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The business of punishment “The National Post's” adherence to Canadian punitive policy

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THE BUSINESS OF PUNISHMENT
THE NATIONAL POST'S ADHERENCE TO CANADIAN PUNITIVE POLICY

By

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ABSTRACT

Penal practices have shifted dramatically in Canada since the 1960s. Rehabilitation, which was once at the forefront of penal practice, has been put on the back-burner in favour of a more stringent method of penal reform. *The National Post* has identified with this punitive policy, and with Karla Homolka as their poster child, have crafted a long line of articles painting Canadian penitentiaries as "soft," using the imagery of both summer camps and country clubs. This research is informed by Michel Foucault's *Discipline and Punish*, which takes aim at modern penology by claiming that while it "tortures the soul" of the inmate, it also crafts a subtle control over the people of the nation. Norman Faircough's Critical Discourse Analysis is used to examine 75 articles from *The National Post* using the ProQuest search engine, to prove the syndicate's dedication to stringent penal reform.

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Statement of Problem

"Will the Prime Minister, who purports to represent the people, please give a direct order to his solicitor-general to put an end to these painful displays that we as Canadians have to watch," – Stockwell Day (Gamble, 2000). The events that provoked these comments occurred on an unspecified day in 1998, in the newly formed Jolliette Institute, an all-women's prison in Jolliette, Quebec. The dilemma started when a number of photographs emerged two years after the events, which showed several female inmates enjoying a birthday party, as well as modeling dresses (Vallis, Waldie, 2000). Most of the ensuing uproar was resultant of the one inmate at the centre of the "x-rated slumber party (Kingston, 2005)," Karla Homolka.

Members of the Canadian press, most notably CanWest Global acquisition's *The National Post* and the *Montreal Gazette*, were outraged that such a 'prison party' could have taken place, especially one involving one of Canada's most notorious criminals. Using this incident as a starting point, *The National Post* referred to the Jolliette Institution as an "adult day care (Bellavance, Vallis, 2000)" and "Club Fed (Owens, 2000)," before shifting their focus to the Canadian penal system as a whole. From there on every prison in Canada became "Club Fed" to the *National Post*, and according to them, our "lenient" penal institutions now served as a threat to police officers and even the general public, due to the coddling of inmates incarcerated (Friscolanti, 2002).

In September 2000, when the prison-party photos were published, Homolka was serving her eighth year of a twelve-year sentence for the deaths of Kristin French and Leslie Mahaffy, for which she was sentenced to the lesser charge of manslaughter, in our

country's most famous plea bargain to date (Ramcharan, de Lint, Fleming, 2001). Homolka was married to Paul Bernardo, who was later identified as the "Scarborough rapist," a title he earned through the rapes of at least seventeen women in the Greater Toronto Area (Davey, 1994). After his tenure as the "Scarborough Rapist," Bernardo changed his method of operation by separately abducting French and Mahaffy, raping and murdering them, and leaving their bodies in rural areas (Ibid, 1994).

The pair was arrested in 1993, but Homolka successfully entered a plea deal that ensured she would testify against her husband, due to evidence which stated that she purportedly suffered from post-traumatic stress syndrome, a claim that was later disputed by psychiatric professionals (Williams, 1996). Homolka's case was helped by the fact that Bernardo was already confirmed as the "Scarborough Rapist" by way of DNA evidence, but the public and the news media were outraged (Davey, 1994). The last shred of public support vanished for Homolka when video-tapes of the two murders were uncovered in the Niagara home she shared with Bernardo, which immediately cast doubts regarding Karla's innocence, despite her newly signed plea deal (Williams, 1996). This information intensified the outrage which is harboured to this day, and was successfully mobilized by *The National Post* to propagate penal reform.

Clearly, if any agenda is to be found in the writing of the *National Post* regarding Canada's penal system, it's that we as Canadians are "soft" on criminals and focus too much effort on rehabilitation, while "just desserts," punishment, is put on the back-burner. Indeed, it is not difficult to see the bias in articles that refer to our country's newer jail facilities as "country clubs" within their very titles (Eby, 2001), which is doubly upsetting as many of these premises were built with rehabilitation and reform in

