English law and criminal justice practices. His starting point was what he saw to be the paradoxical relationship between the increasing number of capital criminal offences and the decreasing numbers of executions in England over this time period.<sup>17</sup> The long lists of crimes punishable by death, Hay argued, were created with the goal of inciting a level of terror in society. Hay was interested in terror and saw it as foundational to the criminal justice system. Yet in Hay's view, terror as a single and explicit strategy would not prevent crime, as it would be met with resistance. Rather, Hay's thesis was that terror required a subtler and more layered approach, veiled in ambiguity, to effectively underpin a criminal justice system. He identified three aspects of an effective criminal justice system predicated on terror: *majesty*, *justice*, and *mercy*.<sup>18</sup> It is Hay's concept of mercy that I find to be particularly interesting in the discussion of the prison library. The usage of pardons (or mercy) maintained and reinforced an ambiguous and unpredictable application of the law. Hay thought it was a crucial element:

...because it often put the principle instrument of legal terror—the gallows—directly in the hands of those who held power. In this it was simply the clearest example of the prevailing custom at all levels of criminal justice. Here was the peculiar genius of the law. It allowed the rulers of England to make the courts a selective instrument of class justice, yet simultaneously to proclaim the law's incorruptible impartiality, and absolute determinacy.<sup>19</sup>

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<sup>17</sup> Douglas Hay, "Property, Authority and the Criminal Law," in Douglas Hay, Peter Linebaugh, John G. Rule, E.P. Thompson, and Cal Winslow, *Albions Fatal Tree: Crime and Society in Eighteenth-Century English?* (Penguin; 1975) 18-19.

<sup>18</sup> *Ibid*, 26.

<sup>19</sup> *Ibid*, 41.

Dispensation from their (the ruling class) rules paradoxically reinforced the power of the ruling class. More, “discretion allowed a prosecutor to terrorize the petty thief and then command his gratitude,” meaning, “pardons were...part of the tissue of paternalism.”<sup>20</sup>

Hay’s work is, of course, limited in its applicability to prison libraries in Canada as his work is both temporally and geographically distant from this topic. Additionally, Hay’s work is more holistic in that his analysis examines all aspects of the criminal justice system whereas this thesis explicitly deals with the spaces inside carceral structures. Finally, whereas Hay sees mercy as a selective tool of the ruling class, in my conceptualization of mercy it is more or less accessible or available to the entire population I am studying. Perhaps most significantly, mercy, in my conceptualization of it, is embodied in a space, a physical manifestation of Hay’s understanding of it. A physical space to command the inmate’s gratitude and reinforce paternalism, a *space of mercy*. The critical legal framework Hay laid out helps to settle what, on the surface, appears to be irreconcilable realities surrounding the modern prison library. On the one hand, my research shows that the physical library space has become a more welcoming, comfortable place, unlike other parts of the prison. On the other hand, these changes were the result of policy, created and shaped by the Canadian federal government, and there is no suggestion that the government has evinced any interest in fundamentally altering its systems of control in the carceral system. Query then the meaning of this change in prison libraries: still within the total control of prison officials but experienced by (some) prisoners as a sort of reprieve from other institutional spaces, where they enjoy certain ‘freedoms’ not available elsewhere in the prison. I argue that the library might best be understood as a space of mercy a

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<sup>20</sup> Ibid, 47 & 48.

space constructed by the federal government to mitigate feelings of anger against the terrors of incarceration. In the space of mercy, Hays argued that:

punishment at times had to be waived or mitigated to meet popular ideas of justice, and to prevent popular outrage from going too far and thereby realizing its own strength. The aim above all was to avoid exposing the law and authority either to ridicule or to too close scrutiny.<sup>21</sup>

By creating a space with some of the more normative comforts of life outside of prison (comfortable seating, proper lighting, peace and quiet, etc.), it might be argued that the federal government was attempting to foster inmates' gratitude with a reprieve from some of the normative functions of incarceration as part of a larger carceral strategy aimed at control. In this sense, Hay's account of the paradoxes of mercy is instructive here.

Yet, as I argue in Chapter 3, today the prison library is not only a space of mercy but a space of information. Initially the space of mercy as a space of information did not present a conflict or tension, as available information was heavily censored and controlled. And even today, to describe the space as subversive would be an overstatement. It would be a mistake to overstate the exceptional qualities of the space, of course—prison libraries remain in prisons—the fact remains that as control over information has loosened and inmate publications emerged, my research suggests that the library has evolved from 'simply' a space of mercy. While Hay's work provides the foundation for the conception of the space of mercy, it is the work (and terminology more specifically) of historian of migration Laura Madokoro who inspired my conceptualization of what the prison library has become, a site of sanctuary.<sup>22</sup> Madokoro offers two examples, past and present, of the embodiment of a site of sanctuary. The historical being churches in Medieval England, "where individuals in flight from the law could seek, and receive

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<sup>21</sup> Ibid, 51.

<sup>22</sup> Laura Madokoro, "Sites of Sanctuary," accessed June 10, 2020, <https://www.sitesofsanctuary.com/>.

protection,” the present being sanctuary cities, “to protect undocumented migrants.”<sup>23</sup> I posit the prison library would become a site of sanctuary of sorts. A space where inmates in Canada’s federal institutions could seek refuge and be protected from the terrors of incarceration. In addition to a space to seek refuge, implicit in the concept of sanctuary is a protector of sorts to shield or insulate those in search of safety from those attacking, oppressing, or causing distress. That role could be occupied by the church, a government entity, or in the case of the prison library, the librarian. The physical library, the privileges and freedoms accessible within it, and the prison librarian were all necessary components in the emergence of the library as a site of sanctuary. The space of mercy was, fundamentally, a space of power inequity. Mercy originates from a position of power, mercy is offered as a reprieve from a state of oppression, in essence reinforcing the existence of said oppression. Understood as such, the library as a space of mercy remained a space of power imbalance on par with the rest of the institution. The library became a site of sanctuary when it became a space in which inmates could feel insulated from the carceral structure and disrupt this power imbalance, not correct it or create any real sense of equality but challenge it.

The body of this thesis examines this evolution of prison libraries from a space of mercy to a site of sanctuary. Chapter 2 sets out the institutional history of Canada’s federal prison libraries. Briefly, libraries have existed in Canada’s federal prisons since the first Canadian federal penitentiary opened in Kingston, Ontario in 1835.<sup>24</sup> In the nearly 200 years of their existence, prison libraries have been a contentious topic of discussion, separate from debates

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<sup>23</sup> Ibid.

<sup>24</sup> Upper Canada, Legislature, *Reports of the Commissioners Appointed to Inquire into the Conduct, Discipline & Management of the Provincial Penitentiary - with the Documents Transmitted by the Commissioners*, [Montreal, QC]: R. Campbell, 1849, 10. Online, [http://www.canadiana.ca/view/oocihm.9\\_01285/2?r=0&s=1](http://www.canadiana.ca/view/oocihm.9_01285/2?r=0&s=1) (accessed November 13, 2019).

about prisons themselves. Obviously, the debates have been connected in important ways, but what is striking is the ways in which they have been disconnected as well, often happening among pretty different stakeholders with priorities that may or may not have been aligned with those of prison officials.

I show in Chapter 2 that the first iteration of the institutional library was mostly religious in nature. Its content was limited and it failed to adhere to the organizational systems then coming into effect in outside libraries.<sup>25</sup> Libraries garnered very little attention from prison officials, as was evidenced by the lack of space dedicated to the library facilities in institutions, often isolated to the corner of a room occupied by other services or programs the institution offered. This early version of the prison library would remain relatively unchanged for the remainder of the nineteenth century, with significant advancements in terms of content, structure, and operation delayed until the twentieth century. In the first half of the twentieth century library content diversified, and libraries came to occupy distinct spaces within the institution. In addition, they drew more concern and attention from prison officials, as well as from external reviewers who focused on improving the facilities to better suit inmates. In addition to better facilities and content, the organization and operation of libraries improved thanks to the hiring of

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<sup>25</sup> While early iterations of libraries in Canada outside of prison do not resemble the public libraries we see today, they were ahead of their prison counterparts in the nineteenth century. The early nineteenth century saw what was called the subscription library. While not fully public (as it required a membership) this was the earliest version of the Canadian “public” library. Prior to 1850 there were sixty subscription libraries across Canada. All of these subscription libraries were, “conventional places for accessing sizeable, relatively permanent collections that were a collective resource. Their formation was often characterized by spirited community betterment... The ‘public persona’ of the subscription library was fashioned by occupying a physical space open to local residents, by constructing a response to people’s desire (and need) for access to books and information in public places, and by aggregating the views or preferences of individuals about the value of print resources on a communal basis. All these aspects of publicness appeared in many places before 1850 and not only provided a foundation for later developments in library progress.” Content was both more expansive and receptive to the populations needs in outside libraries in Canada at the same time that prison libraries remained predominantly religious and disorganized. See, Lorne D. Bruce, "Subscription Libraries for the Public in Canadian Colonies, 1775–1850," *Library & Information History* 34, no. 1 (2018): 44-46.

dedicated full-time librarians. By the middle of the twentieth century, prison libraries had become—among other things—spaces of *mercy*.

The latter half of the twentieth century saw significant advancements in the creation of the modern prison library. A progressive commissioner of penitentiaries, coupled with a national commitment to the public library model—in essence attempting to make prison libraries across Canada both physically and philosophically like outside public libraries—laid the groundwork for the evolution of the library from a space of mercy to arguably a site of sanctuary. A series of reports were released in the 1970s and 1980s explicitly dealing with libraries in Canadian federal prisons and recommending more aesthetically appealing library spaces as well as more inmate autonomy in the library. These contributed to the evolution of libraries as spaces unlike any other in the prison. Prison officials explicitly wanted to create an “inviting” and “comfortable” space for inmates, “free” from the more traditional forms of surveillance, where inmates could exercise some degree of limited autonomy and agency and—even if the intention was control—it laid the groundwork for creating conditions for sanctuary.

If Chapter 2 tells the history of the emergence of the space of mercy, Chapter 3 attempts to show what the site of sanctuary looked and continues to look like. In Chapter 3, I report my research at the William Head Institution in Metchosin, British Columbia. In researching inmates’ experience of prison libraries, I rely heavily on inmate publications. By the 1950s and 1960s, every federal institution in Canada came to have an inmate-produced magazine. These publications had their roots in the prison library, as at the inception of the magazines, libraries oversaw their publication. They were in essence an extension of the library, and were a place for inmates to exercise some freedom of thought and expression. Inmates used the magazines to illuminate and challenge the Canadian criminal justice system and the penal system, as well as

the operations inside the prison. Those who wrote for the magazines made sure their fellow inmates remained informed and cognizant of changes to laws that affected the inmate population, in addition to keeping inmates aware of the rights they retained even while incarcerated. The magazines' content, which often ridiculed and challenged the law and criminal justice system, provides an example of the sort of thought and expression that those who created the space of mercy might have wanted to discourage, at least in Hay's theory. Put another way: as the changes to the physical features of the prison library *visually* made it different from the rest of the institution, the freedom of thought and expression voiced in inmate publications *philosophically* made it very different from the rest of the institution.

While the evolution of prison libraries and prisoner publications has allowed for unique freedoms of expression, I want to be especially careful not to overstate my findings or essentialize the experiences of prisoners. During the research process I have had the opportunity to speak to many inmates in local federal institutions. As you will see in the following chapters, many if not most feel that their libraries are a unique space in the institution, a site—while not their exact vocabulary—of sanctuary. Having said that, there were inmates who pushed back and cautioned me in my vocabulary choices when describing the library, as well as well as making it very clear that while this unique space may exist, inmates were in fact still incarcerated. Their liberty had been revoked. A trip to the library did not and would not change that. Two men in particular, both inmates in federal institutions in British Columbia, offered words worth repeating. The first stated, in reference to the ways (if any) that the library feels different than the rest of the institution, “no, [the library] feels like an institution because it’s an institution, I don’t

think that's going to change no matter how it's dressed."<sup>26</sup> The second man, in an interview where I ignorantly used the words "freeing" and "liberatory" in reference to the library, stated:

it has, no question, it's enhanced my quality of life, being able to read what I like and follow authors and magazines and stay abreast of, you know, world events through the papers and throughout the years. It's definitely been valuable in that way, in terms of just general improving quality of life. But is that liberatory? What do you mean by liberatory? I still remain incarcerated, I still am subject to all the, you know, strictures of the institution wherever I am placed. But within the confines, does it enhance my quality of life in terms of helping me to think and see different worlds vicariously through literature and what not, yes.<sup>27</sup>

These two responses bring the dangers of simplification into sharp relief. To be clear, I am not arguing that the latter half of the twentieth century brought changes to prison libraries that necessarily disrupt the line between mercy and sanctuary, nor that all inmates experience prison libraries in the same way. Nor am I suggesting that libraries offer relief from the realities of incarceration. Instead, I am suggesting that they offer the potential to push back against the passivity inherent to a space of mercy. It is a subtle, but important distinction. Ultimately, I argue that a series of legislative changes brought on by reports, recommendations, and pressure from varying levels of criminal justice officials, inmates, and prison librarians resulted in dramatic changes to institutional libraries. These changes were both physical and philosophical, creating fundamentally different spaces from how prison libraries were originally conceived and, as importantly, producing inmate publications committed to freedom of expression. As a consequence, some inmates have experienced libraries as a site of sanctuary. But not all inmates across Canada engaged with the library in the same way, and not all experiences of the prison library were the same.

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<sup>26</sup> Oakley Ramprashad, *William Head Institution Questionnaire: Library Usage*, V1 (November 15, 2019), distributed by librarian at William Head Institution.

<sup>27</sup> Inmate (current inmate at William Head Institution) in discussion with author, October 2019.

#### IV. Historiography

A survey of the Canadian federal institutional library fills a void in the existing Canadian penal historiography. Catherine Ings' and Jenifer Joslin's "Correctional Service of Canada Prison Libraries from 1980 to 2010" stands alone as the contribution to this area of historical scholarship. At the time the article was published, the authors held positions as librarians in federal institutions in British Columbia. Their argument, shaped in important ways by these positions, was that the close alignment of the prison library with outside public libraries has meant that these two library systems (and the librarians employed in them) have experienced similar "challenges and rewards" over the late twentieth and early twenty-first centuries.<sup>28</sup> Their paper, while important and informative, is limited temporarily and geographically.<sup>29</sup> Because it presents only a portion of the history of the institution, it necessarily ignores earlier sources and their relevance to the longer story. The structural, philosophical, and operational alignment of prison libraries with the public library model evolved over a much longer time span than Ings and Joslin describe. Their article does, however, fit into a thematic grouping of a more critical Canadian penal history.

An examination of the existing penal historiography reveals two significant bodies of scholarship, both of which guide the direction of this thesis in important ways. The first is historiographical scholarship that operates within the critical legal history framework. I am convinced by critical legal studies scholars—including critical legal historical scholars—that Canada's criminal justice system is oppressive, predatory, and overly punitive. The point of

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<sup>28</sup> Catherine Ings and Jennifer Joslin, "Correctional Service of Canada Prison Libraries from 1980 to 2010," *Library Trends* 59, no. 3 (2011): pp. 386-408, [https://muse.jhu.edu/article/420678/pdf?casa\\_token=\\_MUApXPw65QAAAAA:ovbGG\\_QDmzhIJ3CuqaGVcefrIvOv2F17MVOSiSi0lfRt9vvP7G5jsONfejh6RWVQPPMIMIANjA](https://muse.jhu.edu/article/420678/pdf?casa_token=_MUApXPw65QAAAAA:ovbGG_QDmzhIJ3CuqaGVcefrIvOv2F17MVOSiSi0lfRt9vvP7G5jsONfejh6RWVQPPMIMIANjA), 406.

<sup>29</sup> In this article the authors limit their focus to "the history of the libraries in federal Correctional Service of Canada (CSC) from the 1980s to the present, concentrating on the libraries in the Pacific Region." See *Ibid*, abstract.

critical analysis (or one point, at least) is to illustrate the ways in which so-called “neutral” or “objective” analyses tends to replicate the interests of hegemonic power centers. Critical analysis aims to expose the ways in which a structural process is at work.

The second body of work is scholarship that relies heavily on sources produced by the institutions themselves. I also rely heavily on institutional sources, especially primary sources, but would distinguish my project from this body of work. Where much of this work is presented as descriptive, objective, and so forth, a critical look reveals that it foregrounds the interests of institutions over inmate. This thesis seeks to bring a critical legal lens to these accounts.

One of the first comprehensive surveys of Canadian prison history, Luc Gosselin’s *Prisons in Canada* (1982), is among the most critical to date. Gosselin works within the critical legal history framework, viewing Canada’s criminal justice system as being governed by ideology and challenging the presumed impartiality of the law. With clear iconoclastic and Marxist undertones, Gosselin’s thorough text ends with a call to abolish the Canadian prison system:

The struggle for the abolition of prisons is more than a matter of knocking down the walls. As Oscar Wilde said, “Four Walls do not a prison make.” No, the struggle against the penitentiary is above all the struggle against the social system that creates such an institution. Viewed from that perspective, all prisoners are political prisoners.<sup>30</sup>

While his strong wording and radical suggestions may put off some scholars, Gosselin’s book is both informative and well researched. For example, he closely examines a series of annual reports to the Superintendent of Penitentiaries spanning some fifty years. He notes the negligible difference in wording and recommendations to in fact make prisons more oriented towards rehabilitation, which instead had the effect of Americanizing them by making the system

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<sup>30</sup> Luc Gosselin, *Prisons in Canada* (Black Rose Books Limited, 1982), 176.

substantially more punitive.<sup>31</sup> Gosselin's critical linguistic analysis of government-produced documents provides a helpful framework for how to successfully utilize government sources in critical legal historical scholarship.

With the exception of Gosselin's work, much of the existing critical legal historical scholarship does not offer a roadmap on how to work closely with correctional institutions without allowing that relationship to colour the analysis (i.e.) how to tell the history of institutions, without telling the history *they* want told. This is where consulting the scholarship that has fallen into that trap provides insight on how to remain critical. In other words, they provide examples of traps I am seeking to avoid. Jack David Scott's *Four Walls in the West: The Story of the British Columbia Penitentiary* is such an example. Scott's analysis centers on the ways in which the evolution of penal policy and regulations was justified by violence against the guards and other prison officials, positing the institution as the victim. This explanation fundamentally misconstrues the power relations inherent to incarceration but, is not surprising given his sources and social location. Much of his analysis draws exclusively on institutional documents and sources to which he had access to as a result of his partnership with the Retired Federal Prison Officers' Association of British Columbia (the group who helped Scott publish the text). As a result, he tells the story that one imagines they wanted him to tell. Darryl B. Plecas's *Federal Corrections In Canada: A Comprehensive Introduction* provides another example of how working with the institutions can shape the type of history you tell. Plecas opens the text commending the penal system, and in doing so makes clear to his reader the type of history he will be telling:

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<sup>31</sup> Ibid, 22. Peter Hennessey's *Canada's Big House: The Dark History of the Kingston Penitentiary* identifies the influence of the United States on the first Canadian prison, and argues the American fingerprints on the Canadian carceral system run counter to Canadian commitments to rehabilitation. See, Peter H. Hennessy, *Canadas Big House: the Dark History of the Kingston Penitentiary*(Toronto: Dundurn Press, 2008)

Today I still agree that some changes are in order, but the experience of working closely with correctional operation over the last ten years has given me a very different perspective on the system over-all. I would make very few changes. In fact, I think my perspective today is much like that of most others who have had the opportunity to look at our prison system in detail over a number of years. I think most of these people would agree that however bad our system might seem, over the last ten years it has moved towards being one of the best in the world. Certainly it is regarded as a world-class system by correctional authorities outside of Canada.<sup>32</sup>

In my thesis I actively try to steer a different path than these texts that focus disproportionately on the interests of the institutions rather than the inmates. But I have taken heed of these more traditional errors; throughout my research I was intentional in the ways I interacted with institutions and their staff directly, and whenever and wherever possible included the voices of inmate and non-CSC employees to counter institutional narratives.

I draw on Douglas Hay's work for my broad theoretical framework and terminology. His work, however, is temporally and geographically distant from the history of this thesis, so I turn to other scholars for examples of how to apply critical legal studies to Canadian penal history. For thoughtful critique of the rehabilitation rhetoric in criminal justice discourse, I rely on Richard M. Zubrycki's "The Establishment of Canada's Penitentiary System: Federal Correctional Policy 1867-1900." In that article, Zubrycki argues that, despite some commitments early in its history, the Canadian carceral system never truly attempted to embrace a model or mandate of social welfare. Rather, "the typical penitentiary regimen was somewhat liberalized by the advance of a reformatory ideology, but only in its grossest brutalities. It remained stark and dehumanizing, based on regimentation and repression, more rhetorical than reformatory."<sup>33</sup> He

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<sup>32</sup> Darryl Blair Plecas and Joanne Broatch, *Federal Corrections in Canada: a Comprehensive Introduction* (Vancouver: Good 80s Enterprises, 1986), 1.

<sup>33</sup> *Ibid*, 3.

argues that what defined the history of Canadian corrections over the latter half of the nineteenth century was longer and less definite sentencing practices.<sup>34</sup> Notably, his observations about intentional ambiguity in the Canadian Criminal Code align with Hay's work in important ways.

For a more holistic picture of Canada's carceral system—including provincial and local jails—I used Peter Oliver's *'Terror to Evil-Doers': Prison and Punishments in Nineteenth-Century Ontario*. Oliver situates his work within the critical framework by presenting incarceration and criminal justice as inherently political. Although Oliver's text is limited to a survey of institutions located in Ontario, his observations have relevance across the country. Much of his analysis focuses on the political uses of law, framing early penal thinking in Ontario as a means of isolating and quarantining “undesirable” members of the population. He attributes the unfair and cruel treatment of inmates to systematic failures throughout the penal institution, and challenges the notion that the penal system was rehabilitative in intent or nature, instead arguing that “prison...[was] characterized by a maximum of violence and a minimum of goodwill.”<sup>35</sup>

In this thesis, I seek to apply the critical methods of Hay, Zubrycki and Oliver, while simultaneously learning from the mistakes of those who let their institutional relationships influence their analysis. I ultimately conclude that there is some progressive potential embodied by the library and by the processes I describe as emerging around the library – processes that give some voice to inmates, even as the system of incarceration as a whole remains profoundly oppressive. In other words, I seek to produce a nuanced account of the prison and the prison library – one that recognizes its fundamental qualities of power, violence, and unfreedom, while

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<sup>34</sup> Richard M. Zubrycki, *The Establishment of Canada's Penitentiary System: Federal Correctional Policy, 1867-1900* (Toronto: University of Toronto, Faculty of Social Work, 1980), 3.

<sup>35</sup> Peter Oliver, *Terror to Evil-Doers: Prisons and Punishments in Nineteenth-Century Ontario* (University of Toronto Press, 1998) 419 & 420.

also noting the ways in which inmates are not without agency. Ultimately, my thesis shows that inmates in institutions across Canada have used the library as a lever of resistance.

## **Chapter 1. A Space of Mercy**

To date, no historical survey of Canadian federal prison libraries from their inception to the present has been done. This is surprising because the library provides an arena in which to observe how the Canadian carceral structure and the interests of Canadian federal inmates have evolved in relation to each other, how the balance of power between the two shifts over time, and how, in dialogue with each other, a space with the potential for inmates to engage with anomalous freedoms, in relation to the rest of the institution, emerged. To fully explicate the ways in which the prison library evolved over the course of the twentieth century requires the telling of two histories. This chapter will tell the first, more traditional institutional or policy history, one that documents the ways in which the prison library evolved from a highly censored, predominantly religious corner of a room (quite literally) to an organized space that very closely mirrors a local public library. I suggest that through a critical legal historical lens, these changes might be described as an evolution from a ‘standard’ prison space to a space of mercy to a site of sanctuary. Chapter 3 will pick up this latter story and examine it from the perspective of inmates.

### **II. Canada’s Penal Policy**

In 1832, armed with knowledge that the Canadian parliament had interest in establishing its first federal penitentiary, the newly appointed Commissioners of Penitentiaries in Canada, John Macauley and Hugh C. Thomson, traveled to New York and Connecticut to observe those states’ prison systems. In New York, they visited the “penitentiaries at Auburn, Sing Sing, and Blackwell’s Island...and Wethersfield, and...[in] Connecticut all [of] which prisons [are]

conducted on the Auburn, or congregated system.”<sup>36</sup> While visiting the prison in Auburn, Macauley and Thomson met William Powers, the Deputy Keeper of the institution. Powers educated the men on the logistics of running a prison and in 1833, after returning from their visit to the United States, Macaulay, Thomson, and Henry Smith (who would become the institution’s first warden) formed a commission recommending a penitentiary be erected in Kingston, Ontario.<sup>37</sup> The *Report of the Commissioners appointed to superintend the erection of a penitentiary in Kingston* recommended £12,500 for the erection of this penitentiary.<sup>38</sup> After much debate among early prison officials about the architecture of the building and who would be charged with its construction, as well as more specific debates around such issues as optimal window size to allow for cooling and ventilation in the summer while not causing inmates to freeze during the winter, the Kingston Penitentiary was constructed.<sup>39</sup>

Early prison officials debated the value of the institutional library at the Kingston Penitentiary and critiqued the warden’s neglect of the library facilities. In 1845, the chaplain at the Kingston penitentiary, Reverend R.V. Rodgers, expressed his view of the great value in the prison library: “our Library remains dependent on private benevolence only for its existence; though if greatly increased, it might be rendered a very useful assistant in the moral education of

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<sup>36</sup> Upper Canada, Legislature, *Reports of the Commissioners Appointed to Inquire into the Conduct, Discipline & Management of the Provincial Penitentiary - with the Documents Transmitted by the Commissioners*, [Montreal, QC]: R. Campbell, 1849, 4. Online, [http://www.canadiana.ca/view/oocihm.9\\_01285/2?r=0&s=1](http://www.canadiana.ca/view/oocihm.9_01285/2?r=0&s=1) (accessed November 13, 2019).

<sup>37</sup> In fact William Powers knowledge was deemed to be so extensive that Macauley and Thomson lured him from his post and appointed him as the Superintendent of Prison Works for what would become the Kingston Penitentiary, see *ibid*, 4.

<sup>38</sup> John Macaulay, H.C. Thomson, and H. Smith, *Report of the Commissioners Appointed to Superintend the Erection of a Penitentiary in Kingston*. [Kingston, ON]: 1833, 1.

<sup>39</sup> *Ibid*, 2.

the prisoner.”<sup>40</sup> This rhetoric of moral reform was behind much of the early motivation for education services broadly and library services specifically. As the commissioners explained:

We are of the opinion that common education should form a systematic part of the moral discipline[.] We would not hesitate to carry instruction beyond the ordinary studies of reading and writing, but the Inspectors would be guided in this by the success which they might find to attend their labors. To the Schoolmaster should probably be assigned the duty of taking charge and distributing, under the directions of the Chaplains, the books forming the library of the Institution. Hold, as we do, that ignorance is the most fruitful parent of crime, we would recommend the cultivation as well of the intellectual as of the moral faculties of the Convicts, and for that purpose that a small library, carefully selected, consisting principally of religious books, but in part useful works of a general character, should be procured.<sup>41</sup>

Three important aspects of the prison library and education are touched upon in this passage.

First, the commissioners evinced a belief that a lack of access to education and knowledge was the seed of criminality. Second, at the most basic level, the commissioners note the positive relationship between education and moral reform. While there would be a disentanglement of religion and the library later in the course of this history, Canadian prison officials consistently espouse the connection between rehabilitation and educational programming to this day. Finally, the commissioners issued an administrative mandate: education and the library would be headed by a partnership of the schoolmaster and the chaplain. Calling attention to the connection between a lack of access to education and increased odds of incarceration anticipated critiques that would become more common in the twentieth century.<sup>42</sup> More, this view of the prison as a

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<sup>40</sup> Upper Canada, Legislature, *Reports of the Commissioners Appointed to Inquire into the Conduct, Discipline & Management of the Provincial Penitentiary - with the Documents Transmitted by the Commissioners*, [Montreal, QC]: R. Campbell, 1849, 10. Online, [http://www.canadiana.ca/view/oocihm.9\\_01285/2?r=0&s=1](http://www.canadiana.ca/view/oocihm.9_01285/2?r=0&s=1) (accessed November 13, 2019).

<sup>41</sup> *Ibid*, 294.

<sup>42</sup> In 1994 the National Crime Prevention Centre of Canada was established at the recommendation of Solicitor General. The NCPC’s mandate was to create a, “framework for coordinating a range of federal initiatives that emphasized a proactive, social development model for crime prevention in Canada.” In 1997 in a report entitled

place of moral reform would be the foundation of the more modern and less overtly religious view that a primary function of incarceration should be rehabilitation. The library's centrality to the mission of moral reform early in Canadian carceral history was such that wavering in one's commitment to the library was seen as wavering on the commitment to rehabilitation. Smith, Kingston's first warden, was accused of viewing the prison as a place solely for detention and punishment based on, among other things, his refusal to put in place a 'real' library.<sup>43</sup>

While the first Canadian prison was constructed in the 1830s, a codified document that laid out governing rules and policies, hierarchical frameworks, and logistical information would not be issued until 1868. With Confederation in 1867, the new federal government passed a comprehensive penal code.<sup>44</sup> Following its enactment, the *Penitentiary Act of 1868* went through a raft of amendments as parts were repealed and replaced. Later iterations are of particular importance to the study of the prison library and its evolution. First, the 1882 *Acts Relating to the Penitentiary* established the position of the Penitentiary Inspector. The Inspector's position required him to submit annual reports to the Minister of Justice, as well as to the commissioner of penitentiaries so that they could provide a comprehensive report to parliament.<sup>45</sup> These reports

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*Incarceration in Canada* the Centre provided a profile of the "average federal inmate". In this document they noted that 37% of federal inmates, upon incarceration, had an education level below grade 10 (nearly double the amount compared to non-incarcerated Canadian adults at 19%). See "National Crime Prevention Centre" (Public Safety Canada, December 17, 2015), <https://www.publicsafety.gc.ca/cnt/cntrng-crm/crm-prvntn/ntnl-crm-prvntn-cntr-en.aspx>) and Canada, National Crime Prevention Centre, *Incarceration in Canada*, [Ottawa, ON] National Crime Prevention Centre, 1997, 2. Online, <https://www.publicsafety.gc.ca/lbrr/archives/cn36486-eng.pdf> (accessed December 19, 2019)

<sup>43</sup> Upper Canada, Legislature, *Reports of the Commissioners Appointed to Inquire into the Conduct, Discipline & Management of the Provincial Penitentiary - with the Documents Transmitted by the Commissioners*, [Montreal, QC]: R. Campbell, 1849, 120. Online, [http://www.canadiana.ca/view/oocihm.9\\_01285/2?r=0&s=1](http://www.canadiana.ca/view/oocihm.9_01285/2?r=0&s=1) (accessed November 13, 2019).

<sup>44</sup> Canada, Correctional Service Canada, *History of the Canadian Correctional System*, [Ottawa, ON] Correctional Service Canada, 2. Online, <https://www.csc-scc.gc.ca/educational-resources/092/ha-student-etudiant-eng.pdf> (accessed December 19, 2019)

<sup>45</sup> Canada, *Acts Relating to Penitentiaries*, [Ottawa, ON]: Brown Chamberlin, Law Printer to the Queen, 1882, 2. Online, <https://www.publicsafety.gc.ca/lbrr/archives/ke%2097%20p45%201882-eng.pdf> (accessed November 13, 2019)

provide much of the foundation for this project and any line of inquiry into the history of Canadian federal prison, in part because they illustrate the ways in which Canadian criminal justice and penal policy evolved through dialogue between lower and higher level prison administrators and employees.

In addition to expanding the number of carceral institutions in Canada, the *Penitentiary Acts and the Rules and Regulations for the Government of the Penitentiaries of Canada of 1888* (henceforth referred to as *The Penitentiary Acts of 1888*) was the first legislation to expressly discuss the institutional library, establishing several significant requirements.<sup>46</sup> It required that a library exist in each institution and that it contain both secular and religious books. In addition, *The Penitentiary Acts of 1888* mandated that the wardens of federal institutions include library statistics in their reports to the inspector, including the total number of volumes, the number of volumes issued during the year, and the number of inmates who patronized the library. It further established a library board in every federal prison. This body was comprised of the warden and two chaplains, one protestant and one catholic, whose mandate was to expand the library collection. Finally, it established the first censorship regulation: “No book of religious controversy, nor work tending to bring into contempt either the Protestant or the Roman Catholic Faith, shall be permitted to be brought into the Prison.”<sup>47</sup> Regulatory authority for censorship enforcement was delegated to the library board.

The 1933 *Penitentiary Regulations of Canada* continued the evolution of the prison library, codifying some significant changes to practices concerning the acquisition of content. While one chaplain remained on the library board, the second was replaced with the newly

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<sup>46</sup> Canada, *The Penitentiary Acts and the rules and regulations for the government of the Penitentiaries of Canada*, [Ottawa, ON]: MacLean, Roger & Co., 1888, 2. Online, <https://www.publicsafety.gc.ca/lbrr/archives/ke%2097%20p45%201888-eng.pdf> (accessed November 13, 2019).

<sup>47</sup> *Ibid*, 2.

created role of the prison teacher. In addition to their role on the library board, the teacher served as librarian.<sup>48</sup> Finally, and perhaps most significantly, this set of regulations allowed for an unprecedented level of inmate control over the contents of the library. While still having to operate within the censorship guidelines dictated by the library board, the new set of regulations allowed the warden to:

permit a convict who [had] money to his credit in the Convict's Trust Fund, or his relatives or friends for him, to subscribe to a magazine or magazines, approved by the Library Board, and in either of such cases the Warden [should] arrange for the name of the convict to be put on the publisher's mailing list, and the approved magazine or magazines mailed direct by the publisher to the Penitentiary for the convict...upon receipt at the Penitentiary of such magazine or magazines, it or they shall be...issued to the convict, and left with him for a period of two weeks or such other length of time as the Warden shall consider reasonable for the perusal thereof by the convict. At the end of either of the said periods the magazine or magazines shall be placed in the library of the Penitentiary, and become the property of the Penitentiary.<sup>49</sup>

From the historical records, it seems that prisoners were afforded some latitude in choosing magazines. This accommodation of inmates' self-identified choices or interests meant that they had material that might not otherwise have been selected by chaplains and teachers. It also meant that the library became a site within which the interests and preferences of inmates were shared communally. This appears to be the first evidence of what Hay called *mercy* in the context of prison libraries in Canada.

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<sup>48</sup> Canada, Department of Justice, *Penitentiary Regulations*, [Ottawa, ON]: J.O. Patenaude, 1934, 16. Online, <https://www.publicsafety.gc.ca/lbrr/archives/hv%209506%20p45%201934-eng.pdf> (accessed November 13, 2019).

<sup>49</sup> *Ibid*, 108-109.

### III. From Moral Reform to Mercy

The rhetoric of moral reform or moral education continued through the nineteenth century, and federal prison libraries expanded their Protestant and Catholic collections.<sup>50</sup>

Nevertheless, as early as 1872, the Director of Penitentiaries recognized that prison libraries rightly contained secular books. Library collections expanded to include, “historic, scientific and biographical works, books of travel, periodicals, and works of fiction, from the pens of the best authors,” and hence “[f]or the first time in history...the [prison] library [was] in proper order.”<sup>51</sup>

As the libraries expanded, the tension presented by different views of the library’s value became apparent. While moral reform remained front and center, we begin to see a greater focus on the relief of inmate despair. The Protestant chaplain at St. Vincent de Paul Penitentiary, located in Quebec, remarked in 1873, “the library is well stocked with books, which are eagerly read, and beguile many an hour which would otherwise prove very wearisome in their unfortunate, but necessary deprivation.”<sup>52</sup> The Catholic Chaplain at the Kingston, two years later, noted, “[t]he library is the course of great benefit to the convicts, not only as regards the information they may obtain from it, but also as a relief from the sadness and melancholy to

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<sup>50</sup> Canada, Parliament, *Annual Report of the Directors of Penitentiaries of the Dominion of Canada*, [Ottawa, ON]: L.B. Taylor, 1869, 16 & 57. Online, <https://www.publicsafety.gc.ca/lbrr/archives/csc-ardpdc-1869-eng.pdf> (accessed November 19, 2019), and Canada, Parliament, *Annual Report of the Directors of Penitentiaries of the Dominion of Canada*, [Ottawa, ON]: L.B. Taylor, 1870, 20 & 68. Online, <https://www.publicsafety.gc.ca/lbrr/archives/csc-ardpdc-1870-eng.pdf> (accessed November 19, 2019), and Canada, Parliament, *Annual Report of the Directors of Penitentiaries of the Dominion of Canada*, [Ottawa, ON]: L.B. Taylor, 1871, 27 & 28. Online, <https://www.publicsafety.gc.ca/lbrr/archives/csc-ardpdc-1871-eng.pdf> (accessed November 19, 2019).

<sup>51</sup> Canada, Parliament, *Annual Report of the Directors of Penitentiaries of the Dominion of Canada*, [Ottawa, ON]: L.B. Taylor, 1872, 19 & 5. Online, <https://www.publicsafety.gc.ca/lbrr/archives/csc-ardpdc-1872-eng.pdf> (accessed November 19, 2019).

<sup>52</sup> Canada, Parliament, *Annual Report of the Directors of Penitentiaries of the Dominion of Canada*, [Ottawa, ON]: L.B. Taylor, 1873, 76. Online, <https://www.publicsafety.gc.ca/lbrr/archives/csc-ardpdc-1873-eng.pdf> (accessed November 19, 2019).

which their imprisonment may give rise.”<sup>53</sup> While the commitment to moral reform had positioned the library as a tool to act upon the inmate in the prison official’s eye, increasingly, it also became a place of reprieve from the realities of prison life. In that sense, it became an explicit space of mercy in the sense described by Hay. Inmates could engage in some forms of escapism and interact with the space in ways that were more self-directed, although still fundamentally controlled by the institution – both explicitly and ambiguously.

It should be noted, however, that even as they recognized libraries as places of mercy within the prisons, wardens expressed concern about its extent. At various federal institutions, officials questioned the wisdom of permitting inmates to access fiction, and in particular fiction that revolved around the criminal justice system and policing practices.<sup>54</sup> In 1919, for example, the dominion Parole Officer W. P. Archibald remarked:

One of our problems in working with the criminal is found in the lack he has of willpower to regulate his conduct, to keep straight and to pursue with any degree of steadiness the path of rectitude, and that lack of willpower is not peculiar to the criminal in fact, it is found in general weakness in all humanity especially in modern life. You who read fiction know this weakness. The gospel of modern novelists is that we are all in a sea of circumstances without compass, that we are unable to choose a course or sight the land and that we are the sport of feet. From general doctrines of fiction mongers the popular mind is coming to feel and believe that we are simply unfortunates and that we are not morally or virtually responsible for our lives or how we live. We have inherited, or we have fallen into certain environments, and that is the wholesome given out in experience...Books of fiction like the above have no right in a prison library.<sup>55</sup>

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<sup>53</sup> Canada, Parliament, *Annual Report of the Directors of Penitentiaries of the Dominion of Canada*, [Ottawa, ON]: L.B. Taylor, 1875, 18. Online, <https://www.publicsafety.gc.ca/lbrr/archives/csc-ardpdc-1875-eng.pdf> (accessed November 19, 2019).

<sup>54</sup> Canada, Office of the Superintendent of Penitentiaries, *Report of the Superintendent of Penitentiaries*, [Ottawa, ON]: King’s Printer, 1914, 59. Online, <https://www.publicsafety.gc.ca/lbrr/archives/csc-rip-1914-eng.pdf> (accessed November 13, 2019).

<sup>55</sup> Canada, Office of the Superintendent of Penitentiaries, *Report of the Superintendent of Penitentiaries*, [Ottawa, ON]: King’s Printer, 1920, 14-15. Online, <https://www.publicsafety.gc.ca/lbrr/archives/csc-rip-1920-eng.pdf> (accessed November 13, 2019).

W.P. Archibald's condemnation of fiction was extensive and thorough, especially for someone who (by self-declaration) did not read fiction. In addition, some local prison officials were resistant to the idea of reprieve for fear that it would further corrupt the already corrupted inmate. The library as a space of moral reform was viewed as antithetical to a space of mercy; if the project of the library was to 'fix' a broken man, then it was and should be no different from the rest of the institution.

Despite his categorical condemnation of fiction, Archibald had in a sense muddied the waters that separated the confines and structures of the institution with the outside world. Whether there had ever been a true separation of the carceral system and greater society is up for debate, but in extending his critique of fiction and the attitudes and behaviors it incites to "all humanity especially in modern life," he linked the institutional library and its content with the outside world. This linkage would eventually prove the undoing of the restrictive library that he envisioned.