mind. It is my belief, and what I would hope to argue through this research is that Canada still has an overt tendency to punish as opposed to rehabilitate within its penal system. Not only does Canada feel it has the right to punish for the sake of retribution or to flex figurative muscle (Foucault, 1997), but it also allows its penal system to influence and be influenced by its popular news media, in particular the *National Post*, which is the focus of this thesis. Using Norman Fairclough's Critical Discourse Analysis, and informed by Michel Foucault's framework on discipline and punishment, I discuss Canada's need to punish instead of rehabilitate, and the *National Post*'s role in propagating these notions in an obvious attempt to change Canadian penal policy. An example of the *National Post's* influence on penal policy occurred in 2000, when the paper successfully lobbied against moving Karla Homolka to a maximum security penitentiary in western Canada after the prison party photos were published. A spokesperson for Correctional Service of Canada claimed the decision was not a knee-jerk reaction (Bellevance, Vallis, 2000).

The National Post effectively used the notoriety of the Homolka case to propagate the notion that Canada needs stringent penal reform, a position which became a veritable cash-cow for the paper at the expense of its readers, and most importantly the inmates in federal and provincial penitentiaries. By publicizing this stance, this research will hope to prove that *The National Post* diverted its readership from the real problems of recidivism, and the exorbitant costs of incarceration, while incorporating fear-monger tactics to drum-up support for Canadian punitive policy. Canada's inmates were similarly affected, as the true story of the gravity of prison life was glossed over, while the incarceration rates for victimless crimes were completely ignored, effectively acknowledging all crime as interchangeable. One important focus of this research is the treatment of drug-related

and victimless crimes within the Canadian criminal justice system and the Canadian news media. Regarding victimless crimes, Foucault cites an exaggerated call for justice by P Risi, which unfortunately rings true to this day: "If one commits something that the law forbids, even if there is neither harm nor injury to the individual, it is an offence that demands reparation, because the right of the superior man is violated and because it offends the dignity of his character (47)." This mentality is still prevalent within Canadian judicial law, particularly regarding our penalties for drug possession and prostitution. One clear problem with this approach is the Canadian government's inability to distance itself from what might be a person's psychological problem, such as drug addiction, and the acceptance of alternative, more rational form of discipline. This fact is particularly troubling when acknowledging that "only eight percent of provincial inmates are serving a sentence of one year or longer (Schmallager, Macalister, McKenna, 2004)." Though 92 percent of inmates will be released within a year of starting a sentence, they are still forced to live within a subculture of violence, sexual hegemony, and drugs (Griffiths, 2003).

Colin Goff defines rehabilitation as "the application of corrections to improve the condition of offenders so they no longer want or need to commit crimes (204)." Ideally rehabilitation would be the ultimate goal of incarceration, as offenders would be aware of and apologetic for their transgressions, allowing them to re-enter society and participate in the economy, as opposed to costing Canadian tax-payers an ever-increasing amount of money as our incarceration rates continue to climb. Effective rehabilitation would in turn lower our country's recidivism rates and could also decrease our crime rate, creating a better place to live for *everybody*.

Recidivism, on the other hand, is defined as "the repetition of criminal behaviour...a recidivism rate may be any of a number of possible counts or instances of arrest, conviction, correctional commitment, and correctional status changes, related to counts of repetitions of these events within a given period of time (Schmalleger, MacAllister, McKenna, Winterdyk, 2000)." Another term that is important in explaining Canada's rising recidivism and diminishing rehabilitation is *Prisonization.* "Prisonization refers to the learning of convict values, attitudes, roles, and even language. When the process is complete, new inmates have become cons (Ibid, 2000)," further verifying the old joke that penitentiaries can be referred to as "con-colleges." New convicts must adapt to these strange social codes, which further separate them from their life in society and ultimately from rehabilitation (Ibid, 2000).

The Need to Punish

Regarding our nation's tendency towards punishment, Paul Redekop of Menno Simons College states that this p*unishment syndrome* "contributes to a climate of coercive conflict resolution dynamics which serve to accelerate destructive cycles and discourage positive ways of addressing conflict (Redekop, 2000)." Redekop feels that our nation's perceived need to punish is a learned behaviour, and is one that clouds our judgment concerning discipline to the extent that even high recidivism rates and an eventual lack of satisfaction from the act itself cannot affect us (Ibid, 9). This learned behaviour of 'coercive conflict resolution' is often upheld by the news media through tactics such as focusing on the victim and their plight, as well as through instilling an overall fear of crime.