Still, in these years, libraries were envisioned—especially but not only by federal officials—as serving a disciplinary purpose, even if they offered a limited reprieve from the rest of the institution. As the chaplain at the Kingston Penitentiary mentioned in 1915, "many a long and lonely hour, which would otherwise be wasted in idleness and sinful habits or thought is thus brightened and turned to good use and instruction."<sup>56</sup> In 1918 both the Wardens of the Kingston Penitentiary, Robert R. Creighton, and the Saskatchewan Federal Penitentiary, W. J. Macleod,

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<sup>56</sup> Canada, Office of the Superintendent of Penitentiaries, *Report of the Superintendent of Penitentiaries*, [Ottawa, ON]: King's Printer, 1915, 28. Online, <https://www.publicsafety.gc.ca/lbrr/archives/csc-rip-1915-eng.pdf> (accessed November 13, 2019).

expressed the libraries' ability to be "a great factor in the maintenance of discipline during the evening and while the men [were] in their cells."<sup>57</sup>

While espousing the 'time-filling' potential of the library, however, the warden's reports within this larger federal report also acknowledged the ways in which the inmates began to interact with the library. By the start of the 1920s, individual prisons were less and less likely to exercise the strict control envisioned by federal leadership. In 1920, inmates in the Saskatchewan Federal Penitentiary were permitted to obtain books not carried by the library in order to pursue "special branches of study."<sup>58</sup> Meanwhile, a library statistics report from the Manitoba Penitentiary showed that, despite its earlier condemnation at the federal level, not only was fiction being allowed in regional libraries, it was far and away the most popular genre, with roughly 71% of the total volume of books that the library had in its collection that year being fiction.<sup>59</sup>

The pushback against views on content at the federal level by inmates and local staff at individual institutions marked a significant moment in the history of the prison library. Whereas a more centralized power had dictated content up to this point, local prisons libraries seemed to be gaining some operational autonomy. As G. T. Goad, the Warden of the Dorchester Penitentiary, discussed in his report in 1925, "inmates are much interested in the library, and

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<sup>57</sup> Canada, Office of the Superintendent of Penitentiaries, *Report of the Superintendent of Penitentiaries*, [Ottawa, ON]: King's Printer, 1918, 17 & 20. Online, <https://www.publicsafety.gc.ca/lbrr/archives/csc-rip-1918-eng.pdf> (accessed November 13, 2019).

<sup>58</sup> Canada, Office of the Superintendent of Penitentiaries, *Report of the Superintendent of Penitentiaries*, [Ottawa, ON]: King's Printer, 1920, 22. Online, <https://www.publicsafety.gc.ca/lbrr/archives/csc-rip-1922-eng.pdf> (accessed November 13, 2019).

<sup>59</sup> Canada, Office of the Superintendent of Penitentiaries, *Report of the Superintendent of Penitentiaries*, [Ottawa, ON]: King's Printer, 1921, 17. Online, <https://www.publicsafety.gc.ca/lbrr/archives/csc-rip-1921-eng.pdf> (accessed November 13, 2019).

every effort is made to meet their wishes regarding books.”<sup>60</sup> This posture of permission was another opening for inmate control, first evident in early decisions to permit inmates to subscribe to magazines of their choosing. At the same time, this permission, while significant, was also ambiguous and limited and, in that sense, conformed to Hay’s views about ‘places of mercy’ in the criminal justice system.

The ambiguity and limitations of an apparent commitment to meeting inmates’ wishes was exacerbated by inconsistent approaches at the local and federal level. While ambiguity allowed for an undefined amount of power to be exerted by the carceral structure, inversely it also opened up the potential for more inmate input into the development of library collections. For example, in the same time period in which that Goad had suggested “every effort should be made” to acquire books in which inmates were interested, it remained the mandate of the Library Board at each institution to “purge...the trashy literature with which they were stocked, and...provid[e] instead, many hundreds of really good, wholesome, clean books, many of them educational.”<sup>61</sup> And in a 1926 federal report, Ernest Lapointe, Canada’s minister of justice, provided one of the very few examples of specifically disallowed material:

A strict censorship is enforced on all reading matter entering the libraries, and though only high class books and magazines are subscribed for, it has been found necessary to delete over sixty magazine articles during the past two years. The following are a few of those removed before permitting the volumes in the library: *Sensational Escapes, Robbery and Murder as a Business, Revenge*—(a purely fictitious story regarding the late ex-inmate Leo Rogers), *The Bandit of Hell’s Bend, Invisible Inks, The Latest Developments in Bank Burglary, Cipher Writing—Its Uses, etc., Science in Prison Escapes, Gunners and Target in Chicago’s Crime War, The Perfect Murder, Fighting the Dope Menace, Romance*

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<sup>60</sup> Canada, Office of the Superintendent of Penitentiaries, *Report of the Superintendent of Penitentiaries*, [Ottawa, ON]: King’s Printer, 1925, 14. Online, <https://www.publicsafety.gc.ca/lbr/archives/csc-rip-1925-eng.pdf> (accessed November 13, 2019).

<sup>61</sup> Canada, Office of the Superintendent of Penitentiaries, *Report of the Superintendent of Penitentiaries*, [Ottawa, ON]: King’s Printer, 1923, 13. Online, <https://www.publicsafety.gc.ca/lbr/archives/csc-rip-1923-eng.pdf> (accessed November 13, 2019).

*of Bootlegging, Busting the Bad Money Business, Bill Miner, Bandit, The Inside of the Criminal Mind, The Case Against Capital Punishment, The Return of the Bad Men, The Criminal's Lawyer, Rogues and Vagabonds, Coddling Criminals, Our Convict Slaves, High Rollers of Crime, Making of Boy Bandits, Cursing Crime in the United States, A Murderer Who Couldn't Say 'Not Guilty', Beating the Bandits, Prison Life of Notorious Federal Convicts, Samson Entices Delilah.*<sup>62</sup>

Lapointe and others shared the view that different forms of text, whether magazines or books, had the potential to corrupt. Going to the extreme of redacting specific magazines articles demonstrates the seriousness with which some prison officials viewed inmate exposure to certain content, especially content surrounding criminality or any variation of it. Books of this sort, those whose content dealt with some aspect of criminality and/or the criminal justice, were condemned on the basis of their perceived ability to turn an amateur or inexperienced criminal into a sort of 'expert' or professional.<sup>63</sup> The concern among some prison officials over exposing inmates to content dealing with crime and criminality betrayed their belief that inmates lacked the critical thought necessary to evaluate the morality of a text. Moreover, it revealed the widely held belief that criminality was a disease or disorder and as a consequence, prisoners were malleable, to be cured by the institution and its philosophy. Calls for a centralized Censorship Board would be discussed for much of the 1920s to no avail, as there seemed to be no commitment to, or desire for, a standardized institutional library policy.<sup>64</sup>

The messiness of contradictory approaches across a spectrum of views, from Lapointe to Goad, would have created precisely the ambiguity described by Hays as essential to control. Nevertheless, the opening presented by (some) inmate control in (some) institutions was

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<sup>62</sup> Canada, Office of the Superintendent of Penitentiaries, *Report of the Superintendent of Penitentiaries*, [Ottawa, ON]: King's Printer, 1926, 11-12. Online, <https://www.publicsafety.gc.ca/lbrr/archives/csc-rip-1926-eng.pdf> (accessed November 13, 2019). 1926, 11-12

<sup>63</sup> Ibid, 12.

<sup>64</sup> Canada, Office of the Superintendent of Penitentiaries, *Report of the Superintendent of Penitentiaries*, [Ottawa, ON]: King's Printer, 1927, 25. Online, <https://www.publicsafety.gc.ca/lbrr/archives/csc-rip-1927-eng.pdf> (accessed November 13, 2019).

significant. The consequent debate about how to balance content and censorship continued over the next decade, with prison officials variously seeking to fulfill inmate book and periodical requests, while still expressing concern over what content would incite certain types of poor or detrimental behaviour in prison or after release.<sup>65</sup> And even as officials debated the balance between control and censorship over inmates' materials, the total number of volumes at each institution increased, as did the circulation of texts. For example, at the end of fiscal year 1933 St. Vincent de Paul Penitentiary had 1,075 inmates.<sup>66</sup> Over the course of that same fiscal year 101,960 books circulated, meaning that, on average, each inmate could have read as many as 100 books over that year.<sup>67</sup> St. Vincent de Paul was not anomalous; across Canada inmates were engaging with the library at historically high rates. It would appear that the shift from a space of moral reform to a space of mercy was underway. The prison library had become a space heavily patronized across Canada, suggesting at the very least, that there was some sort of positive relationship between inmates and the library.

Despite advancements in the relationship between inmates and those in charge of the library, external reviewers of the 'broadly defined educational facilities' in the carceral system felt that those aspects of the prison were still failing the inmates. The first significant external

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<sup>65</sup> Canada, Office of the Superintendent of Penitentiaries, *Report of the Superintendent of Penitentiaries*, [Ottawa, ON]: King's Printer, 1923, 33. Online, <https://www.publicsafety.gc.ca/lbrr/archives/csc-rip-1923-eng.pdf> (accessed November 13, 2019); Canada, Office of the Superintendent of Penitentiaries, *Report of the Superintendent of Penitentiaries*, [Ottawa, ON]: King's Printer, 1928, 12 & 25. Online, <https://www.publicsafety.gc.ca/lbrr/archives/csc-rip-1928-eng.pdf> (accessed November 13, 2019); Canada, Office of the Superintendent of Penitentiaries, *Report of the Superintendent of Penitentiaries*, [Ottawa, ON]: King's Printer, 1929, 10 & 21. Online, <https://www.publicsafety.gc.ca/lbrr/archives/csc-rip-1929-eng.pdf> (accessed November 13, 2019); Canada, Office of the Superintendent of Penitentiaries, *Report of the Superintendent of Penitentiaries*, [Ottawa, ON]: King's Printer, 1930, 11 & 21. Online, <https://www.publicsafety.gc.ca/lbrr/archives/csc-rip-1930-eng.pdf> (accessed November 13, 2019); Canada, Office of the Superintendent of Penitentiaries, *Report of the Superintendent of Penitentiaries*, [Ottawa, ON]: King's Printer, 1931, 24. Online, <https://www.publicsafety.gc.ca/lbrr/archives/csc-rip-1931-eng.pdf> (accessed November 13, 2019).

<sup>66</sup> Canada, Office of the Superintendent of Penitentiaries, *Report of the Superintendent of Penitentiaries*, [Ottawa, ON]: King's Printer, 1933, 5. Online, <https://www.publicsafety.gc.ca/lbrr/archives/csc-rip-1933-eng.pdf> (accessed November 13, 2019).

<sup>67</sup> *Ibid*, 20.

review of the Canadian penal system, conducted as part of a federal Royal Commission, was released in 1938. The *Archambault Report*, named for the chairman Joseph Archambault, was an indictment of the Canadian penal system for, among other things, its failure when it came to the education of Canadian inmates.<sup>68</sup> Archambault found pervasive inadequacies and evidence of incompetence within the prison library system. In St. Vincent de Paul Penitentiary, the commission found the management of the library to be completely unsatisfactory, with the teacher-librarian incapable of handling the tasks necessary for the library to provide inmates with the resources and knowledge that a library should support.<sup>69</sup> In the Kingston Penitentiary, in addition to critiques of the physical space itself, the teacher-librarian was also found to be incompetent and unable to perform the duties of his job.<sup>70</sup> More broadly speaking, the members of the commission concluded that there were three main areas of inadequacy in the Canadian prison library system. First, Archambault and the commission felt the physical space in which libraries were situated was unacceptable, stating, “[t]he libraries in all...penitentiaries are located in cramped and inconvenient quarters.”<sup>71</sup> Second, the commissioner indicted libraries across Canada on their content and lack of organization:

Catalogues are not complete or readily available. No surveys have been made to discover reading tastes or habits; no records have been kept to find out which books are most often in demand, and, as a result, books are ordered in a haphazard manner without any attempt to apply the library appropriation to its most advantageous use or to shape the library to any definite end. The inevitable outcome is that the libraries are mere collections of odds and ends of the publishing trade, and that the number of volumes has no relation to the effectiveness or utility of the collection. All libraries in Canadian penitentiaries

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<sup>68</sup> In this report, but more broadly in the rhetoric of many reports or commissions dealing with the Canadian carceral system, libraries fall under the purview of education. In referring to this particular reports views on education broadly I am alluding the reports finding on libraries specifically.

<sup>69</sup> Joseph Archambault, *Report of the Royal Commission to Investigate the Penal System of Canada*, [Ottawa, ON]: J.O. Patenaude, King's Printer, 1938, 283. Online, <https://www.publicsafety.gc.ca/lbrr/archives/sgc00000126-eng.pdf> (accessed November 13, 2019).

<sup>70</sup> *Ibid*, 298.

<sup>71</sup> *Ibid*, 108.

require a drastic weeding out of old and useless books and the installation of a definite system of book selection, cataloguing, and record keeping[.]<sup>72</sup>

Where informal conversation between inmates and library officials had existed before, the commissioner felt it necessary to utilize formal surveys to garner an understanding of reading interests going forward. Third and finally, the commission identified staffing as the central problem underpinning all others.

No doubt much of [the] disorder and inefficiency is due to the fact that no trained librarians are employed in the penitentiary service. A teacher is not necessarily a librarian, and a poor teacher will generally be a poor librarian. Teacher-librarians in penitentiaries should be trained in pedagogy, and trained in librarianship, and should possess the proper personality and competence to impart information to those in their charge.<sup>73</sup>

The *Archambault Report* marked a significant moment in the history of Canada's prison libraries. It reflected broader societal concern, expressed primarily through religious and social justice organizations, about the treatment of Canada's inmates and the facilities in which they were confined, which in turn provided a source of immense pressure on the federal government.<sup>74</sup> Indeed, the widespread concern for inmate wellbeing was identified as the impetus for the Royal Commission itself. Of the two guiding mandates of the Commission, one

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<sup>72</sup> Ibid, 108.

<sup>73</sup> Ibid, 108.

<sup>74</sup> See, "PENAL PROBE IS PROMISED: No Letting Down of Immigration Law," *The Globe*, 1935; William Marchinoton, "Wide-Open Probe of Prison System by Commission: Canada-Wide Inquiry to Embrace Every Phase of Penitentiary Administration and Seek Reforms," *The Globe*, 1936; "Penitentiaries Add to Crime, Says Dr. Hall: Former Inmate Accuses Guthrie of Misrepresenting Facts REFORMS SUGGESTED," *The Globe*, Mar 29, 1935, <http://search.proquest.com.ezproxy.library.uvic.ca/docview/1351489080?accountid=14846>; "PENITENTIARY PROBE ASKED BY VETERANS AT TORONTO SESSION: EXECUTIVE OF BOARD OF EVANGELISM ADOPTS RESOLUTION COMMISSION IS URGED," *The Globe*, Sep 29, 1933, <http://search.proquest.com.ezproxy.library.uvic.ca/docview/1352238123?accountid=14846>; "INQUIRY DEMAND IS GAINING FORCE: PRESBYTERIES ASK FOR PROBE, AND ORANGEMEN ALSO ENDORSE INQUIRY NEW SYSTEM OUTLINED," *The Globe*, Sep 23, 1933, <http://search.proquest.com.ezproxy.library.uvic.ca/docview/1351352044?accountid=14846>; "Demand Grows for Penitentiary Investigation: Welfare Society, Church Courts Asking for Action United Church Presbyteries in Toronto and Niagara make Requests SYSTEM IS CONDEMNED Failure to Effect Reform Said to Cause Riots" *The Globe*, Sep 20, 1933, <http://search.proquest.com.ezproxy.library.uvic.ca/docview/1351747367?accountid=14846>.

explicitly dealt with inmates' wellbeing: "...to make a thorough study of the problems mentioned in the reference," that being, "the treatment of convicted persons in the penitentiaries."<sup>75</sup> The *Report* suggested, "a number of commissions [had] been appointed in connection with Canadian penitentiaries," in past, especially when complaints about prison operations arose.<sup>76</sup> Nevertheless, the *Archambault Report*, while comprehensive, was unique. For the first time, it contained sections that explicitly examined and put forth recommendations for the prison library. Much of the library related content would be instrumental in the laying the groundwork for continued evolution of the library as a space of mercy.

#### **IV. The Aftermath of Archambault and the Emergence of the Informed Inmate**

The *Archambault Report* would mark a watershed moment in the evolution of inmates' access to the library, as well as its content and physical structure. The *Report* dealt a blow to the narrative of progress emblematic of conversations about the prison library at the time. While the collections of each institution's library had grown over the course of the early 20<sup>th</sup> century, the realities of content, access, organization, and space demonstrated that the prison library could not be described as 'progressive' and it was not a space that served the needs of Canadian federal inmates. After the *Report*, wardens became increasingly concerned with the physical facilities of their libraries. The Warden of the Kingston Penitentiary, R. M. Wallan, acknowledged that the location of the library in his institution was undesirable and failed to maximize the potential for inmate access to information. He suggested moving it to a more accommodating wing of the

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<sup>75</sup> Ibid, 2.

<sup>76</sup> Joseph Archambault, *Report of the Royal Commission to Investigate the Penal System of Canada*, [Ottawa, ON]: J.O. Patenaude, King's Printer, 1938, 1-2. Online, <https://www.publicsafety.gc.ca/lbrr/archives/sgc00000126-eng.pdf> (accessed November 13, 2019).

prison to maximize its potential.<sup>77</sup> But while library location was clearly important, perhaps the most significant change following the *Report* was the new work role that emerged for inmates. In 1939, fourteen inmates were employed in the library at the Kingston Penitentiary.<sup>78</sup> This meant that prison libraries became a space for inmates in different capacities – both worker and user – and had the effect of changing the relationship between libraries and inmates.<sup>79</sup>

During and immediately following World War Two, books became increasingly hard to come by for prison libraries as industries and workers across Canada were called upon to produce other goods.<sup>80</sup> Nonetheless, some significant advances in the institutional library continued and institutional libraries began to operate and look more like a traditional public library in a number of important ways.<sup>81</sup> First, prisons across the country began to improve the

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<sup>77</sup> Canada, Office of the Superintendent of Penitentiaries, *Report of the Superintendent of Penitentiaries*, [Ottawa, ON]: King's Printer, 1939, 13. Online, <https://www.publicsafety.gc.ca/lbrr/archives/csc-rip-1939-eng.pdf> (accessed November 13, 2019).

<sup>78</sup> *Ibid*, 13.

<sup>79</sup> As we will see in the following chapter where I will delve into an interview I conducted with a current inmate at a British Columbia federal institution, the employment of inmates in the library allows those who patronize the library to feel surrounded by peers instead of authority figures, permitting a heightened feeling of safety and possibility for self-expression. For employment statistics of inmates in prison libraries across Canada in the wake of the Archambault Report see, Canada, Office of the Superintendent of Penitentiaries, *Report of the Superintendent of Penitentiaries*, [Ottawa, ON]: King's Printer, 1940, 9. Online, <https://www.publicsafety.gc.ca/lbrr/archives/csc-rip-1940-eng.pdf> (accessed November 13, 2019).

<sup>80</sup> Canada, Office of the Superintendent of Penitentiaries, *Report of the Superintendent of Penitentiaries*, [Ottawa, ON]: King's Printer, 1941, 37. Online, <https://www.publicsafety.gc.ca/lbrr/archives/csc-rip-1941-eng.pdf> (accessed November 13, 2019); Canada, Office of the Superintendent of Penitentiaries, *Report of the Superintendent of Penitentiaries*, [Ottawa, ON]: King's Printer, 1942, 16 & 30. Online, <https://www.publicsafety.gc.ca/lbrr/archives/csc-rip-1942-eng.pdf> (accessed November 13, 2019); Canada, Office of the Superintendent of Penitentiaries, *Report of the Superintendent of Penitentiaries*, [Ottawa, ON]: King's Printer, 1945, 19. Online, <https://www.publicsafety.gc.ca/lbrr/archives/csc-rip-1945-eng.pdf> (accessed November 13, 2019); Canada, Office of the Superintendent of Penitentiaries, *Report of the Superintendent of Penitentiaries*, [Ottawa, ON]: King's Printer, 1948, 16 & 50. Online, <https://www.publicsafety.gc.ca/lbrr/archives/csc-arcp-1947-1948-eng.pdf> (accessed November 13, 2019).

<sup>81</sup> Canada, Office of the Commissioner of Penitentiaries, *Report of the Commissioner of Penitentiaries*, [Ottawa, ON]: King's Printer, 1948, 50. Online, <https://www.publicsafety.gc.ca/lbrr/archives/csc-arcp-1947-1948-eng.pdf> (accessed November 13, 2019). St. Vincent de Paul was not the only example of these types of changes to the institutional library. See also the report from Collins Bay Penitentiary from the following year where the librarian there created a comprehensive catalogue that was bound and each inmate received a copy so they could be aware of every volume in the library. Not only were there administrative and operational changes such as that, but also renovations to make the physical space more aesthetically appealing, with the ceilings, walls, and shelving all being repainted, which in the words of the Warden, H. Cleaton, “add[ed] considerably to the appearance.” Ultimately,

physical location and space of libraries. For example, in the late 1940s, the Warden of St. Vincent de Paul Penitentiary acknowledged the physical flaws of their library and committed to a new layout that would promote access and proper functioning. In his words, “[d]uring the Fall of 1948, the library was completely renovated. Ceilings were cleaned and whitewashed, walls were scraped and painted a light green, and book-racks were likewise painted in a darker tone of green. The whole presents a clean and attractive appearance.”<sup>82</sup>

At the same time, censorship regulations were relaxed in the name of educational attainment:

It will be obvious that the bulk of the prison population will prefer light reading. There are, however, in all our institutions a larger number than is ordinarily conceived who are interested in more serious reading. While every effort has been made to meet the needs of the majority of the population a serious effort has been made to improve the caliber of books available to the more serious-minded inmates...Under this policy of selective buying by local institutional authorities it is possible to provide a varied diet of suitable material for the particular institution concerned...while a measure of care must necessarily be exercised in regard to reading material it is considered that the regulations now in force are reasonably flexible[.]<sup>83</sup>

While officials still believed a degree of censorship to be necessary, there was an understanding that librarians needed some degree of flexibility to ensure more serious learners and readers could access the books and periodicals they desired.<sup>84</sup>

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while perhaps anecdotal, these examples speak to the curating of space to encourage utilization and enjoyment by the inmates. Canada, Office of the Commissioner of Penitentiaries, *Report of the Commissioner of Penitentiaries*, [Ottawa, ON]: King’s Printer, 1949, 95. Online, <https://www.publicsafety.gc.ca/lbrr/archives/csc-arcp-1948-1949-eng.pdf> (accessed November 13, 2019).

<sup>82</sup> Canada, Office of the Commissioner of Penitentiaries, *Report of the Commissioner of Penitentiaries*, [Ottawa, ON]: King’s Printer, 1949, 60. Online, <https://www.publicsafety.gc.ca/lbrr/archives/csc-arcp-1948-1949-eng.pdf> (accessed November 13, 2019).

<sup>83</sup> Canada, Office of the Commissioner of Penitentiaries, *Report of the Commissioner of Penitentiaries*, [Ottawa, ON]: King’s Printer, 1949, 19. Online, <https://www.publicsafety.gc.ca/lbrr/archives/csc-arcp-1948-1949-eng.pdf> (accessed November 13, 2019).

<sup>84</sup> *Ibid*, 19. There were, however, some hardline censorship regulations around pornographic material and material that overtly incited violence, but other than that the regulations began to lessen.

Finally and importantly, we begin to see the employment of full-time, experienced librarians, continuing the facilitation of the evolution of the prison library towards the public library model continued. More, the librarians themselves drove many changes. For example, St. Vincent de Paul Penitentiary hired a full-time librarian in 1948,<sup>85</sup> and by the end of the fiscal year, the librarian had installed a new book delivery system. More, the librarian determined to keep the library open five days a week, which by 1950 had greatly increased the circulation numbers of texts in the institution. In fiscal year 1948-49 inmates, on average, were checking out 189.3 texts. That number was even higher at other federal institutions:<sup>86</sup>

<b>Penitentiary</b>	<b>Average Circulation of Books and Magazines per inmate (1948-49)</b>
British Columbia Penitentiary	396
Saskatchewan Penitentiary	302
Manitoba Penitentiary	347
Kingston Penitentiary	216
Collin's Bay Penitentiary	276
St. Vincent de Paul Penitentiary	189
Dorchester	385

**Table 2.1 Average Circulation of Book per Inmate (1948-49)**

By the end of fiscal year 1950, the number of books accessed, on average, by inmates at St. Vincent de Paul Penitentiary had increased to 215, due in large part to the increased hours of operation.<sup>87</sup> In the British Columbia Federal penitentiary, the librarian put together a new comprehensive catalogue, detailing the library collection, which provided inmates with more knowledge of the options and content available to them.<sup>88</sup>

<sup>85</sup> Canada, Office of the Commissioner of Penitentiaries, *Report of the Commissioner of Penitentiaries*, [Ottawa, ON]: King's Printer, 1948, 16 & 50. Online, <https://www.publicsafety.gc.ca/lbrr/archives/csc-arcp-1947-1948-eng.pdf> (accessed November 13, 2019).

<sup>86</sup> Statistics taken from *ibid*, 19.

<sup>87</sup> Canada Office of the Commissioner of Penitentiaries, *Report of the Commissioner of Penitentiaries*, [Ottawa, ON]: King's Printer, 1950, 57. Online, <https://www.publicsafety.gc.ca/lbrr/archives/csc-arcp-1949-1950-eng.pdf> (accessed November 13, 2019).

<sup>88</sup> *Ibid*, 76.

The management of prison libraries not only shifted with the introduction of dedicated librarians; in the 1950s, inmates began to take a more direct role in improving their own facilities. At St. Vincent de Paul, for example, a group of inmates formed the first Inmate Reading Committee, a Committee consisting of inmates with the mandate of adding inmate voices to the “improvement of library facilities,”<sup>89</sup> and the Committee worked closely with the prison librarian.

The 1950s also saw the emergence of the inter-library loan, another major step in the inmates’ ability to shape and augment the content of their libraries. The Dorchester Penitentiary located in New Brunswick, for example, was one of the first to bring books into the prison from other libraries, and inmates uniformly reported appreciation for this effort. In their view, it allowed them a closer and more personal connection with the literature.<sup>90</sup> In British Columbia, the penitentiary requested some 1,100 books from the Victoria Public Library for inmates between 1953 and 1954.<sup>91</sup> The emerging relationship with local public libraries through operations like the inter-library loan helped to further move the prison library in the philosophical and operational direction of the public library model, and the inter-library loan became a significant part of the institutional libraries’ day-to-day operations.

In this same time period, another key development served to link inmates with their communities. In 1952, prisons across the country began permitting newspapers in prison libraries. The Warden of Collins Bay Penitentiary spoke on this breakthrough, stating:

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<sup>89</sup> Canada, Office of the Commissioner of Penitentiaries, *Report of the Commissioner of Penitentiaries*, [Ottawa, ON]: King’s Printer, 1953, 76. Online, <https://www.publicsafety.gc.ca/lbrr/archives/csc-arcp-1951-1952-eng.pdf> (accessed November 13, 2019).

<sup>90</sup> Canada, Office of the Commissioner of Penitentiaries, *Report of the Commissioner of Penitentiaries*, [Ottawa, ON]: King’s Printer, 1951, 81. Online, <https://www.publicsafety.gc.ca/lbrr/archives/csc-arcp-1950-1951-eng.pdf> (accessed November 13, 2019).

<sup>91</sup> *Ibid*, 101, and Canada, Office of the Commissioner of Penitentiaries, *Report of the Commissioner of Penitentiaries*, [Ottawa, ON]: King’s Printer, 1954, 104. Online, <https://www.publicsafety.gc.ca/lbrr/archives/csc-arcp-1953-1955-eng.pdf> (accessed November 13, 2019).

The authorization in September for the subscription by inmates to daily newspapers for the first time in the history of Canadian penitentiaries was enthusiastically received by the inmate population; it was the realization of a privilege that had been looked forward to for many years by inmates passing through our penal institutions. It is doubtful if any of the new innovations introduced into our penitentiaries under the enlightened penal program has given so much satisfaction to the inmate population as has daily newspapers.<sup>92</sup>

Newspapers not only connected inmates to the outside world, they provided access to information about current events and other news with educational value.

Together, inmate workers [and committees], interlibrary loans, and access to newspapers did several important things. First, they connected inmates to one another within and across institutions, as well as to other libraries and the 'outside world'. One can imagine this had important emotional and psychological benefits for inmates. While they remained physically isolated, inmates were able to engage with communities outside the institution. More, prisoners became increasingly informed in ways that made censorship nearly impossible.<sup>93</sup> The challenges of censoring the increased volume of material coming into prisons together with the perceived benefits of educated inmates intersected with other pressures to produce a rollback of censorship regulations. In the words of the Federal Inspector: "[T]here is an atmosphere of intelligent understanding in which rehabilitative influences have freer scope than was the case when severe censorship was practiced."<sup>94</sup> Finally, the influence of librarians, newspapers and inmate participation can be seen in the development of inmate publications. By 1954, many federal institutions had inmate publications, created under the supervision of the librarian. These

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<sup>92</sup> Canada, Office of the Commissioner of Penitentiaries, *Report of the Commissioner of Penitentiaries*, [Ottawa, ON]: King's Printer, 1952, 116. Online, <https://www.publicsafety.gc.ca/lbrr/archives/csc-arcp-1951-1952-eng.pdf> (accessed November 13, 2019).

<sup>93</sup> Canada, Office of the Commissioner of Penitentiaries, *Report of the Commissioner of Penitentiaries*, [Ottawa, ON]: King's Printer, 1953, 22. Online, <https://www.publicsafety.gc.ca/lbrr/archives/csc-arcp-1952-1953-eng.pdf> (accessed November 13, 2019).

<sup>94</sup> Ibid 22.

publications came out with varying regularity, but each publication was entirely inmate created and edited, and championed by librarians.<sup>95</sup> As with the loosening of censorship regulations, inmate publications were generally viewed as positive by prison officials and administrators:

Inmate publications continue to provide men in our institutions with the opportunity to develop their literacy and artistic talents. Understandably, the calibre of such publications reflect to a considerable degree the talent available at a particular institution at a given time. Some excellent additions appeared during the year to again provide ample evidence of the creative potential of some of our inmates.<sup>96</sup>

## V. The MacLeod Era

While there had been advances in terms of content, access, and quality of institutional libraries across Canada through the first half of the twentieth century, still more substantial changes took place in the latter half of the century due in large part to the services, facilities, and mandates put in place during the tenure of Commissioner of Penitentiaries Allen J. (A.J.) MacLeod.

In 1959 the Canadian Minister of Justice, E. Davie Fulton, called upon MacLeod, who was at the time the Director of Remissions, Col. James Stone and James A. McLaughlin to conduct a study of the state of the Canadian penitentiaries.<sup>97</sup> The result of the investigation, and in particular MacLeod's contributions to it, so impressed Fulton that within six months of the release of the findings, MacLeod was appointed to the position of commissioner of

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<sup>95</sup> Canada, Office of the Commissioner of Penitentiaries, *Report of the Commissioner of Penitentiaries*, [Ottawa, ON]: King's Printer, 1952, 24. Online, <https://www.publicsafety.gc.ca/lbrr/archives/csc-arcp-1951-1952-eng.pdf> (accessed November 13, 2019); Canada, Office of the Commissioner of Penitentiaries, *Annual Report of the Commissioner of Penitentiaries*, [Ottawa, ON]: Queen's Printer, 1966, 12. Online, <https://www.publicsafety.gc.ca/lbrr/archives/csc-arcp-1965-1966-eng.pdf> (accessed November 13, 2019)

<sup>96</sup> Canada, Office of the Commissioner of Penitentiaries, *Report of the Commissioner of Penitentiaries*, [Ottawa, ON]: King's Printer, 1966, 12. Online, <https://www.publicsafety.gc.ca/lbrr/archives/csc-arcp-1965-1966-eng.pdf> (accessed November 13, 2019).

<sup>97</sup> Mark MacGuigan, *Report to Parliament: Sub-committee on the Penitentiary System in Canada, Standing Committee on Justice and Legal Affairs*, [Ottawa, ON]: Sub-committee on the Penitentiary System in Canada, 1977, 14. Online, <https://www.publicsafety.gc.ca/lbrr/archives/sgc00004138-eng.pdf> (accessed November 13, 2019).

penitentiaries.<sup>98</sup> Upon his appointment MacLeod, “made it very clear that drastic changes would be coming and that he would select the best people in the system to implement them. He warned those who could not accept his program of justice for all inmates within the prison to look elsewhere for employment.”<sup>99</sup> MacLeod thought the Canadian penitentiary system was ‘soul-destroying’ and, “based on the principle that the offender was to be punished physically, spiritually, emotionally and psychologically”, far from merciful.<sup>100</sup>

MacLeod saw great irony in the philosophical construction of the Canadian carceral system: the regime as it stood treated incarcerated peoples as animals with the hope of returning them to society as human beings.<sup>101</sup> He saw the essentializing of the inmates, their behaviors, and tendencies as a great hindrance to their rehabilitation and antithetical to all commitments on the part of the Canadian carceral system to a rehabilitative model. Instead of the assumed homogeneity of the inmate population that had plagued the carceral system before his time, MacLeod saw three distinct groups in the general population: those who warranted maximum security, those who warranted medium, and those who warranted minimum. In a speech to the John Howard Society, AJ MacLeod spoke to the essentialization of inmates, and provided a description for the difference in classifications that would come to be known as maximum, medium, and minimum security:

[I]t is important to keep in mind that not all prisoners are alike in their habits, hopes, desires, intelligence, education, trade skill or social consciousness. In these respects they differ individually from each other as much as do the individuals whom you see passing and re-passing at the main intersection of your city on any

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<sup>98</sup> Ibid, 14.

<sup>99</sup> Ibid, 14

<sup>100</sup> Ibid, 14, and Allen Joseph MacLeod, *Notes for an address to the John Howard Society of Nova Scotia*, [Ottawa, ON]: Correctional Service Canada, 1964 10. Online, <https://www.publicsafety.gc.ca/lbrr/archives/hv%207431%20m26%201964-eng.pdf> (accessed November 13, 2019).

<sup>101</sup> Allen Joseph MacLeod, *Notes for an address to the John Howard Society of Nova Scotia*, [Ottawa, ON]: Correctional Service Canada, 1964 9-10. Online, <https://www.publicsafety.gc.ca/lbrr/archives/hv%207431%20m26%201964-eng.pdf> (accessed November 13, 2019).

fine day. In our prison population there are those who are dangerous men, who would employ almost any means to escape from prison to freedom and would use almost any mean to retain that freedom. There are those who would not use force or violence to obtain freedom but would take the open road if it lay before them. Such men would probably not use violence to resist recapture nor would they be likely, while at large, to use violence in relation to the citizens whom they might encounter. Finally, there are those who accept the fact of their sentences and can reasonably be expected to stay where they are told to stay and are not likely to walk away even though there is neither fence, nor wall nor armed officer to prevent them.<sup>102</sup>

MacLeod's critique of the maximum-security institution was founded in his belief that 1) the majority of federal inmates did not deserve this type of restriction and 2), perhaps more significantly for the purposes of this project, that the maximum-security structure itself was archaic.<sup>103</sup> These, as they were conceived of at the time, Bastille-style buildings were, in MacLeod's eyes, inhumane and should not be the model for even the highest of security institutions in Canada.<sup>104</sup> Instead he urged a departure from the normative surveillance structures of prisons past, and envisioned a shift to prisons where the towers would no longer be manned by guards, where the officers who escorted inmates outside the walls for work would no longer be armed, where doors inside the prison walls could remained unlocked, and the dehumanizing procedures of counting and numbering inmates could be eliminated or severely reduced.<sup>105</sup>

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<sup>102</sup> Ibid, 18-19.

<sup>103</sup> See, *ibid*, 19. Here MacLeod describes what he sees to be the fundamental flaws of the current maximum security institutions in Canada: "Each of these institutions was surrounded by a wall; on all of the walls there were towers; in the towers there were guards armed with rifles; inmates who passed through the gates in their gang to work outside the wall were accompanied by officers carrying revolvers; inside the walls buildings were equipped with a multitude of locked doors; no person, whether inmate, officer or visitor, could pass through these doors without waiting for it to be unlocked and then, after he had passed through, hearing it locked shut again behind him; inmates were locked in their cells some seventeen of eighteen hours a day; during the remaining portion of the day went on the ceaseless and unvaried procedure of counting, recounting and counting again."

<sup>104</sup> Mark MacGuigan, *Report to Parliament: Sub-committee on the Penitentiary System in Canada, Standing Committee on Justice and Legal Affairs*, [Ottawa, ON]: Sub-committee on the Penitentiary System in Canada, 1977, 14-15. Online, <https://www.publicsafety.gc.ca/lbrr/archives/sgc00004138-eng.pdf> (accessed November 13, 2019).

<sup>105</sup> Allen Joseph MacLeod, *Notes for an address to the John Howard Society of Nova Scotia*, [Ottawa, ON]: Correctional Service Canada, 1964 19-20. Online, <https://www.publicsafety.gc.ca/lbrr/archives/hv%207431%20m26%201964-eng.pdf> (accessed November 13, 2019).

While the MacLeod era bore witness to a number of progressive changes and advances across the Canadian carceral system that undoubtedly had some impact on the evolution of prison libraries, Commissioner's Directives No. 306 and 309 had a clear impact. Together, they provide a set of governing principles or rules for Canada's federal institutions, as well as a comprehensive set of inmate rights and privileges. In 1963, MacLeod issued both Commissioner's Directives No. 306 and 309. The first mandated the existence of inmate committees like the Inmate Reading Committee at St. Vincent de Paul Penitentiary. It stated that "there may be established, at each institution...one or more inmate committees, for the purpose of assisting the administration in organizing and carrying on inmate activities during leisure hours."<sup>106</sup> The directive instituted rules for elections of committee members, governance, and rules and regulations for relations with the prison administration.<sup>107</sup>

Commissioner's Directive No. 309 dealt with inmate publications. By 1963, inmate publications were already in existence at many federal institutions, but their operations and funding were less than ideal. It stated that:

The Institutional Head of any maximum or medium security institution may appoint an inmate committee to publish a newspaper or magazine for the following purposes: to develop and maintain good inmate morale; to train inmates in this specific group activity; to train inmates to express their opinions and views in writing; to satisfy inmate's natural desire for self-expression; to provide a medium for the discussion of common problems; to encourage and maintain the interest of the families of inmates in their activities in the institution and also in their future rehabilitation, and; to inform interested members of the public of inmates' activities and problems.<sup>108</sup>

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<sup>106</sup> Canada, Canadian Penitentiary Service, *Commissioner's Directive. 306, Inmate Committees*, [Ottawa, ON]: Canadian Penitentiary Service, 1963, 1. Online, <https://www.publicsafety.gc.ca/lbrr/archives/cd-1963-04-15-306-eng.pdf> (accessed November 13, 2019).

<sup>107</sup> *Ibid*, 1-2.

<sup>108</sup> Canada, Canadian Penitentiary Service, *Commissioner's Directive. 309, Inmate Publications*, [Ottawa, ON]: Canadian Penitentiary Service, 1963, 1. Online, <https://www.publicsafety.gc.ca/lbrr/archives/cd-1963-11-01-309-eng.pdf> (accessed November 13, 2019).

The formalization of inmate committees and support for inmate publications had tremendous implications for prison libraries, legitimizing and validating prior developments and providing support for their continued growth. In addition, the directives represented a shift in official attitude towards prisoners. Whereas previous discourse had constructed the inmate as an object of reform or a problem in need of institutional governance and direction, MacLeod's official position humanized the inmate, emphasizing his need for agency, self-expression and connectedness.<sup>109</sup>

In addition to Commissioner's Directives No. 306 and 309, MacLeod instituted a content requirement for prison libraries: they must hold the then-current version of the commissioner of penitentiaries Directives, providing access for inmates to the rules and regulations governing their lives, as well as their guaranteed rights and privileges. Despite this requirement, however, prison libraries across Canada were derelict in their duty of supplying inmates with the most current version of these documents. In 1974, Inger Hanson the Correctional Investigator to Canadian Penitentiaries reported that inmates at several of Canada's federal institutions, complained that parts of the Commissioner's Directives were withheld from the library and therefore not accessible to them.<sup>110</sup> Despite multiple cases being reported to Hansen, little to no action appear to be taken to remedy this issue. It would not be until over a decade later that the Correctional Investigator, R.L. Stewart, would bring about actual change. In 1985, multiple complaints were lodged surrounding the lack of access to the information laid out in the Commissioner's Directives, and this prompted Stewart to recommend: "that any documentation

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<sup>109</sup> Canada, Office of the Commissioner of Penitentiaries, *Annual Report of the Commissioner of Penitentiaries*, [Ottawa, ON]: Queen's Printer, 1965 14. Online, <https://www.publicsafety.gc.ca/lbrr/archives/csc-arcp-1964-1965-eng.pdf> (accessed November 13, 2019).