Concerning this specific victim-centeredness mentality, David Garland in *The Culture of Control* writes that "the new political imperative is that victims must be protected, their voices must be heard, their memory honoured, their anger expressed, their fears addressed (Garland, 11)." This use of the victim has many positive affects for those pushing punitive rhetoric, a style that the *National Post* is no doubt familiar with, as many of their articles depicting inmates in penal institutions focus on those that they have harmed, particularly in the case of Homolka (Vallis, Waldie, 2000). This statement does not imply that the victims of Homolka should not have a voice, rather it points to the misuse of Homolka's image as a means for the *National Post* to push their agenda, which will be discussed later in the chapter. In this example, the *National Post* benefited from their use of the victim, as their pro-punishment agenda was further explored through the scare tactics their writing engendered. Other potential advantages this method could give punitive lobbyists are increased jail terms through greater exposure of their message, and the introduction of mandatory minimum sentencing (Garland, 2000), which takes the power away from judges in evaluating each case they receive individually. Foucault discusses this phenomenon in *Discipline and Punish* through a theory he calls "a general recipe for the exercise of power over men (Foucault, 1997)." He states that power can be re-organized to punish through: "codification, definition of offences, the fixing of a scale of penalties, rules of procedure, [and] definition of the rule of magistrates (Ibid, 1997)." In simpler terms, if the law doesn't allow for judges to evaluate the offence and award proportionate levels of punishment, those with discretionary power to "get tough on crime" will tend to increase prison terms.

Another unfortunate side-effect of the victim-centred mentality is "the belief that the victim of crime will be able to gain some satisfaction from observing the punishment of those who have offended against them (Redekop, 2000)." Paul Redekop hypothesizes that many inmates are over-penalized because those that are compelled to punish feel a lack of satisfaction from the practice as it is carried out (Ibid, 2000). This practice blinds those enforcing the punishment, with detrimental effects, and further hinders the possible rehabilitation of the individuals receiving the punishment (Ibid, 2000). The exaggerated nature of this practice will eventually transform every infraction into a fiasco, and in time turn everyone in society into victims, minus the offenders. Foucault writes:

> "every malefactor, by attacking social rights, becomes, by his crimes, a rebel and a traitor to his country; by violating its laws he ceases to be a member of it; he makes war upon it. In such a case the preservation of the state is inconsistent with his won, and one or the other must perish; in putting the guilty to death, we slay not so much the citizen as the enemy (Ibid, 1997)."

This dramatic yet plausible scenario is expanded by David Garland in *The Culture of Control*, as his image of the victim is of "a much more representative character whose experience is taken to be common and collective, rather than individual and atypical. Whoever speaks on behalf of victims speaks on behalf of us all—or so declares the new political wisdom of high-crime societies (Ibid, 2001)."

When the idea of victim-centeredness takes hold, especially when backed by the news media, it is common that even those unaffected by the crime are offended and expect retribution. Foucault offers an overly-simplified solution to this problem early into *Discipline and Punish*: instead of taking revenge, criminal justice should simply punish (Foucault, 1997). Though he is primarily speaking about corporal punishment in these

early arguments, many of these points have the power to cross-over into critiques of other forms of punishment. Of eighteenth-century France, Foucault writes: "accustomed as it was to seeing blood flow, the people soon learnt that it could be revenged only by blood (Ibid, 1997)." This quotation could easily be interpreted with modern penology through the notion that prisons need to exist because they are the only form of punishment our country has ever known.

Regarding our population's increasing fear of crime, David Garland writes: "what was once regarded as a localized, situational anxiety, afflicting the worst-off individuals and neighbourhoods, has come to be regarded as a major social problem and a characteristic of contemporary culture (Garland, 2001)." Garland claims that these irrational fears eventually lead to new policies being instated that instead of attempting to reduce crime, promote a more positive image of personal safety within the community (Ibid,2001), a practice that the Canadian news media clearly doesn't participate in. Fear of crime is not a new trend, and as Foucault writes, Canada is much like eighteenth century France, in that the crime increase is really only visible in court trends, specifically through the over-penalizing of our offenders (Foucault, 1997). According to GSS data (General Social Survey), violent street crime is not on the rise, though twelve percent of Canadians "feel somewhat or very unsafe walking alone in their neighbourhoods after dark (Schmalleger, MacAllister, McKenna, 2000)," and an additional twenty percent of Canadians feel unsettled at home alone during the evenings (Ibid, 2000).

David Garland points to the fear of crime that's integral to the fear of strangers and claims that social dynamics in the past 30 years have turned fear of crime into a

racial issue, creating a bigger divide between the white majority and all minorities, especially black males (Garland, 2001). This trend is clearly evident within the Canadian penal system, as aboriginal offenders account for 16 percent of all inmates in provincial and federal institutions, while only representing 3 percent of Canada's total population (Roberts, 152). Black offenders are similarly over-represented in our penal system "with black males composing five percent and black females seven percent of federal inmate populations, while only constituting 2.5 percent of Canada's total population (Griffiths, 2001)."

Using the method of instilling a fear of crime with an intense focus on the victim, the *National Post* clearly reveals its agenda. To accompany images of partying and relaxation in the Jolliette Institute, are photos of Karla Homolka and quotes from her victim's families. In effect, the *National Post* is saying if you support penal reform in looking at alternate sentencing or shorter jail terms in Canada, you support giving Homolka additional liberties. The syndicate also gives the unfair impression that the prison parties outlined in numerous articles were and are the norm for not just Jolliette, but for all of Canada's penitentiaries.

Homolka is such a reviled public figure that attacking her will surely garner support in their battle against the much needed penal reform. These articles rarely discuss the fact that Homolka is simply serving the time she was sentenced, as part of a plea agreement known as "the deal with the devil." The right to rehabilitation for all inmates across Canada should not be hindered by a plea deal made by the Attorney General of Ontario (Harris, 2003) 15 years ago, which could arguably be considered a mistake.

The Faults of Prison: Cost

Michel Foucault offers a plethora of reasons he believes why incarceration is not the answer to every crime, and he presents many of them in this succinct quote: "Because it is useless, even harmful, to society: it is costly, it maintains convicts in idleness, it multiplies their vices (Foucault, 1997)." The prison is certainly costly to the inmate, in terms of both time and potential rehabilitation, but Foucault is referring to the state's cost of housing, feeding and supervising offenders. According to statistics from the solicitor general in 2002, the annual cost of detaining a male offender is $108, 277 in a maximum-security institution, $71, 894 in a medium-security institution, and $69, 178 in a minimum-security institution (Griffiths, 2003). The annual cost for female inmates is even higher at $155, 589, which is in stark contrast to the cost of supervising an offender in the community, which totals $18, 678 (Ibid, 2003). The security level of the prison in which an inmate is placed is based upon their risk-level: maximum security penitentiaries are for long-term, high-risk offenders, and minimum security correctional centres are for low-risk offenders (Ibid, 2003).

Despite these classifications, high-risk offenders can be down-graded to medium and eventually minimum-security institutions, posing a potential threat to the rehabilitation of those serving a shorter sentence for a victimless crime, which negatively influences Canada's recidivism rates (Ibid, 2003). To this, Foucault argues that "the penalty must be made to conform as closely as possible to the nature of the offence, so that fear of punishment diverts the mind from the road along which the prospect of an advantageous crime was leading it (Foucault, 1997)." Foucault continues with a solution

for punishment: "against a bad passion, a good habit; against a force, another force, but it must be the force of sensibility and passion, not that of armed power (Ibid, 1997)."

The Multiplication of Vices

In reference to Foucault's quote that prison multiplies the inmate's vices, many similarities can be drawn to the real and perceived drug-issues affecting our provincial and federal institutions. Michael Harris, a conservative critic of Canada's penal system, believes that "literally every drug available on the street can be purchased in Canada's most secure prisons (Harris, 2003)." We know that drugs are available to prisoners, but how widespread is the abuse? CSC (Correctional Service of Canada) documents claim that "12% of our offenders test positive for drugs or alcohol at any given time... (while) 25 percent of inmates reported that they are under-pressure to smuggle drugs into the institutions (McVie, 2001)." This percentage may not be enough to be considered an epidemic, but the availability and use of drugs in Canadian prisons is still plenty to be worried about, especially when considering the violence and diseases that come with it. CSC documents showed that 200 inmates in the year 1999 were known to be living with HIV or AIDS, and that 25-40 percent of the prison population was living with Hepatitis C (Roy, 2001).