<sup>110</sup> Canada, Office of the Correctional Investigator, *Annual Report of the Correctional Investigator*, [Ottawa, ON]: Office of the Correctional Investigator, 1974, 78. Online, <https://www.publicsafety.gc.ca/lbrr/archives/oci-arci-1973-1974-eng.pdf> (accessed November 13, 2019)

issued for the purpose of altering a practice or policy covered by an existing Commissioner's Directive or Divisional Instruction be brought to the attention of the inmate population and that a copy be placed in each inmate library.”<sup>111</sup> While this recommendation was similar to Hansen’s, it was met with more concern and a much more rapid response. The commissioner, in response to these complaints and Stewart’s recommendation, created the National Headquarters Standing Order to “ensure that inmates are informed as required.”<sup>112</sup>

*The Sub-Committee on the Penitentiary System in Canada’s Report to Parliament in 1977* or, as it was more commonly known, the *MacGuigan Report*, challenged the degree to which MacLeod’s vision of a less formalized and oppressive surveillance structure in the prison had been actualized. For example, there continued to be tremendous concern about the treatment of inmates. In 1971, there had been a prison riot at the Kingston Penitentiary. The riot resulted in the death of two inmates, with thirteen other inmates seriously injured and five correctional officers being taken hostage.<sup>113</sup> In response to this riot, the Commission of Inquiry into Certain Disturbances at Kingston Penitentiary was established. This commission described the conditions of confinement at the penitentiary as, “dehumanizing” and “repressive,” and called for “an independent body to address inmate complaints in a timely and accessible manner.”<sup>114</sup> In response, the Office of the Correctional Investigator was established.

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<sup>111</sup> Canada, Office of the Correctional Investigator, *Annual Report of the Correctional Investigator*, [Ottawa, ON]: Office of the Correctional Investigator, 1985, 28. Online, <https://www.publicsafety.gc.ca/lbrr/archives/oci-arci-1984-1985-eng.pdf> (accessed November 13, 2019).

<sup>112</sup> *Ibid*, 28.

<sup>113</sup> Howard Sapers, *THE OFFICE OF THE CORRECTIONAL INVESTIGATOR AND HUMAN RIGHTS: AGING, DISORDERED AND ABORIGINAL OFFENDERS IN CANADIAN FEDERAL CORRECTIONS*, [Ottawa, ON]: Office of the Correctional Investigator, 1. Online, [https://www.theioi.org/downloads/ftvle/Wellington%20Conference\\_44.%20Working%20Session%20J\\_Howard%20Sapers%20Paper%20%26%20Slides.pdf](https://www.theioi.org/downloads/ftvle/Wellington%20Conference_44.%20Working%20Session%20J_Howard%20Sapers%20Paper%20%26%20Slides.pdf) (accessed April 30, 2020).

<sup>114</sup> *Ibid*, 1.

Nevertheless, notwithstanding the conditions of inmates in Canada following MacLeod's tenure as commissioner, the *MacGuigan Report* acknowledged the influence of MacLeod's policies in advancing inmate rights, and MacLeod's commitments are echoed in the *MacGuigan Report*, especially recommendation 34: "institutional libraries must provide adequate material for legal research, especially in the field of criminal law."<sup>115</sup> Like MacLeod, MacGuigan and his fellow committee members believed that, if justice was a fundamental right in Canada, then inmates had to have "access to and knowledge of, the law."<sup>116</sup> The committee acknowledged that Canada's prison libraries did carry certain texts that pertained to the law i.e. the Canadian Criminal Code, some the Commissioner's Directives, and the Penitentiary Act, however legal collections were insufficient overall. "The Sub-Committee believe that generally institutional libraries should be upgraded...The libraries should be especially complete in the field of criminal law, including monographs, criminal law reports, and journals."<sup>117</sup>

Recommendation 34 was put into effect almost immediately, and reference to the improved legal collection in institutional libraries appeared in the Solicitor General's report the next fiscal year.<sup>118</sup> In 1978, it was reported that "more material to assist inmates in legal research has been added to institution libraries and standards were set to ensure that this material is constantly updated...the libraries...worked closely with faculties of law and professional

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<sup>115</sup> Mark MacGuigan, *Report to Parliament: Sub-committee on the Penitentiary System in Canada, Standing Committee on Justice and Legal Affairs*, [Ottawa, ON]: Sub-committee on the Penitentiary System in Canada, 1977, 95-96. Online, <https://www.publicsafety.gc.ca/lbrr/archives/sgc00004138-eng.pdf> (accessed November 13, 2019).

<sup>116</sup> *Ibid*, 95.

<sup>117</sup> *Ibid*, 96.

<sup>118</sup> In 1967-68 the office of the Solicitor General was created. This position would in many ways replicate the earlier position of the Commissioner of Penitentiaries and Federal Inspector. After 1967-68 the federal reports that were once filed by the Federal Inspector came under the auspicious of the Solicitor General. [wordy] The federal reports referenced after fiscal year 1967-68 are the same reports in terms of content and mandate, however they would carry a different title.

associations across the country determining suitable legal material for inmate research.”<sup>119</sup> In fiscal year 1979, \$40,000 was spent nationwide on legal materials for institutional libraries.<sup>120</sup> In addition, “institution librarians were given legal bibliography training sessions across Canada...[and] working relationships were fostered with legal aid services and professional associations, such as the Canadian Law Library Association.”<sup>121</sup>

This development—ensuring access to information about the law, including inmate rights both in and outside the institution—built on earlier developments, including inmate engagement as workers and committee members, loosening of censorship rules, collection building, access to materials from other libraries, access to newspapers and information-sharing through inmate publications, to create the conditions for a potential shift in the library prison from a space of mercy to a space of refuge (or maybe even sanctuary). As just one example, the library had become a place where prisoners could learn about politics and law—including the inherent injustices built into the criminal justice and carceral systems—and a space of mercy really only exists where inmates are mostly ignorant about their conditions within those systems. In addition, access to legal resources opened up the possibility of prisoners challenging their own convictions and sentences, quite literally positioning the library as a potential gateway to freedom.

## **VI. *The Nason Report and the Public Library Model***

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<sup>119</sup> Canada, Ministry of the Solicitor General, *Annual Report of the Solicitor General of Canada*, [Ottawa, ON]: Solicitor General Canada, 1978, 163. Online, <https://www.publicsafety.gc.ca/lbrr/archives/sg-arsg-1977-1978-eng.pdf> (accessed November 13, 2019).

<sup>120</sup> Canada, Ministry of the Solicitor General, *Annual Report of the Solicitor General of Canada*, [Ottawa, ON]: Solicitor General Canada, 1979, 157. Online, <https://www.publicsafety.gc.ca/lbrr/archives/sg-arsg-1978-1979-eng.pdf> (accessed November 13, 2019). To put this in perspective \$40,000 in 1979 adjusted for inflation would be close to \$134,000 in 2019 dollars. The commitment to improving the legal collection was both being philosophically and financially supported across Canada. Inflation was calculated using Bank of Canada inflation calculator, see “Inflation Calculator.” Bank of Canada. Accessed November 13, 2019. <https://www.bankofcanada.ca/rates/related/inflation-calculator/>.

<sup>121</sup> *Ibid*, 157.

Notwithstanding significant advancements in the evolution of the prison library by the late 1970s, discussion and investigation continued into the ways in which the physical space, access, and content could be improved. Another set of sweeping changes came in the early 1980s with the *Nason Report*. Commissioned by the Education and Training Division of the Inmate Employment Branch, the *Correctional Service of Canada: Report on Institutional Library Service* or, as it came to be known, the *Nason Report*, was the first comprehensive, dedicated investigation into the Canadian institutional library system.<sup>122</sup> The *Report's raison d'être* was concern for the fact that there was no centralized body or policy focused exclusively on prison libraries in the federal system.<sup>123</sup> Nason hoped his report and recommendations would answer two questions: Why provide libraries to inmates? And, what kind of library service should be provided?<sup>124</sup> To answer these questions, Nason takes as his starting point an observation made in the *MacGuigan Report*: “[T]he sentence of imprisonment imposed by the court constitutes the punishment. Those who work in the penitentiary system have no authority, rights or duty to impose additional penalties except for proven misconduct during incarceration.”<sup>125</sup> To Nason’s mind, if the sole punishment of the court was the removal of freedom, then “an inmate...is entitled to the same kind of library service within the penitentiary as that service available in the

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<sup>122</sup> Named after its author, C.M. Nason.

<sup>123</sup> C.M. Nason, *Report on Institutional Library Service*, [Ottawa, ON]: Correctional Service Canada, Education and Training Division, 1981, 1. Online, <https://www.publicsafety.gc.ca/lbrr/archives/z%20675.p8%20n3%201981-eng.pdf> (accessed November 13, 2019).

<sup>124</sup> *Ibid*, 2 & 4.

<sup>125</sup> Mark MacGuigan, *Report to Parliament: Sub-committee on the Penitentiary System in Canada, Standing Committee on Justice and Legal Affairs*, [Ottawa, ON]: Sub-committee on the Penitentiary System in Canada, 1977, 159. Online, <https://www.publicsafety.gc.ca/lbrr/archives/sgc00004138-eng.pdf> (accessed November 13, 2019).

outside community.”<sup>126</sup> To withhold a similar service “would be the imposition of an additional penalty.”<sup>127</sup>

Library services are an integral part of a humane penitentiary system. The incarcerated individual retains the intellectual freedom to stimulate and to develop the mind and one of the principal means of this stimulation is the right to read. The Correctional Service has instituted corporate policy, which ensures that the deprivation of liberty is the sole punishment administered except for those rights and responsibilities expressly removed by statute or as a consequence of incarceration. This working principle ensures that the freedom of the mind remains unfettered by the deprivation of liberty.<sup>128</sup>

If one operates within the ideological framework that incarceration is the sole punishment, then freedom of the mind and freedom of the body should remain distinct. The body can remain confined yet it would be inhumane to inhibit the freedom of the mind. But Nason not only believed that the carceral system should provide a library (to answer his first question), he believed it should provide the best possible version of a library, a space in which to fully exercise of the freedom of the mind (to answer his second question).

But there was more to this second question than simply a commitment to the ‘best version.’ The second question revealed a philosophical debate with relevance for both Nason and this project, namely: if one accepts Nason’s view that Canada needed to commit to a single library model for prisons, the questions remains: which model? The choice for Nason was between the academic library model and the public library model. The academic library, as defined and discussed by Nason, would have firmly placed the prison library within the prison school complex, and “priority would be given to the support of the formal education program,

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<sup>126</sup> C.M. Nason, *Report on Institutional Library Service*, [Ottawa, ON]: Correctional Service Canada, Education and Training Division, 1981, 9. Online, <https://www.publicsafety.gc.ca/lbrt/archives/z%20675.p8%20n3%201981-eng.pdf> (accessed November 13, 2019).

<sup>127</sup> Ibid, 9.

<sup>128</sup> Ibid, 2

rather than any recreational or other use by inmates.”<sup>129</sup> Nason concluded this model would be insufficient to meet the needs of inmates, as it would alienate portions of the inmate population, in particular those who were “intimidated by formal education.”<sup>130</sup> Nason believed that “an effective library service...provides an informal, alternative approach to education.” Formally aligning the school and library too closely would also contribute to social engineering “or...manipulation of the mores of inmates,” which would run counter to the “individual’s right to determine his own choices” with respect to educational exposure and content.<sup>131</sup> For all these reasons, the *Nason Report* recommended that the Canadian institutional library system should adopt the public library model.<sup>132</sup>

According to the Canadian Library Association at the time, there were five standards that all public libraries must meet. Those standards were:

- 1) The public library provides an opportunity for continuing education;
- 2) The public library promotes an enlightened citizenry;
- 3) The public library assembles, preserves and organizes collections of material for the educational, cultural and the recreational needs of the community;
- 4) The public library provides an information service; [and]
- 5) The public library supports groups and organizations in presenting educational and cultural programs.<sup>133</sup>

Consistent with the public library commitment, the *Report* reinforced earlier sentiments around expanding inmate library access. The *Report* also recommended expanding library staff and making sure their role was solely the care and custody of the library. In addition, by designating a staff member from outside the library to occupy the role of substitute librarian, it would allow

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<sup>129</sup> C.M. Nason, *Report on Institutional Library Service*, [Ottawa, ON]: Correctional Service Canada, Education and Training Division, 1981, 8. Online, <https://www.publicsafety.gc.ca/lbr/archives/z%20675.p8%20n3%201981-eng.pdf> (accessed November 13, 2019).

<sup>130</sup> *Ibid*, 7.

<sup>131</sup> *Ibid*, 7.

<sup>132</sup> *Ibid*, 9.

<sup>133</sup> *Ibid*, 10-11.

for the library to be open during evening and weekend hours.<sup>134</sup> In addition to access, the *Report* also emphasized the importance of aesthetics, which mandated adequate size, and a design and appearance that were functional.<sup>135</sup> Nason advocated for the spaces to feel warm and inviting.<sup>136</sup> The *Report* recommended the establishment of such services as books clubs that would ask inmate readers to expand their reading preferences and take away some of the mystique and elitism inherent to certain texts. This, he hoped, would encourage self-expression while also making the reader and patron of the library feel at ease in the space.<sup>137</sup> What Nason was recommending, in essence, was to have the library not feel like part of the prison. In sum, *the Nason Report* called for significant structural, administrative, and philosophical changes in the institutional library system. Establishing a national library policy and requiring individual libraries be held to a certain standard, Nason believed, would “provide the basis for an objective measure of success or failure.”<sup>138</sup>

A noteworthy practice from the 1982 Dorchester Penitentiary Inmate Handbook demonstrates the ways in which some amount of autonomy or “freedom” was being granted to inmates as it pertained to the library. The handbook details the rules of the inmate pass, which was given to inmates so they could access certain parts of the facility without an escort. The library was included among essential spaces to which inmates could gain access without an escort. Every other place within the prison the inmate wished to go would require an escort.

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<sup>134</sup> Ibid, 18 & 62.

<sup>135</sup> Ibid, 19.

<sup>136</sup> Ibid, 61.

<sup>137</sup> Ibid, 21-22.

<sup>138</sup> C.M. Nason, *Report on Institutional Library Service*, [Ottawa, ON]: Correctional Service Canada, Education and Training Division, 1981, 1. Online, <https://www.publicsafety.gc.ca/lbrr/archives/z%20675.p8%20n3%201981-eng.pdf> (accessed November 13, 2019).

Access to those other facilities would have been considered a right or necessity, and apparently the library was as well.<sup>139</sup>

In 1984, Peat, Marwick, and Partners issued the *Correctional Service of Canada Review of Institutional Library Services Report* (henceforth referred to as the *Peat-Marwick Report*) commissioned by the Education and Training Branch of the Correctional Service of Canada as perhaps the first attempt to measure success or failure (as defined by Nason). To prepare its report, the authors surveyed then-current institutional librarians for their views on their own facilities. Twenty-eight federal institutions of varying security-levels responded to the survey. A handful of survey questions and responses are of particular relevance to this project.<sup>140</sup> Layout and physical structure was an area of interest for the surveyors. The majority (75%) of respondents felt their libraries were easily accessible to inmates, yet 75% also felt the facilities themselves were inadequate for reading. For example, the lighting was low quality and/or the space lacked desks, tables and study carrels. A full 40% felt the space was only adequately or poorly lit.<sup>141</sup> Adequate lighting and desk space were precisely the kinds of changes called for by the *Nason Report* recommendations, and substantial improvement would be required for implementation of the recommendations. Nearly half the librarians surveyed (roughly 46%) felt that they were too restricted in terms of what content and services they could provide inmates.<sup>142</sup> Despite some of these more negative survey responses, however, institutional librarians

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<sup>139</sup>Canada, Corrections Service Canada, Dorchester Penitentiary, *Dorchester Penitentiary: Inmate Handbook*, [Dorchester, NB]: Dorchester Penitentiary, 1982 37-38. Online, <https://www.publicsafety.gc.ca/lbrt/archives/hv%209509.n2d6%20d68%201982-eng.pdf> (accessed November 13, 2019).

<sup>140</sup> *Ibid.*, II.3.

<sup>141</sup> *Ibid.*, II. 6-7.

<sup>142</sup> *Ibid.*, II.11.

consistently reported that they viewed their “library as similar to a public library, but a public library that is very responsive to its particular community.”<sup>143</sup>

Not unlike the *Nason Report*, the *Peat-Marwick Report* identified a lack of coordinated administrative organization as perhaps the greatest flaw in the library system.<sup>144</sup> The *Report* called for the hiring of a librarian with a Masters of Library Science degree to head the national coordination of libraries. The *Report* further called for the appointment of a librarian with at least a Bachelors of Library Science to coordinate each region of Canada’s carceral library system.<sup>145</sup> Part of the role of each of these positions would be institutional library facility and content planning with local public librarians. This would continue the commitment to the public library model.<sup>146</sup> Indeed, the *Report* mandated that “inmates have the right to information and reading materials normally available to the public. In maximum, medium, and multi level security institutions, an institution-wide library service, comparable to a public library, is to be provided.”<sup>147</sup> Finally, the *Report* identified tools for measuring success in this endeavour.

More recent government publications confirm the continued commitments expressed by the *Nason* and *Peat-Marwick Reports*. For example, in 2012, the *Correctional Service of Canada National Guide for Institutional Libraries* was published. This guide sets out the four fundamental purposes of prison libraries. First, the library should meet the needs of inmates by providing a service that emulates the public library model. Second, the library should provide all information that an outside public library would provide not deemed to be a security risk. Third, the library should allow for the pursuit of cultural, spiritual, and recreational knowledge. And

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<sup>143</sup> Ibid, II.15. Emphasis added.

<sup>144</sup> Ibid, II.14.

<sup>145</sup> Canada, Peat, Marwick and Partners, *Review of institutional library services Report : Correctional Service of Canada*, [Ottawa, ON]: Peat, Marwick and Partners, 1984, 2. Online <https://www.publicsafety.gc.ca/lbr/archives/z%20675.p8%20p4%201984-eng.pdf> (accessed November 13, 2019)

<sup>146</sup> Ibid, 3.

<sup>147</sup> Ibid, II.2.

finally, the library should provide resources for educational pursuits and personal enrichment.<sup>148</sup>

The content of this guide mirrors the *Nason and Peat-Marwick Reports* in term of addressing access, censorship, structure, etc. It mandates that all inmates not otherwise encumbered with restrictions of physical ailments “should be able to visit the library every week for periods sufficiently long to select and check out materials, ask reference questions, and read materials that do not circulate,” such as legal reference works.<sup>149</sup> Those with restrictions, whether punitive or health-related, should be able to request and read library materials.<sup>150</sup> With regard to the physical facility, the guides specifies part of the institutional librarian’s job is to “create a warm environment the library users will find welcoming, attractive and functional.”<sup>151</sup> In terms of tangible requirements, this means adequate seating, study areas, quiet reading areas, and lighting, and library spaces should be properly painted, all with the hopes of creating a library space similar to those outside of Canada’s institutions.<sup>152</sup> The library is also required to supply materials of diverse viewpoints that promote diverse thought and to keep content current.<sup>153</sup>

While none of the mandates of the National Guide for Institutional Libraries introduces anything beyond earlier recommendations, they evince a continuing commitment to the recommendations of the *Nason and Peat-Marwick Reports*, as well as their underlying philosophical commitments.

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<sup>148</sup> Canada, Correctional Service Canada, *National guide for institutional libraries*, [Ottawa, ON]: Correctional Service Canada, 2012, 3 &8. Online <https://www.publicsafety.gc.ca/lbrr/archives/cn21137-eng.pdf> (accessed November 13, 2019). As it pertains to censorship this refers to items of a pornographic nature or those that explicitly incite violence, these restrictions would not be appreciably different than those implemented at an outside the institution public library. See also C.M. Nason, *Report on Institutional Library Service*, [Ottawa, ON]: Correctional Service Canada, Education and Training Division, 1981, 26. Online, <https://www.publicsafety.gc.ca/lbrr/archives/z%20675.p8%20n3%201981-eng.pdf> (accessed November 13, 2019).