To briefly look at the psychology behind drug-abuse in prison, I will bring up a seemingly unrelated quote of Foucault's regarding slavery: "in a slavery economy, punitive mechanisms serve to provide an additional labour force...the body being in most cases the only property accessible (Foucault, 1997)." Foucault writes of this "political economy of the body," saying that even in lenient punishments through incarceration, there is always a hierarchy of ownership and power over the body, particularly through

its distribution and submission (Ibid, 1997). From this quote, it is reasonable to deduce that if those in control of the inmate, in this case the CSC, can claim ownership over the body of the inmate, using drugs and alcohol could be a way for the inmate to reclaim control of his/her body. Foucault calls this ownership the "political anatomy of the body," arguing that modern punishment dissociates power from the body, and "establishes in the body the constricting link between an increased aptitude and an increased domination," thus creating docile bodies (Ibid, 1997). If Canada's penal system can control this amount of power over maximum-security inmates, the detrimental effects of incarceration for those serving time for victimless or non-violent crimes could be catastrophic.

The idleness of which Foucault speaks can be likened to the old adage of "Con College," where prisons represent a place where petty thugs learn to become career criminals. Foucault states that the prison "makes possible, even encourages, the organization of a milieu of delinquents, loyal to one another, hierarchized, ready to aid and abet any future criminal act (Ibid, 1997)." Though this statement can sound a touch dramatic, upon further consideration, it is odd that we expect inmates to be rehabilitated and ready to re-enter the real world, especially when the prison life they are engaged in is so drastically different from the one they were forced to abandon, leaving them "broken with everything that has bound them to society (Ibid, 1997)." With these thoughts in mind, it is dumbfounding to think that the idea of rehabilitation is so often ignored, considering "almost all inmates serving life terms will eventually be released on parole, to serve the remainder of their life sentences in the community under the supervision of the parole authorities (Roberts, 169)." In other words, a large majority of the inmates

currently incarcerated in Canada will one day be back on the streets, yet so little is done to ensure that they have been properly rehabilitated.

It is also not difficult to understand why prisoners band together against authority when placed in the same location against their will. Foucault writes: "the prison also produced delinquents by imposing violent constraints on its inmates; it is supposed to apply the law, and to teach respect for it; but all its functioning operates in the form of an abuse of power (Ibid, 1997)." Julius Melnitzer, in his article *Inhuman Rights*, details his own time in a Canadian federal prison and speaks extensively on the abuse of power quoted above. Melnitzer, a former criminal trial lawyer, claims that "the civil rights of prisoners are the lowest common denominator of democracy (Roberts, 1999)." The example he gives is of a failed attempt on his part to acquire medical testing while incarcerated, a request which prompted a strip search (Ibid,1999). Knowing his rights, Melnitzer refused, as he wasn't being accused of anything, but he eventually complied when threatened to be sent to 'the hole;' solitary confinement (Ibid,1999). What's worse, is that "the innocent have no recourse if the suspicions against them prove groundless (Ibid,1999)." Yet they can still be, and are frequently, transferred to a different prison if they cause too much of a stir, Melnitzer claims (Ibid,1999). In a similar incident, an inmate in Alberta claims to have been transferred to a different prison for 'getting political' and trying to start an education program (Ibid, 1999). Melnitzer also claims that prisons are clogged because parole boards are assuming the role of law-maker, and are too worried about getting their hands dirty, because if an ex-convict re-offends, they fear their jobs may be at risk (Ibid, 1999). This is yet another example of how the power structures and policies reinforce the tendency to hand out punishment.

Another problem that arises is the inability many former inmates experience to gain lawful employment after incarceration. Foucault writes that "the prison cannot fail to produce delinquents. It does so by the very type of existence that it imposes on its inmates: whether they are isolated in cells or whether they are given useless work, for which they will find no employment (Ibid, 1997)." By this logic, sentencing an offender is ensuring a life-time of unsuccessful employment. In her research, Devah Pager states that "the 'credential' of a criminal record, like educational or professional credentials, constitutes a formal and enduring classification of social status, which can be used to regulate access and opportunity across numerous social, economic, and political domains (Pager, 2003)." Pager calls this a negative credential, whose certification hampers opportunity, while giving the illusion of "untrustworthiness and undesirability (Ibid, 20003)."

Unfortunately these problems are by no means limited to Canada either. In a 2001 study, Canada was shown to have an incarceration rate of 116 per 100,000 population, which is considerably lower than countries such as the United States, whose incarceration rate was 700 per 100,000 (Griffiths, 2004). With that said, Canada is far more likely to incarcerate than countries such as Sweden and Denmark, with whom we share similar crime rates (Ibid, 2004). These countries have much lower incarceration rates, 65 and 60 per 100, 000, respectively, and are far more like to employ alternatives to incarceration, such as the use of fines, community service, and victim-offender reconciliation (Ibid, 2004).