<sup>149</sup> Canada, Correctional Service Canada, *National guide for institutional libraries*, [Ottawa, ON]: Correctional Service Canada, 2012, 5. Online <https://www.publicsafety.gc.ca/lbrr/archives/cn21137-eng.pdf> (accessed November 13, 2019).

<sup>150</sup> *Ibid*, 5.

<sup>151</sup> *Ibid*, 6.

<sup>152</sup> *Ibid*, 12.

<sup>153</sup> *Ibid*, 7-9.

## VII. Conclusion

At its inception in the 1830s, the prison library was primarily religious, with limited content and no attempt for coordination across institutions. Stacks of books were displayed without organizational thought, often sharing a room with some other service or program within the institution. This first era of the prison library was inspired by the ethic of moral reform. It was not a physical space of self-expression, comfort, safety, or escape. In that sense, it was not distinct from other parts of the prison, but a part of the larger space. As collections grew and prison libraries expanded, attention turned to educational reform and library services for inmates. The *Archambault Report* came out in 1938, critiquing the quality of educational services offered to inmates, including the conditions of the library facilities. In his view, the spaces were cramped and unfit for educational or recreational endeavors, and the texts were out of date and inadequate.<sup>154</sup>

The first comprehensive analysis of its type, the *Archambault Report* laid the groundwork for national change, including the hiring of full time librarians.<sup>155</sup> As commissioner of Penitentiaries, A.J. MacLeod was a further catalyst for change and played a significant role in the advancement of the Canadian carceral system more broadly. His attentiveness to inmate rights and programs coupled with his desire for the inside of the prison to be a less surveilled space provided the philosophical foundation for further advancement of inmate interests within prison libraries. Inmates' desires to stay informed resulted in the concession of institutions to allow inmates to access newspapers. These in turn were difficult to censor and in consequence,

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<sup>154</sup> Joseph Archambault, *Report of the Royal Commission to Investigate the Penal System of Canada*, [Ottawa, ON]: J.O. Patenaude, King's Printer, 1938, 108. Online, <https://www.publicsafety.gc.ca/lbrr/archives/sgc00000126-eng.pdf> (accessed November 13, 2019).

<sup>155</sup> Canada, Office of the Commissioner of Penitentiaries, *Annual Report of the Commissioner of Penitentiaries*, [Ottawa, ON]: Queen's Printer, 1948, 16 & 50. Online, <https://www.publicsafety.gc.ca/lbrr/archives/csc-arcp-1947-1948-eng.pdf> (accessed November 13, 2019)

ensorship efforts diminished.<sup>156</sup> Inmates' publications had been created by local prison administrators (and later codified by A.J. MacLeod), and produced by inmates under the supervision of the librarians. These served to institutionalize the idea that prisoners had interests in self-expression and academic freedom, and by the early 1970s, prison libraries had emerged as Haysian spaces of mercy.<sup>157</sup>

In the wake of the *MacGuigan Report* of 1977, libraries expanded to include legal materials and economic resources were directed towards stocking prison libraries with criminal and case law materials.<sup>158</sup> The *MacGuigan Report* marked a watershed moment in the progress of the institutional library, and within a decade, two additional reports, the *Nason* and *Peat-Marwick Reports*, were released. These two reports recommended improvements to the physical institutional library facility as well as organizational hierarchy with the goal, in part, of adopting the public library model and making institutional libraries across Canada feel reminiscent of their outside counterparts. The recommendations set out in the *Nason* and *Peat-Marwick Reports* marked a series of significant shifts in philosophical thinking about the purpose and direction of Canada's institutional library. The library became a welcoming, warm, inviting space, where inmates might feel more at ease than in other parts of the institution. It also became a space where inmates were 'free' to explore new ideas, including ideas that challenged the rightfulness of their prosecution and incarceration. These different dimensions muddled the line between mercy as a function of power and the library as a space that no longer served to simply reinforce the oppressive power of the institution. But it is not entirely clear that prison libraries have not

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<sup>156</sup> Canada, Office of the Commissioner of Penitentiaries, *Annual Report of the Commissioner of Penitentiaries*, [Ottawa, ON]: Queen's Printer, 1952, 116. Online, <https://www.publicsafety.gc.ca/lbr/archives/csc-arcp-1951-1952-eng.pdf> (accessed November 13, 2019).

<sup>157</sup> *Ibid*, 24.

<sup>158</sup> Mark MacGuigan, *Report to Parliament: Sub-committee on the Penitentiary System in Canada, Standing Committee on Justice and Legal Affairs*, [Ottawa, ON]: Sub-committee on the Penitentiary System in Canada, 1977, 95-96. Online, <https://www.publicsafety.gc.ca/lbr/archives/sgc00004138-eng.pdf> (accessed November 13, 2019).

evolved further to become sites of sanctuary. A full analysis of this shift is beyond the scope of this thesis, but the case studies described in Chapter 3 suggest that, at a minimum, their value as spaces of mercy may be limited or challenged by inmates' actual use and experiences with the space. And in that sense, they might be described as exceptional.

## Chapter 2. A Site of Sanctuary on Vancouver Island

The previous chapter presented a history of libraries in Canadian Federal Penal Institutions over the course of the nineteenth and twentieth centuries. Prison libraries have evolved from a few books in the corner of a multi-use room to separate spaces, professionally staffed and modeled on public libraries outside the walls of the institution. The changes have been significant and profound. In the previous chapter I demonstrated how libraries within federal prison in Canada had the potential to become sites of sanctuary. In this chapter, I present the William Head Institution as an example of that potential being realized. To do so I use a case study to begin asking the question: what have these changes meant for inmates? I am also interested in what historical changes to the library—both federally mandated and locally determined—look like in practice. Finally, I examine how inmates interact with the space, and suggest that the space has evolved to permit (some) inmates to use the ‘freedoms’ available in the library to challenge some aspects of hegemonic institutional control. Put another way, viewed through a critical historical lens, it might be argued the prison library has come to be a space within which some of the most devastating impacts of incarceration are mitigated, where inmates may escape the more normative functions and ‘terrors’ of incarceration. At the same time, however, they remain within the control of the CSC. In this sense, they conform to Hay’s account of mercy and control. But the picture is more complex than that. While CSC continues to control the library—as it does all of the conditions of incarceration—inmate experiences suggest that the library may also be a space of refuge in certain, and maybe unintended, ways. For example, inmates are able to access an unprecedented amount of information about law, legal code, and the criminal justice system. Simultaneously, while having access to this information, reformist administrators and progressive librarians provided inmates with a medium—inmate

publications—in which to discuss and critique the system that governed their lives (a function the critical legal historian would argue is detrimental to the ‘success’ of the space of mercy).

Inmate publications and progressive librarians were not exceptional on their own. The CSC and the federal government were responsible for bringing about reforms that mandated the existence of inmate publications and required competent and qualified librarians. Yet what this chapter attempted to show was that individually no singular element of the space of mercy was exceptional, it was the combination of them all that created a space of refuge. Legal materials, access to legal counsel, access to information, and freedom of thought and expression on their own did not threaten the space of mercy. These elements being available and taking place concurrently, housed in a space designed to feel unlike other parts of the institution, guarded by a librarian such as Kim Rempel, resulted in library at the William Head Institution being a true site of sanctuary.

My case study focuses on the William Head Institution, in Metchosin, British Columbia. As with chapter 2, I continue to draw on government sources, but in addition, and perhaps more importantly, I examine librarian and inmate accounts as well.<sup>159</sup> For inmate accounts, I rely on inmate publications, inmate interviews, and questionnaire responses from inmates at the William Head Institution. Finally, I interviewed former and current librarians at William Head.

## **II. William Head, the Land**

If you were to drive out to William Head on a sunny clear autumn day for the first time, as I did, you would be taken aback by the beauty of its surrounding geography. As Jeff Anderson, an ex-inmate of the institution, described it:

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<sup>159</sup> In addition I conducted an analysis of inmate publications from William Head, Kent Institution, Mountain Institution, and the Beaver creek Correctional Camp, as well as other inmate produced writing.

On the southern tip of Vancouver Island, against a backdrop of snow-capped mountains on Washington State's Olympic peninsula, a rocky, 100-acre outcropping thrusts its way into the windswept frigid waters of the Strait of Juan de Fuca. The fir and arbutus clad finger of land, 14 miles west of Victoria... is William Head.<sup>160</sup>

The geography and topography of the peninsula could lead one to forget its troubling history, as well as the reality of the space as it is used today, a space occupied by hundreds of men whose liberty has been revoked. The peninsula that William Head sits on has a long history of confinement beyond just the modern institution. As immigration to the west coast of Canada increased over the second half of the nineteenth century, the Dominion Government became increasingly concerned about the potential spread of communicable diseases.<sup>161</sup> For that reason the Dominion Government expropriated land from Robert de Vere Weir, a Scottish immigrant who had purchased the land in 1854, to form a quarantine station on the peninsula.<sup>162</sup> In 1893 William Head became a National Health and Welfare quarantine station, and the government required all ships that intended to port along western Canada's coastline to stop there first.<sup>163</sup> By the end of 1894, the station had a plumbing and sewage system, lodging for staff, detention buildings, a wharf, and a telephone line to Victoria.<sup>164</sup> During the First World War, the number of ships and people coming into the station increased; one ship brought 3,700 Chinese immigrants as well as a smallpox outbreak.<sup>165</sup> During and after the war, an estimated 80,000 Chinese immigrants passed through the William Head quarantine station.<sup>166</sup> By the 1950s, the

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<sup>160</sup> Jeff Anderson, *William Head: A History-Drenched Peninsula* (Victoria, B.C.: William Head Institution, 1996) 1.

<sup>161</sup> Geoffrey W. Burns, *The History of William Head* (Victoria, B.C.: William Head Institution, 1989) 15.

<sup>162</sup> Jeff Anderson, *William Head: A History-Drenched Peninsula* (Victoria, B.C.: William Head Institution, 1996) 2 & 3. And Geoffrey W. Burns, *The History of William Head* (Victoria, B.C.: William Head Institution, 1989) 9 & 15.

<sup>163</sup> Jeff Anderson, *William Head: A History-Drenched Peninsula* (Victoria, B.C.: William Head Institution, 1996) 3.

<sup>164</sup> Geoffrey W. Burns, *The History of William Head* (Victoria, B.C.: William Head Institution, 1989) 19.

<sup>165</sup> Jeff Anderson, *William Head: A History-Drenched Peninsula* (Victoria, B.C.: William Head Institution, 1996) 4.

<sup>166</sup> *Ibid.*, 4. Kim Rempel, the librarian at William head from the 1990s till 2014, is currently running an archive project, a portion of which is dedicated to finding the identities of Chinese labourers who died in the labour camp that was running at the station until 1918. While much of the rhetoric surrounding the quarantine station was health

quarantine station began to close operations, with rumors circulating around Victoria that the federal government had an interest in establishing a prison in its place. As it was land already owned by the government, and its isolation still suited the confinement of people, government officials felt that would make it a suitable location for a prison.<sup>167</sup>

### III. William Head, the Prison

Residents of Metchosin and Victoria expressed displeasure at the possibility of a prison being established at William Head. One Victoria resident, Glynn A. Griffith, wrote a letter to the editor of the *Daily Colonist* in 1958, saying:

A few days ago I read to my disgust that the quarantine state at William Head is to be turned into a prisoners' camp. Why, oh why should prisoners be allowed to occupy the beauty spot of the Island? I strongly doubt that there is a finer marine view in the whole of Canada than one gets from William Head. I only hope the city of Victoria will have a little say in this matter before it is too late.<sup>168</sup>

The residents of Metchosin started a petition to protest the possibility of the prison, with over eighty residents signing on.<sup>169</sup> Signatories recognized that prisons must exist, but they found it “hard to imagine a more unsatisfactory use for such a desirable site[,]” and did not “consider it advisable that prisons should be located in a fast developing resident and tourist-attracting community.”<sup>170</sup> This displeasure with the location of the prison was not, however, unanimous. G.E. Mortimore, a writer for the *Daily Colonist*, pushed against the idea that the William Head district was “too good for a prison.”<sup>171</sup> He wrote:

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related, there was a most definitely a racial elements to operations as well. Peter Johnson, in his text *Quarantined: Life and Death at William Head Station, 1872-1959* discusses the systematic racism and racial violence Chinese immigrants experienced traveling to, and while at William Head.

<sup>167</sup> Ibid, 10.

<sup>168</sup> Glynn A. Griffith, “Too Good for Them,” *The Daily Colonist* (Victoria, B.C.), Dec. 21, 1958, 5.

<sup>169</sup> G.E. Mortimore, “William Head District too Good for a Prison,” *The Daily Colonist* (Victoria, B.C.) Dec. 21, 1958, 27.

<sup>170</sup> Ibid, 27.

<sup>171</sup> Ibid, 27.

Jail is not supposed to be a holiday resort. But if I were inside looking out, I think the view and sea breeze would inspire me to behave myself and finish my time as quickly as possible so that I could be free to roam around such a beautiful country. On the other hand, the view might encourage me to go over the fence. But I don't know because I have never been confined in a penitentiary. Neither have most of the people of Metchosin. They don't know how it feels. Their opinions might change if they had done some time. Is it part of a prisoner's punishment to stare at bleak stone walls that shut out the sunlight?<sup>172</sup>

Mortimore's response to the people of Metchosin and Victoria is important to note because it is emblematic of a much larger societal tension around prisons. This rhetoric of prisoners having it 'too good' has and continues to be a part of prison discourse in Canada. As Lucien Morin notes in his book *On Prison Education*, the proverbial everyman, "seems to find it more natural to take away from inmates than to grant them anything."<sup>173</sup> Mortimore was grappling with this in his piece, trying to draw public attention to the reality that incarceration is, regardless of topography, a deprivation of liberty. It is a state of being that neither he, nor the majority of his readers, had ever experienced. He argued they should not, therefore, assume that location alone could make one's experience of incarceration 'good.'

The rising prison population in British Columbia in 1958 rendered the protests of the citizens' moot. By November of 1958, the overcrowding of the British Columbia Penitentiary necessitated the construction of overflow prison camps. In the Annual Report of the Commissioner of Penitentiaries for fiscal year 1959, officials noted that, after thorough inspection of the facilities at the former quarantine station, William Head would become the site of the British Columbia Penitentiary overflow camp.<sup>174</sup> On January 9, 1959, the first three

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<sup>172</sup> G.E. Mortimore, "Untitled," *The Daily Colonist* (Victoria, B.C.) Dec. 21, 1958, 2.

<sup>173</sup> Lucien Morin, *On Prison Education* (Minister of Supply and Services Canada, 1981), 24.

<sup>174</sup> Office of the Commissioner of Penitentiaries, *Annual Report of the Commissioner of Penitentiaries*, [Ottawa, ON]: Queen's Printer, 1959, 7. Online, <https://www.publicsafety.gc.ca/lbrr/archives/csc-arcp-1958-1959-eng.pdf> (accessed November 13, 2019).

prisoners arrived at William Head, marking the formal inception of the prison.<sup>175</sup> It grew rapidly, with the population reaching nearly seventy by the end of 1959 and well over a hundred by the end of 1961.<sup>176</sup> By 1965, William Head had become an autonomous carceral institution.<sup>177</sup>

As was required by federal regulations, the institution provided reading and educational facilities to inmates. Mr. R.E. Smith was appointed as the first schoolteacher-librarian in February of 1960.<sup>178</sup> By 1970 William Head had partnered with the Sooke School Board, allowing inmates to gain K-12 credits under the direction of the new schoolteacher-librarian, Bruce Olson.<sup>179</sup> In addition to expanding general and vocational schooling programs, the library too was growing, with several thousand books in the collection by this time.<sup>180</sup> These changes that were taking place at William Head were a result of the reforms taking place nationally throughout the 1970s and 1980 discussed in the previous chapter.

#### IV. William Head Today

The library at William Head is an example of library reform coming to fruition.<sup>181</sup> As required by regulations, it is well lit, has comfortable seating, study areas, a layout conducive to accessing the collection. While some of these aspects of the space may seem less significant than

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<sup>175</sup> Ibid, 119-120. And Jeff Anderson, *William Head: A History-Drenched Peninsula* (Victoria, B.C.: William Head Institution, 1996) 10.

<sup>176</sup> Office of the Commissioner of Penitentiaries, *Annual Report of the Commissioner of Penitentiaries*, [Ottawa, ON]: Queen's Printer, 1959, 120. Online, <https://www.publicsafety.gc.ca/lbrr/archives/csc-arcp-1958-1959-eng.pdf> (accessed November 13, 2019). And Jeff Anderson, *William Head: A History-Drenched Peninsula* (Victoria, B.C.: William Head Institution, 1996) 12.

<sup>177</sup> Geoffrey W. Burns, *The History of William Head* (Victoria, B.C.: William Head Institution, 1989) 48.

<sup>178</sup> Office of the Commissioner of Penitentiaries, *Annual Report of the Commissioner of Penitentiaries*, [Ottawa, ON]: Queen's Printer, 1960, 130. Online, <https://www.publicsafety.gc.ca/lbrr/archives/csc-arcp-1959-1960-eng.pdf> (accessed November 13, 2019)

<sup>179</sup> Jeff Anderson, *William Head: A History-Drenched Peninsula* (Victoria, B.C.: William Head Institution, 1996) 13.

<sup>180</sup> Ibid, 13.

<sup>181</sup> See chapter 2 of this thesis pages 33 & 37.

others, they all contribute to making inmates feel welcome and at ease. The image below is the William Head Institutions library today:<sup>182</sup>



**Figure 3.1 William Head Institution Library, pictured is current William Head librarian Wendy Townsend, taken by author**

As will be apparent, it looks not unlike a local public library.

In conducting the research for this project, I had the opportunity to meet and discuss the library with a number of the men incarcerated at William Head, and their opinions and thoughts about their library are very revealing. With the help of current librarian Wendy Townsend, I was able to circulate a questionnaire to the men, and a total of 20 replied (roughly 15% of the population of William Head):<sup>183</sup>

Questions:	Answers:
Did you visit libraries before being incarcerated?	No, not really=4 Yes I did, but infrequently=9 Yes I did, and often=7

<sup>182</sup> Oakley Ramprashad, William Head Institution Library, 2019, Digital, Metchoshin B.C.

<sup>183</sup> Oakley Ramprashad, *William Head Institution Questionnaire: Library Usage*, V1 (November 15, 2019), distributed by librarian at William Head Institution.

How often do you utilize the William Head Institutional Library?	Once a week or more=18 Once a month=2 Less than once a month=0
On the whole, how good a job does the Institution's library do in providing reading materials you want and are interested in?	Poor=0 Average/ok=2 Good=7 Excellent=11
What the main reasons you use the library?	To relax and browse=9 To socialize=7 To get information=18 To borrow/read fiction=12 To borrow/read non-fiction=16 To use reference books such as the encyclopedia=5 To use the law library=12 To be in a quiet place where you can think and concentrate without interruption=5
Do you request books through inter-library loan?	No, not really=6 Yes, but infrequently=7 Yes, and often=7
Does the institution's library feel like any other public library? In terms of content, layout, design, etc.	Yes=14 No=4 Don't know=2

**Table 3.2 William Head Institution library Questionnaire**

From these responses, coupled with usage statistics provided by the library it seems clear that inmates heavily patronize the library at William Head today.<sup>184</sup> The varied response as to why the inmates use the library demonstrates the multiples resources and options available to inmates.

<sup>184</sup> While those who chose to respond to the questionnaire may not be emblematic of the larger inmate population (as the questionnaire may have self-selected for those who patronize the library more frequently), the usage statistics suggests the library is heavily patronized. As of October 10, 2019 the usage statistics show that the top 100 patrons of the library (the usage statistics only showed the top 100) had all at least checked out 106 book/magazines with the top patron having checked out 698 books/magazines in 2019. These numbers are conservative as some of the men at the institution sometimes forgot to bring their card to check out from the library, which would result in that circulation statistic being put under a general account for the whole institution, that account was responsible 1,289 books/magazines having been checked out. When conducting my interview with Wendy Townsend (the current librarian) she described to me, what she termed, the orientation process for inmates when they come to William Head. They are given a library card, with a unique barcode on it, so that they can check out books. In addition to allowing them access to content, the library card helps the library keep statistics on library usage and content preference so that they can further tailor the content to the wants of the inmate population. In addition, the library keeps usage statistics which Townsend and the head inmate librarian were able to share with me. See Wendy Townsend (current William Head Institution Librarian) in discussion with author, October 2019.

It is a space without a set purpose. For the majority, it appears that frequent usage of a library is a newfound pastime. While of course they have limited options for entertainment in prison, their frequent and diverse use of the library also conveys its success as a resource for these inmates.

In addition to a choose-all-that-apply, multiple-choice section, the inmates had the option of responding to written prompts. Their responses indicate that the library was more than merely a place to pass the hours. It provided patrons with freedoms, privileges, and a sense of safety absent elsewhere in the institution.<sup>185</sup>

Question:	Responses:
Does the library feel different from the rest of the institution in any ways, yes or no? Explain either way.	<ol style="list-style-type: none"> <li>1. There is not PA system so it is much quieter and detached from the rest of the institution.</li> <li>2. It feels different—more civilized/humane/free-like.</li> <li>3. Yes, it feels like a good space to relax, learn, read, socialize...in a good energy place. The workers are also very helpful/knowledgeable. It seem like one of the few common areas designed for relaxing, enjoying pastime other than perhaps hobby shop which has its own barriers to access.</li> <li>4. The space is a good place to hang out with friends and share the latest magazines. But overall it's a nice place to go and see what's new outside of prison.</li> <li>5. Yes, the library is a very relaxing place to be.</li> <li>6. Yes, very helpful and supportive, also people are very friendly and helpful.</li> <li>7. Yes, it feels more like a space in the “real” world.</li> <li>8. Quieter, less hectic. Other people who have similar interests are there.</li> <li>9. Yes, the library environment feels different. The privileges in the library is the workers are friendly and</li> </ol>

<sup>185</sup> Ibid.

	helpful and the librarian helps secure internet material not usually available otherwise.
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**Table 3.3 William Head Institution library Questionnaire continued.**

The language used by these respondents to describe the atmosphere of the library, as well as the feelings the space evokes within them, suggests that there is a connection between earlier efforts to make prison library space comfortable and pleasant, and the social-emotional effects on inmates. What these men seem to have found and/or created is a space of comfort in an otherwise uncomfortable place. The *Nason Report* and *Peat-Marwick Report* had recommended changes to the physical space of the prison library, and asked librarians whether those changes had (1) come to fruition and (2) made a tangible difference in the inmate experience of the space. While I would be cautious not to over-generalize based on my survey results, the changes to the physical space that resulted from past policy seems to have allowed inmates to find a relatively unique space within the institution.<sup>186</sup>

In addition to questionnaires, I had the opportunity to do a more in-depth interview with an inmate at William Head. He reinforced much of the sentiment conveyed through from the responses to the questionnaire, especially the humanizing elements of the space:

Yeah it's a bit more relaxed, it's less austere...humanizing effect, I would say. As a patron of the library you feel a sense of civility...without wanting to romanticize the space[.] But it is, like a relaxing sense, you can come and feel less scrutinized than you would be in other spaces...like a correctional program setting for example, like a correctional classroom setting, and the scrutiny there and the power dynamics or in your parole officers office and the scrutiny there and how your being perceived and there's none of that at play [in the library], that dynamic it kind of falls by the wayside. Inmate driven for the most part, when Wendy's [the librarian] not here the people who run it are peers, a sense of...a sense of

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<sup>186</sup> I add this qualifier of not wanting to over generalize because one inmate did mention in his response that not all the institutions that he had been incarcerated in had a library on par with the library at the William Head Institution. See Ibid.

equality...I think that the institutional externals of it, the books and everything that, that whole modality of it, creates a kind of non-adversarial environ.<sup>187</sup>

These responses are very revealing about the library as a space of mercy, and warrant some unpacking. This thesis, in large part, has been dedicated to exposing the ways in which the Canadian federal government and the CSC facilitated the creation of a merciful space in federal institutions, thereby mitigating some of the terrors of incarceration. In doing so, they actually extended their control over inmate populations by maintaining a level of docility. Hay argued that mercy would lessen the likelihood of revolt from the controlled class, but he also acknowledged that some members of the controlling classes were actually merciful. This is the point that I believe these responses draw attention to. The lived experience of these respondents is the library as a site of sanctuary, a space of mercy—not in the Haysian sense—but in the truest sense of the word. Of course, there is value in pointing to the ways in which the criminal justice system is used as a tool of ideology, but not at the expense of acknowledging the ways in which those tools positively impact individuals. If inmates at William Head are able to escape some of the terrors of incarceration, that is good; these two realities are not mutually exclusive. The library can both be a Madokorian site of sanctuary and a Haysian space of mercy.

### ***V. Out of Bounds***

As mentioned in the previous chapter, by 1954 each federal penal institution had its own inmate magazine or publication. While under the supervision of the librarian, these publications were almost entirely inmate written, edited, and produced.<sup>188</sup> These inmate-produced

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<sup>187</sup> Inmate (current inmate at William Head Institution) in discussion with author, October 2019.

<sup>188</sup> Canada, Office of the Commissioner of Penitentiaries, *Report of the Commissioner of Penitentiaries*, [Ottawa, ON]: King's Printer, 1952, 24. Online, <https://www.publicsafety.gc.ca/lbrr/archives/csc-arcp-1951-1952-eng.pdf> (accessed November 13, 2019). And Office of the Commissioner of Penitentiaries, *Annual Report of the Commissioner of Penitentiaries*, [Ottawa, ON]: Queen's Printer, 1966, 12. Online, <https://www.publicsafety.gc.ca/lbrr/archives/csc-arcp-1965-1966-eng.pdf> (accessed November 13, 2019)

publications facilitated freedom of thought and expression. As the editor of *Out of Bounds* wrote in 1983:

*Out of Bounds* magazine is a quarterly publication of the thoughts, feelings, and ideas of the prisoners at William Head Institution. It is produced and distributed by the prisoners for the prisoners, their families, friends, and the general reading public. We believe that for too long popular media has gone without challenge in its portrayal of crime and prisons and the lives of prisoners who feel caught up in the vicious cycle...therefore, it is the aim of the *Out of Bounds* magazine to provide you, the reader, with a view heretofore unseen by most of the general public; if for no other reason than to provide you with information on which to make more informed choices and decisions with respect to what the government should do about crime and punishment, we offer you *Out of Bounds*.<sup>189</sup>

For the purposes of this thesis, I read and reviewed issues of the William Head inmate publication, *Out of Bounds*, dating back to within five years of it operating as an autonomous institution. The magazine continues to operate to this day, with copies available around the institution, although most copies congregate in the library, as well as for the general public if they choose to subscribe to the magazine.

*Out of Bounds*' declaration of purpose, above, provides an idea of its content and intended audience. It explicitly set out to combat hegemonic ideas of prison and inmates. And it was circulated within the institution and available to the general public. In addition, *Out of Bounds* served as a medium for the precise type of close examination and criticism of law and the criminal justice system that spaces of mercy were meant to suppress or avoid. The content of the magazine covered an array of topics over the second half of the twentieth century ranging from the mundane to the overtly radical and revolutionary. As the editor of the magazine said in

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<sup>189</sup> The Editor, "The Motto," *Out of Bounds Magazine*, Summer 1983, 1. It is interesting to note that the magazines mandates were continually published in multiple issues, one could deduce the reason for this is the readership turnover indicative of prison required the editors to introduce new inmates to the philosophical commitments of the magazine.

1981, “I’m sure you, the reader, will find some [content]...provocative, possibly even controversial. But then, that is the role of an unfettered newsletter, is it not?”<sup>190</sup>

There are some significant themes that emerge from an examination of *Out of Bounds*. One of these themes is the prevalence of content poignantly and overtly critiquing Canada’s criminal justice system, especially its oppressive features.<sup>191</sup> Censorship regulations dating back to the nineteenth century sought to restrict inmate access to content that criticized the criminal justice system.<sup>192</sup> Even the reformist regulations of the 1960s and 1980s explicitly banned content that contained writing that was in bad taste or was calculated “to offend against public morale,” that criticized the “administration of justice or of other public bodies,” and/or glorified or vilified individuals specifically.<sup>193</sup> In examining issues of *Out of Bounds*, we can see instances of articles directly violating each of these specific content rules. Sometimes inmates did this in explicit ways; other times, violations were subtler. For example, in a March 1983 issue of *Out of Bounds*, one inmate wrote: “[t]his paper is censored by a censor board at William Head. Therefore, any expression of free opinion is limited...For example, if I happen to think that the Solicitor General is the biggest clown this side of any circus, I should be permitted to write it but under prison regulations, I can’t do so.”<sup>194</sup> The humor and the irony are evident, yet so is the dissent.

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<sup>190</sup> The Editor, “Ed’s Comments,” *Out of Bounds Magazine*, November 1981, 3.

<sup>191</sup> Due to the sheer volume of pieces of writing that fall under this thematic heading, I chose a select few to present in this chapter. The pieces selected are those that are particularly powerful or radical.

<sup>192</sup> Canada, *The Penitentiary Acts and the rules and regulations for the government of the Penitentiaries of Canada*, [Ottawa, ON]: MacLean, Roger & Co., 1888, 2. Online, <https://www.publicsafety.gc.ca/lbrr/archives/ke%2097%20p45%201888-eng.pdf> (accessed November 13, 2019).

<sup>193</sup> Canada, Canadian Penitentiary Service, *Commissioner’s Directive. 309, Inmate Publications*, [Ottawa, ON]: Canadian Penitentiary Service, 1963, 1. Online, <https://www.publicsafety.gc.ca/lbrr/archives/cd-1963-11-01-309-eng.pdf> (accessed November 13, 2019). And C.M. Nason, *Report on Institutional Library Service*, [Ottawa, ON]: Correctional Service Canada, Education and Training Division, 1981, 7. Online, <https://www.publicsafety.gc.ca/lbrr/archives/z%20675.p8%20n3%201981-eng.pdf> (accessed November 13, 2019).

<sup>194</sup> George Watson, “Editorial,” *Out of Bounds Magazine*, May 1983, 3-4.

In his January of 1981 article, “Adult at Seventeen,” inmate Jeff Johnson questioned why a seventeen-year-old could be put in “adult jail” and challenged the fairness of that decision.<sup>195</sup> He began by noting that, at the time of his incarceration, he was seventeen and could not drink or vote as an adult, but he could be incarcerated like one.<sup>196</sup> He then discussed the long-term effects of incarceration at a young age:

Most people of this age have not yet developed their own personality or values. They’re easily influenced and very vulnerable...as a result of this they develop their own character and values in jail. In effect jail shapes them into the person they’ll be for the rest of their lives...sending young people to jail can literally destroy them...the justice system is supposed to be here to help people, not destroy them.<sup>197</sup>

In March of that same year the magazine published “The Indeterminate Sentence: A Medical Model,” by Don Nickerson. He pointed to the inconsistencies between what he saw to be Canada’s commitment to rehabilitation and the realities of its prisons. Nickerson wrote that “rehabilitative penology ran into an inconsistency: it wanted to punish as well as rehabilitate.”<sup>198</sup> He pointed to a George Bernard Shaw quote: “[n]ow if you are to punish a man retributively, you must injure him. If you are to reform him, you must improve him. And men are not improved by injuries.”<sup>199</sup> He likened Canadian prisoners to slaves, as they both occupy what he terms a captive class, and concluded the article stating, “Wardens know it and prisoners also know that prisons are to punish. Only the public, beguiled by rhetoric, believes still you can improve a man by injuring him.”<sup>200</sup> Both Johnson and Nickerson point to the discrepancy between the claims and the realities of the Canadian criminal justice system.

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<sup>195</sup> Jeff Johnson, “Adult at Seventeen?,” *Out of Bounds Magazine*, January 1981, 11.

<sup>196</sup> *Ibid*, 11.

<sup>197</sup> *Ibid*, 11.

<sup>198</sup> Don Nickerson, “The Indeterminate Sentence: A Medical Model,” *Out of Bounds Magazine*, March 1981, 24.

<sup>199</sup> Don Nickerson, “The Indeterminate Sentence: A Medical Model,” *Out of Bounds Magazine*, March 1981, 24. Citing Bernard Shaw, *The Crime of Imprisonment* (New York: Greenwood Pr., 1969) 26.

<sup>200</sup> *Ibid*, 24.

Some of the most overt critiques did not come from inmates themselves, but from external critics of the criminal justice system whose writing was published in inmate magazines like *Out of Bounds*. Claire Culhane is a prime example. Born in 1918 in Montreal, Quebec, to a Russian Jewish immigrant family, she joined Friends of the Mackenzie Papineau Battalion at the age of 18. The group supported the International Brigade fighting Fascism in Spain. Throughout the 1960s she was an administrator at a Canadian hospital in Vietnam. When she returned from Vietnam, she published a book entitled *Why is Canada in Vietnam? The Truth about our Foreign Aid*, which attempted to tell Canadian citizens about the horrors of war. She also became an active participant of the Prisoner's Rights Group and traveled around the world advocating on behalf of incarcerated people. During that time, she participated in multiple International Conferences on Prison Abolition (ICOPA).<sup>201</sup> During her time as an advocate for prisoners, she would frequently publish articles and op-eds in prison magazines around Canada, including *Out of Bounds*. In her 1984 article, "Alternatives or Abolition," she argued for dismantling the prison industrial complex:

By concentrating our efforts on behalf of those who are the chief victims of economic and social deprivation, as well as of racial and sexist discrimination, we would be protecting prisoners' rights at the same time as we were aiming to abolish prisons. Two roads face us as we search for the most expedient solution to the present chaos in the prison system: Accept the trend towards control, which historically begins with the most vulnerable section of the population—in this instance prisoners, or; dismantle the billion dollar prison industry with all its vested and political interests. The most effective contribution to the abolition of prisons would be to join forces with those fighting for universal abolition of poverty, abolition of war, and abolition of injustice.<sup>202</sup>

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<sup>201</sup> Claire Culhane, "International Conference on Prison Abolition (ICOPA) III Montreal-1987," *Kent Times Magazine*, Spring 1988, 13,

<sup>202</sup> Claire Culhane, "Alternatives or Abolition," *Out of Bounds Magazine*, 1984, 13-14. Her op-eds were not limited to *Out of Bounds*; in fact inmate publications across British Columbia worked closely with her and published her work. In publications from both the Kent and Mountain Institutions in British Columbia her work in the 1970s and 1980s is published. In Cemetery Road, the Kent Institution inmate publication, she published a piece in 1984

Similar to the publications from inmates at William Head, Culhane indicted the penal system for its oppressive and inhumane nature, drawing connections between inmates and other marginalized groups. In this piece however, Culhane went beyond the calls for reform previously voiced by contributors to *Out of Bounds*. The call for the abolition of the Canadian prisons system in the 1980s was radical given Canadian attitudes toward crime and punishment at the time.<sup>203</sup> Beyond that, suggesting to inmates that they join in collective action, an almost proletariat uprising, to dismantle the prison system would not only be described as radical, but also as potentially inciting violence. Culhane's work, while not inmate produced, was produced for inmates and the readership of the magazine.

While there were many other articles that spoke openly against Canada's criminal justice system, these four examples—ranging from quips about specific prison officials to calls for prison abolition—demonstrate the extent to which *Out of Bounds* allowed and encouraged inmates to engage with freedom of thought and expression. The content of these articles gives us an unprecedented view at the tension between the inmate population and the carceral system.

While tension must have always existed between inmates and carceral system, the inmate

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entitled "Should the Criminal Justice System be put out of Business?." In the piece she stated that, "The most effective contribution to the abolition of prisons would be to join forces (and causes) with those fighting for universal abolition of poverty, abolition of war and the abolition of injustice," and in later publications from Kent she had the minutes from the Third International Conference on Prison Abolition published. See Claire Culhane, "Should the Criminal Justice System be put out of Bussiness?," *Cemetery Road Magazine*, September 1984, 6.; Claire Culhane, "Prisoners' Rights Group (P.R.G.)," *Cemetery Road Magazine*, 1987, 13.

<sup>203</sup> In their study completed in 1984, the Research Group on Attitudes Toward Criminality (GRAC), a part of the International Centre for Comparative Criminology (ICCC) based out of the University of Montreal, examined the feelings of Canadians towards crime in the aptly named project, "Attitudes of the Canadian Public Toward Crime Policies." They found that by 1984, only 4.2 percent of Canadian respondents felt that courts were too severe, and 72 percent felt the courts were not severe enough. They found that 58 percent of people disagreed somewhat or strongly with the view that it would be inhumane to keep people in a prison for twenty-five years. In terms of views on adjusting prison conditions to make prison life easier or less punitive, close to three quarters (72.1 percent) of respondents were either somewhat or strongly against any type of improvement of the living conditions of prisoners. Not only were Canadian not receptive to the concept of abolition of prison, a concern that prison was not 'harsh' enough was the dominant belief in Canada at the time. See, Yves Brillon, Christiane Louis-Guérin, Marie Christine Lamarch, and Groupe de recherche sur les attitudes envers la criminalité, *Attitudes of the Canadian Public Toward Crime Policies, Pilot Enquiry: Final Report*. (Montréal: Centre international de criminologie comparée, 1984) 188, 189, 190, and 192.

publication allowed inmates a new way to voice and grapple with that tension. Inmates pinpointing the effects of incarceration and the hyper awareness of their own condition in relation to the rest of society evince a critical consciousness at odds with the carceral imperative.

The other significant theme found running through *Out of Bounds* was its emphasis on disseminating important and relevant information important to inmates. Within this broader mandate of information sharing, the magazine primarily focused on three kinds of information: information about the library; information about inmate rights and responsibilities; and information about the criminal justice system.

First, and important to this project, the publication often included a section dedicated to library news at the institution. In this section, inmates were given information about hours of operation, new librarians, when librarians were let go and inmates would be running the library, as well as operational changes and new book acquisitions.<sup>204</sup> After the reforms of the 1980s, we see reference in the library news section to the ways in which the library has evolved to more closely match, “the services and resources comparable to a public library.”<sup>205</sup>

In addition to information about resources in the institution, like the library, the magazine also provided inmates with information about their rights or legal changes that would affect them. One example brought inmate attention to a new complaint/grievance procedure that had been implemented in 1982:

You may not be aware that effective last April, a revised complaint/grievance procedure was implemented in federal prisons. The revised Inmate Grievance Manual, April 1982, describes the new three level instead of the previous four

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<sup>204</sup> Chico Mendelez, “Library News,” *Out of Bounds Magazine*, January 1981, 18. And “Library News,” *Out of Bounds Magazine*, May/June 1987, 30.

<sup>205</sup> “Library News,” *Out of Bounds Magazine*, May/June 1987, 30.

level procedure. The revised Commissioner's Directive 241 has been re-numbered 600.6.0.3.2.<sup>206</sup>

This information appeared in *Out of Bounds* eight years after the 1974 report by Inger Hanson, the Correctional Investigator to Canadian Penitentiaries, stating that federal institutions across Canada had become derelict in their duty of providing inmates with a full collection of the Commissioner's Directives.<sup>207</sup> These Directives were supposed to be held in every federal prison library across the country. In providing the Directive name and number, as well as a brief summary of content, the magazine was working to ensure necessary information could be found in the library or that inmates could request it be placed there, if it was not already. As we know from the previous chapter, in 1985 the Commissioner of Penitentiaries created the National Headquarters Standing Order explicitly requiring that inmates be informed as required by law.<sup>208</sup>

Along with changes to procedures inside the prison, *Out of Bounds* kept inmates informed about wider changes to criminal justice procedures, such as parole. In 1986, the federal government passed Bill C-67, which "gave the parole board authority to keep prisoners in prison during the portion of their sentence for which they have earned remission."<sup>209</sup> Whenever new legislation was passed that directly affected the inmate population, the contributors to *Out of Bounds* made sure to name it, summarize it, and offer their own opinions about it.<sup>210</sup> Particular

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<sup>206</sup> Actus Reus, "The Inmate Complaint/Grievance Procedure," *Out of Bounds Magazine*, November 1982, 29. The author suggests that even with the new system, the inmate complaint/grievance system is fundamentally flawed. The author draws on English criminologist, Sir Leon Radzinowicz: "In England complaints by prisoners to prison governors, or even to boards of visitors or the prison department, can be compared to complaints by citizens to the police about the police. The system has been defined and condemned by similar criteria."

<sup>207</sup> Canada, Office of the Correctional Investigator, *Annual Report of the Correctional Investigator*, [Ottawa, ON]: Correctional Investigator, 1974, 78. Online, <https://www.publicsafety.gc.ca/lbrr/archives/oci-arci-1973-1974-eng.pdf> (accessed November 13, 2019)

<sup>208</sup> Canada, Office of the Correctional Investigator, *Annual Report of the Correctional Investigator*, [Ottawa, ON]: Correctional Investigator, 1985, 28. Online, <https://www.publicsafety.gc.ca/lbrr/archives/oci-arci-1984-1985-eng.pdf> (accessed November 13, 2019).