In the early stages of this research I struggled over whether I should include incarceration data and media representations from countries outside of Canada, most

notably from the United States, which our penal system most closely resembles. In the end, I felt that focusing solely on the problems faced by the Canadian penal system and its media representations would be more productive in foregrounding the alternatives to incarceration already mentioned in regards to Sweden and Denmark, among others. Also, I decided to include data from both male and female inmates in Canada, as many problems are shared, and a solution for one could be a solution for both.

In opposition to the *National Post*'s stance that prison terms are too lenient, two potential alternative solutions that I would make a case for through this research are probation and victim-offender reconciliation. Probation, though controversial for its "lack of punishment," is tailor-made for victimless crimes, and offers many advantages to locking up. Probation lowers costs for tax-payers, increases employment for offenders, offers restitution to victims of crimes, builds community support, reduces risk of criminal socialization for the offender, increases the use of community services, and ultimately, increases the opportunity for a proper rehabilitation (Schmalleger, MacAlister, McKenna, Winterdyk, 2000).

Victim-offender reconciliation, is closely related to restorative justice, which is "a movement within the criminal justice movement that focuses more attention on the harm to victims and communities and less on the fact of lawbreaking (Van Ness, 2001)." Restorative justice is usually performed through a victim-offender mediation, which "brings together victims and their offenders, using a trained facilitator to coordinate and facilitate the meeting (Ibid, 2001)." In such a meeting, the victim will describe how the offence affected them, and the offender will explain why the crime was committed (Ibid, 2001). "When both victim and offender have had their say, the facilitator will help them

consider ways to make things right (Ibid, 2001)." This alternative to incarceration can be effective as it takes active steps toward repairing harm, both for the victim and in the offender's actions, while helping in "transforming the traditional relationship between communities and their governments in responding to crime (Ibid, 2001)."

The Relevance of Foucault to Canadian Penology

In *Discipline and Punish*, Michel Foucault gives a detailed account of public torture in eighteenth-century France, its subsequent abolishment, and the implementation of incarceration as the primary mode of punishment, which was adopted the world over. The torture described is both graphic and forthright: accounts of hangings, dismemberment, and immolation, which were often used in succession of one another (Foucault, 1997). Due to public outcry, France abolished public torture in 1791, in an effort to conspicuously ignore its violent past (Ibid, 1997). Though ensuing punishments were less theatrical and visibly torturous, Foucault argues that they were merely hidden, claiming that "justice no longer takes public responsibility for the violence that is bound up with its practice. If it too strikes, if it too skills, it is not a glorification of its strength, but as an element of itself that it is obliged to tolerate, that it finds difficult to account for (Ibid, 1997)." This view of punishment of which Foucault speaks is beneficial only to those in positions of governmental power: those implementing the law still gain great power through the act of incarceration, but without any of the blood which the public execution left on their hands. By this logic, if an inmate is killed, surely they deserved it, and if not, there is little else that can be done, as all inmates are dangerous, and must be kept *somewhere*.

It is with this thought that Foucault proposes the notion that instead of overtly punishing the body like times past, modern penology punishes the soul (Ibid, 1997). Punishment of the soul can be interpreted as a psychological punishment; one that is certainly less severe than physical torture but also much lengthier, lasting the entire length of a prison sentence. The psychological effects of long-term solitary confinement come to mind as a conceivable contemporary form of psychological punishment of the soul. Foucault writes: "what was emerging no doubt was not so much a new respect for the humanity of the condemned...as a tendency towards a more finely tuned justice, towards a closer penal mapping of the social body (Ibid, 1997)." This acute form of discipline was not interested in "punishing less but punishing better;" by using a less severe method of punishment, lawmakers appeared more gracious, "in order to punish with more universality and necessity; to insert the power to punish more deeply into the social body (Ibid, 1997)." By eliminating public punishment, governments gave up a large amount of power over a select few, to gain a subtler power over society as a whole.