<sup>209</sup> Graham Stewart, "Bill C-67," *Out of Bounds Magazine*, March/April 1986, 9-11.

<sup>210</sup> See further discussion of Bill C-67 as well as Bill C-68 in, "C-67 & C-68," *Out of Bounds Magazine*, May/June 1988, 24-36.

attention was paid to legislation that affected the inmate pay scale, as the magazine kept the inmate population of William Head apprised of the process leading up to the introduction of a new scale.<sup>211</sup>

Ultimately, *Out of Bounds* was a means of exposing and grappling with the ideological and physical elements of the carceral system. This took the form of open critiques by inmates and their allies beyond the prison, some humorous and reserved, some scathing and radical. In addition, it tried to keep inmates apprised of developments important to them and fill the information gaps. Inmates' rights are no less inalienable than non-incarcerated citizens and *Out of Bounds* tried to assure that inmates at William Head knew how the system that governed their lives was changing. While *Out of Bounds* took on a life of its own, as an autonomous, inmate-run magazine, its roots in the library and connection to the librarian, as well as the ability of the publication's editors to consult the librarian about its content inextricably linked the two. It provides a tangible example of the freedoms inmates capitalized on in the physical and philosophical space that has become the modern prison library. Inmates could critique, inform, and stand up against the prison through the medium of the magazine, thereby filling the space of mercy with tension.

## VI. "A Library in a Prison, not a Prison Library"<sup>212</sup>

Kim Rempel's, the former librarian at the William Head Institution, philosophy about "his" library at the William Head Institution; he wanted to construct a library that happened to be in a prison, not a prison library. This is reminiscent of the national commitment to a public

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<sup>211</sup> Editor, "Money," *Out of Bounds Magazine*, May 1981, 17-18 and George Watson, "Editors Notes," *Out of Bounds Magazine*, January/February 1984, 2-3 and Eric Jones, "New Pay Scale," *Out of Bounds Magazine*, July/August 1986, 8-9.

<sup>212</sup> Title of this section refers to a quote from retired William Head Librarian Kim Rempel. See, Kim Rempel (retired William Head Institution Librarian) in discussion with author, November 2019.

library model. He said, “it’s big difference” having a library in prison versus having a prison library. “William Head is not over the top, it’s tiny, simple, well organized, a good collection. It’s inclusive and safe. This is absolutely intentional.”<sup>213</sup> Kim Rempel served as the librarian at the William Head institution for 26 years, and his knowledge of the federal penal library system, according to peers, is unmatched.<sup>214</sup> Thankfully he was very open to participating in this project and quickly became an invaluable part of the research.

In 1989, Kim Rempel became the librarian at the William Head institution. Prior to his arrival, the library was being run primarily by inmates, as the hours of operation far exceeded the hours of the part-time librarian’s position.<sup>215</sup> Rempel had previously served as a librarian at Royal Roads University on Vancouver Island, which at the time was a military college. It was the similarities he saw between inmates and cadets that drew him to William Head:

When you go to prison it was like going to Royal Roads, it was all men at the time, it was kind of fascist, with the military elite on top and these plebs coming in as young cadets. What they would do is they take your clothes away, they cut off communications with the outside world, they oppress you, they tell you what to eat, when to eat, what to wear...and so I was used to working in an all-male environment with all male clientele and I was intrigued. I thought it would be neat and I came to realize or understand more fully that inmates and cadets were much the same...you are oppressed by both your situation, and the people that are both working and living in that situation.<sup>216</sup>

Rempel viewed the penal system as oppressive. He continues to hold this view, and it clearly informed the way he ran the library and influenced his philosophical approach to the library’s project in the institution. Rempel’s description of an inmate’s path through the prison system echoes Jeff Johnson’s “Adult at Seventeen” article in the *Out of Bounds* magazine:

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<sup>213</sup> Kim Rempel (retired William Head Institution Librarian) in discussion with author, November 2019.

<sup>214</sup> Wendy Townsend (current William Head Institution Librarian) in discussion with author, October 2019. *And* Charles Bolding (current Kent Institution and Mountain Institution Librarian) email message to author, November 2019.

<sup>215</sup> Kim Rempel (retired William Head Institution Librarian) in discussion with author, November 2019.

<sup>216</sup> *Ibid.*

[T]hey throw you into a den of wolves, and the wolves are in the corners in the dark and they creep in and they tell you, you are one of us...The wolves, they take you, they mold you into prisoners. [They say] you will now follow our rules, we will tell you what is good and what is bad, who is good and who is bad, tell you how to live in here, we have your back and we'll protect you, don't go to the man, don't go to the guards, that means you're a rat...<sup>217</sup>

Because of this belief—that left to the devices of Corrections Service Canada, inmates could fall victim to the negative forces and influences within the institution—Rempel saw an important role for the library and librarians to protect inmates.<sup>218</sup> When he was hired, Rempel occupied what he deemed to be a unique yet complicated space in the institution. Because he was neither inmate nor guard, initially neither trusted him. He was an employee of Simon Fraser University (SFU) for the majority of his career at William Head. In the late 1980s and 1990s, SFU was running university-level programs at different penal institutions in British Columbia, William Head among them. For that program to be successful, a library was needed that could facilitate and support those trying to acquiring university credit for courses.<sup>219</sup> Rempel was one of these librarians; he worked out of William Head but was not an employee of Corrections Service Canada.<sup>220</sup> Although inmates were initially skeptical, many ultimately came to see the potential in his 'neutrality.' Rempel felt, “[y]ou get to know them [inmates] in a different way, in a way a guard wouldn't necessarily get to know, there was more of a willingness to trust and put [their] guard down”<sup>221</sup>

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<sup>217</sup> Ibid. Rempel reinforced this point throughout the interview, commenting more than once on the negatives of incarceration on the individual: “When I first arrived there, there were five employees in the library. But the fifth employee was in seg [segregation] for the first month I was there, he was the law librarian...he was always being picked up for being a state other than normal and thrown in seg. He was a really good guy, when he had come to prison he had never done drugs before. When I met him, he had 23 years in on a 20-year sentence. He was a drug addict who couldn't stop, he used to say, when I was out there I was normal tax paying citizen who did something terrible, but now I'm junk. I'm an addict.”

<sup>218</sup> Ibid.

<sup>219</sup> Ibid.

<sup>220</sup> Ibid.

<sup>221</sup> Ibid.

In the summer of 1996, seven years after Rempel was hired at William Head, the library moved from the Adult Basic Education/Entry Level Training building to a newly renovated wing that had once been an inmate dormitory.<sup>222</sup> The whole of the first floor of this newly renovated wing was (and continues to be) used for the library. It was a much-needed upgrade, both in terms of quality and space, as the collection had grown considerably under the direction of Rempel.<sup>223</sup> Very soon after the renovation of the lower level, the upstairs of the wing was redone to house various inmate-operated functions. Most notably, the *Out of Bounds* magazine editors' office was moved into this space so that the two could continue their close relationship. In addition, the "Inmate Committee...Social Development Clerk, I.T.F. (Inmate Transfer of Funds), Lifers Awareness Group, AIDS Awareness Group, Alcohol Anonymous Clerk, Narcotics Anonymous Clerk, Asian Cultural Club, Franco phone Group, and the Buddhist group" all moved to the space as well.<sup>224</sup> The institution had, in essence, consolidated the most progressive of its programs and resources under one roof. When the physical space of the library expanded, it allowed Rempel to build up a part of the library that he saw to be integral: the law library. I asked him about the state of legal resources when he arrived and his role in improving those resources:

Was there a law library? Not a very good one, but I realized there was a legal system here, and guys were basically at the mercy of the CSC when it came to their rights and defending their rights...That is part of the job that I thought was important for us was providing legal material for inmates who live in this system who may never leave this system...I would be in the library and a guy would come in with his lawyer and I would have to put them in a room and then the institution said "what the [expletive] are you doing?" I'm not doing anything, these guys are inviting their lawyers down because...I started putting legal material in there and what I found was the lawyers that came were able to use the

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<sup>222</sup> Jeff Anderson, *William Head: A History-Drenched Peninsula* (Victoria, B.C.: William Head Institution, 1996) 21.

<sup>223</sup> Ibid.

<sup>224</sup> Ibid.

legal material to discuss the guys cases with them. I was thinking just for the guys but then I had lawyers in there asking for certain cases and books because this guy is on appeal for this thing...so it started to grow itself.<sup>225</sup>

Rempel saw the law library as a crucial part of his mandate. In addition to providing resources, the law library provided a safe place for lawyers and inmates to meet:

Because the institution was getting weary of lawyers showing up and asking to go to the library, they actually told me to stop...so what I started doing was organizing lawyer day, and I'll book appointment with lawyers, at first it was small. But then one particular lawyer in town...started coming all the time and applying for grants to come in a provide legal council to inmates and he was being housed in my library and it got bigger and bigger and then he started bringing out law students then he disappeared but we kept the law students. Now we have a system where three times a year these [University of Victoria] law students come out and assist with whatever legal issues guys might have.<sup>226</sup>

Kim Rempel had not only made legal information widely *available*, but by facilitating a means of access to legal counsel had made the information widely *accessible*. Legal resources can be complex and jargon-heavy, so availability alone was not as valuable to inmates as a translator and interlocutor (in the form of legal counsel). Thus Rempel's time at William Head was spent trying to limit Corrections Service Canada's power over the inmates and to construct a space within which inmates could push back against the power of the state. He also dedicated much of his time to explicit creation of an environment where inmates could experience relief from the terrors of incarceration.<sup>227</sup> Rempel provided a number of examples of times in which he actively conflicted with the internal power structure in William Head:

You have to stand up to [the CSC] and remind them that inmates have rights. Another good example, and it's a particular William Head example. I would put in [the library] a BC Museum book on mushrooms in Canada, and these guys [inmates], you can pick magic mushrooms at William Head. So I would put the

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<sup>225</sup> Ibid.

<sup>226</sup> Ibid.

<sup>227</sup> Ibid.

book in the collection and I would guard it sort of, I would make sure the individual that signed it out actually brought it back...the guards would take it because they thought these guys were using it to find mushrooms and actually the head of security often would take it. It's called an internal security person (ISP), they would take it and I would buy another one...I was in his office once and I saw all my mushrooms identification guides, and I said, 'I know why you took them, you took them because you figure these guys are taking magic mushrooms which they are. I put it there because I don't want them to eat the wrong mushroom and die.' Another particular William Head one [example], it's surrounded on three sides by water. So I brought in books on how to make canoes and boats. 'It's crafts' [he said with a chuckle]. It became objectionable that I would have books like that, and I said, 'listen if you see a canoe I'll get rid of the book [chuckle].'<sup>228</sup>

Kim Rempel attempted, during his tenure, to both empower and protect the inmates of William Head. He believed the oppressive and predatory nature of the carceral system necessitated a space of protection. Rempel worked to construct a space and stock it with resources to help inmates protect themselves from poisonous varieties of mushrooms, to protect themselves while navigated the criminal justice system, and everything in between. Implicit in mercy is a power imbalance. Kim Rempel worked to challenge that balance. In doing so, he created truly exceptional space; a space where inmates could feel safe, both safe from the other inmates and the terrors of incarceration, but also safe to engage with the information and individuals necessary to combat their incarceration. He was the protector within the site of sanctuary.

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<sup>228</sup> Ibid. & Images 2-4, Oakley Ramprashad, William Head Institution Law Library, 2019, Digital, Metchosin B.C.



**Figure 3. 2 William Head Institution Law Library, taken by author**



**Figure 3. 3 William Head Institution Law Library, taken by author**

## VI. Conclusion

The peninsula upon which William Head sits is one with a long complex history of confinement, and if you were to ask many of the residents of Metchosin in the 1950s a peninsula with far too much natural beauty for a prison. While a library existed at the prison from its inception, it also served as an overflow space for the unwanted texts of the British Columbia Penitentiary. However, by 1970 the institution had partnered with the Sooke School Board and employed a dedicated schoolteacher-librarian.<sup>229</sup> Early on, the librarian was heavily involved in the publication of the inmate magazine *Out of Bounds*, and although the librarian's involvement with the magazine waned over time, its connection to the library was maintained.<sup>230</sup> The inmate publication was (and continues to be) a space in which inmates could express a unique level of free speech and critical thought. In addition to these more 'normative' functions of a magazine or newspaper, inmate publications across the country also took the opportunity to critique and inform in ways that challenged the criminal justice system in exceptional ways. We saw examples of these overt critiques in *Out of Bounds*, with these critiques ranging from humorous quips at prison officials expense to scathing indictments of practices and procedures throughout the criminal justice system. Some of these critiques, while not inmates produced, were downright radical like the calls for prison abolition by Claire Culhane.

Work by inmates across Canada positioned the inmate as the victim of an oppressive and predatory criminal justice system, subverted the societal hegemonic construction of the inmate as the perpetrator, and exposed the ways in which criminal law operated as an ideology in

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<sup>229</sup> Jeff Anderson, *William Head: A History-Drenched Peninsula* (Victoria, B.C.: William Head Institution, 1996) 13.

<sup>230</sup> Kim Rempel (retired William Head Institution Librarian) in discussion with author, November 2019.

Canada.<sup>231</sup> The William Head prison library underwent a dramatic structural and philosophical change between 1989 and 1996. This was due in large measure to Kim Rempel's influence, and to the relocation of the library and inmate publication office to a new building more conducive to inmate use. Under Rempel's direction the library expanded its collection dramatically as well as establishing a dedicated law library with an expansive legal collection. Rempel worked to create a library in prison and not a prison library. That meant working to construct a space that was philosophically and physically (in terms of layout and atmosphere) separate from the rest of the institution. Talking to inmates and staff today about the William Head library one would learn that, in large part, Rempel was successful in his endeavor. Rempel is part of a longer history; propelled by various actors—the federal government, NGOs, prison officials, local librarians, and inmates—to create the conditions where sanctuary is possible.

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<sup>231</sup> One inmate from Beaver Creek remarked on the benefit of the inmate publication to do this sort of project, that of humanizing the inmate as well as combating pervasive societal beliefs about inmates: "there has been the start of a great change in the public attitude toward prisoners. This has been due, in the large part, to outstanding penologists who have been pointing out that, after all, prisoners are people. The best way, however, to convince the general public that this is so is to establish a personal contact...the way for inmates to meet the public is through the prison press. When inmates write stories and articles which intelligently show their yearnings, their ambitions, their recognition of the problems which have caused them to become incarcerated, people will say, 'Why doggone it, that fellow is a human being just like I am. His problems are a little more intense than mine, but when you come right down to it, they're the same sorts of problems I face in my own life.'" See Erle Stanley Gardner, "The Importance of the Penal Press," *The Lodestar*, July 1966, 4.

## Conclusion

In *Power/Knowledge* Michel Foucault stated that, “[a] whole history remains to be written of *spaces*—which would at the same time be the history of *powers*.”<sup>232</sup> Fundamentally, this thesis is a history of space and power. I have argued that the library facilities in the Canadian federal penal system have, over the nineteenth and twentieth centuries, become a space in which inmates found opportunity to challenge hegemonic carceral power. This thesis borrowed terminology from, and was inspired by, the works of Douglas Hay and Laura Madokoro. Hay argued that law, and in particular criminal law, was an ideological tool used by the elite class to reinforce and replicate existing societal inequalities. The law’s power as an ideology was predicated on its ability to remain unknowable and ambiguous. This was accomplished through three distinct yet connected aspects of the criminal justice system: *majesty*, *justice*, and *mercy*. In this thesis I was most interested in the concept of mercy, and more specifically in spaces within prisons that embodied the concept of mercy. Over the course of the nineteenth and twentieth centuries, libraries throughout the Canadian federal prison system underwent dramatic changes aesthetically, operationally, content-wise, and philosophically.

The federal prison library underwent at least two dramatic shifts over the course of its history. First was the emergence of the library as a space of mercy from its previous conceptualization as space of moral reform. Over the nineteenth and much of the twentieth centuries libraries became space that were intended as spaces to mitigate the horrors of incarceration. A tool of hegemonic carceral power, mercy was deployed to subdue and preemptively dissuade the controlled class’ (the inmates) inclination to dissent or revolt. In this way,

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<sup>232</sup> Michel Foucault, *Power/Knowledge: Selected Interviews and Other Writings, 1972-1977* (New York: Vintage, 1980), 148.

it was an illusion. In Chapter 2, I traced the emergence of the modern-day prison library. The institutional library would come to mirror, structurally and operationally, its counterparts outside of penitentiaries (or so would be the claim of the CSC). This meant more aesthetically appealing spaces, designed with the intention of improving the user (inmate) experience. Prison libraries are now stocked with comfortable seating, good quality lighting, and ceiling and flooring material that dampens external sound. These design choices were made intentionally, all to create the feeling of a unique space within the institution, a merciful space.

Madokoro, in her public history project, presents the term sites of sanctuary. It is her phrasing and conceptions of sanctuary that influenced my conceptualization of the library as a site of sanctuary. The second component of my argument centered on the next shift in the evolution of the library, the shift from a space of mercy to a site of sanctuary. Progressive programs and resources were integrated into the library with the intention of solidifying them as spaces of mercy. Chapter 3 presented a case study of the William Head Institution. The inmate magazine became a medium for inmates to investigate, discuss, critique, and ridicule the criminal justice system. They could critique operational aspects of the penal system, indict particular employees, publish pieces that mused about the benefits of prison abolition, and liken their captive status and treatment to that of slaves. Through the prison magazines, inmates felt emboldened to critique the system that governed their lives, which of course did not change the realities of incarceration but does demonstrate a challenging of carceral power. In addition, and particularly in the case of William Head, exposure to an expansive law library gave inmates further insight into the intricacies of the criminal law and the criminal justice system more broadly. Not one of these reforms individually, accomplished anything other than maintaining the library as a space of mercy. However, these reforms were additive. The series of reforms had

convalesced into a site of sanctuary. The library became a space in which inmates could closely scrutinize the law, legal code, and the criminal justice system as a whole. In addition, through the inmate publication, it became space of creative self-expression, in which the oppressive conditions of the prison more generally, inevitably came to light.

In a section from the 1921 Annual Report of the Superintendent of Penitentiaries entitled “As the Inmates See Us,” within the larger section reporting on libraries, Superintendent W.S. Hughes shared an excerpt from a letter an inmate had written to him:

When I shall write ‘Finis’ to this I know not, someday in the future, how near, or how far off that day is I cannot say, but it will be a day of gladness and rejoicing for me, but when I do leave I can honestly say that, without fear or favour, that this prison today is one hundred per cent better than what it was when I entered it nearly nine years ago. After doubt and confusion have been brought certainty and order; out of the mud and mire of the dark ages, where deceit, sneakism and hypocrisy went hand in hand, is rising manliness, straightforwardness and honesty. Education is taking the place of ignorance. Cleanliness of mind and body instead of immorality and filth. Neither priest nor minister is bringing about this change, but the heads of the penitentiaries, who by their sympathy, sincerity and understanding of those unfortunates who are passing through the flames, are trying to lead them on the right road by better conditions and through the key to all reformation—*Education*.<sup>233</sup>

Mercy was at work here. The inmate explicitly dismisses the work of the priest and the minister, instead expressing gratitude directly to the heads of the penitentiary. This was emblematic of the time, of the era of the space of mercy. Juxtapose that to the present, in the interview with Kim Rempel who felt, “you have to stand up to [the CSC] and remind them that inmates have rights,” or to the words of one of the inmates I interviewed who said in the library the power dynamics and scrutiny inherit to the rest of the institution, “falls by wayside,” in the library.<sup>234</sup> The articles

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<sup>233</sup> Canada, Office of the Superintendent of Penitentiaries, *Report of the Superintendent of Penitentiaries*, [Ottawa, ON]: King’s Printer, 1921, 18. Online, <https://www.publicsafety.gc.ca/lbrr/archives/csc-rip-1921-eng.pdf> (accessed November 13, 2019).

<sup>234</sup> Kim Rempel (retired William Head Institution Librarian) in discussion with author, November 2019; Inmate (current inmate at William Head Institution) in discussion with author, October 2019.

published in *Out of Bounds* tell a story not of gratitude towards the heads of the penitentiary, quite the opposite. The library could never be a reprieve from total carceral control, but by the end of the twentieth century, what we saw was that there was something exceptional about it. Inherent to the carceral structure is an imbalance of power. In space that felt safe, with a librarian that acted as buffer between them and the CSC, the inmates at William Head felt safe and therefore emboldened to disrupt and challenge that power imbalance, in that sense it is truly a space of refuge, a site of sanctuary.

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