As described earlier, in the past, punishment was made public as an exercise in power, in which to reveal that those treacherous enough to break the law actually did get their "just desserts." Now that the punished are taken off the streets and out of the public eye, the news media, particularly the *National Post* as this research shows, exhibit the opposite of Foucault's theories on public-punishment, purveying news stories and editorials calling for a more stringent Canadian penal system. The punishment of criminals as seen by the Canadian public through its news media is no longer considered harsh. In fact, syndicates such as the *National Post* now use their institutional positions and power to show how punishment is not harsh enough, and how inmates do not receive

their "just desserts." The illusion that our prisons do not punish enough is a clear counterpoint to what Foucault argues motivates severe public punishment. The only exposure most Canadians have to their penal system is through the Club Fed-style opinion articles favoured by the *National Post* and related media.

Foucault believed that there was a correlation between public acts of punishment such as the execution and the chain gang, to the news-media in their need to make retribution visible (Ibid, 1997). Despite this, the public execution and the chain-gang gradually fell out of public favour due to their severity, an outcome which is unlikely for an outlet like the *National Post*, as they have made it their mission to inform the public otherwise, a stance that also benefits Canada's conservative government. Foucault believed that both the public before and after public-punishment had a fascination with criminality, an interest that the media readily took advantage of, earning them the nicknames "programmes for spectators (Ibid, 1997)." Regarding this fascination with crime, Foucault writes: "One sought to rediscover the face of the criminals who had had their glory; broadsheets recalled the crimes of those one saw pass; newspapers recounted their lives; sometimes they provided a description of their persons and dress, so that their identity might not pass unnoticed (Ibid, 1997)."

Introduction to CDA

I plan to use the ProQuest search engine to search for 75 articles containing the word *prison* in the *National Post* in the five-year span of September 22, 2000, to September 22, 2005. These two dates are particularly important, as the first signifies the day after the "prison party" photos were published, and the second is roughly two months after Homolka was released from prison. This five-year span is more than adequate for

finding and identifying the *National Post*'s bias towards rehabilitative frameworks which this research hopes to prove. It is my hope to make the case that alternatives to incarceration can at least receive equal billing to Club Fed editorials.

In the research I am proposing, I will employ Norman Fairclough's Critical Discourse Analysis to interpret the *National Post*'s anti-reform stance on the Canadian penal system, with an emphasis placed on articles involving Karla Homolka. CDA is an inter-disciplinary approach that attempts to prove that "language connects with the social through being the primary domain of ideology, and through being both a site of, and a stake in, struggles for power (Fairclough, 1989)." Fairclough believes that "language is centrally involved in power," thus CDA examines how those in power, the *National Post* for example, use language to create and uphold certain beliefs and power structures, in this case, how our penal system is too lenient (Ibid, 1989). *The National Post*'s use of grammar through active, negative sentences, their use of euphemistic expressions and informal words, and the expressive values of the written text will all be closely considered in my research (Ibid, 1989).

Kathryn Remlinger offers several concise arguments about the limitations of the CDA approach. Remlinger writes: "As a result of CDA's foundation in linguistics, data tends to be limited to written texts and scripted talk of elites," a practice which can get muddled when taking into account the interpretation of verbal transcriptions (Remlinger, 1999). Remlinger also points out the lack of ethnographic data in CDA, in spite of its socio-political leanings, a practice that can generalize and overly-simplify different social groups or schools of thought (1999). Despite CDA's short-comings, the approach still gains legitimacy through the analysis it enables, assisting with a wide array of textual

interpretations of the media, which includes but is not limited to vocabulary (the expressive values of words), grammar (the relational value of sentences), and textual structures (the larger scale ideologies that exist between the lines) (Fairclough, 1992). When fully realized, CDA "successfully identifies large-scale hegemonic processes such as democratization, commodification, and technologization on the basis of heteroglossic constructions of text genres and styles (Blommaert, Blucaen, 2000)." Another advantage is gained through the inherent critical dimension of the work: "CDA advocates interventionism in the social practices it critically investigates (Ibid, 2000)," offering potential solutions to the abuse of printed words power, rather than a mere accumulation of content and its analysis.

The National Post has found a perfect foil in Karla Homolka, using her image and criminal exploits to whip up public support for a stringent penal reform that is not only unnecessary, but harmful to those inhabiting Canada's already packed prisons. This stance, though beneficial to the Canadian government, does nothing to expose the real issues of over-crowding, inmate violence, sky-rocketing incarceration rates, or recidivism. This research project is an attempt to expose *The National Post*'s fear-mongering tactics, which successfully divert the reader's attention from statistical data, obscuring the reality of how many people are actually in prison, and how much it costs to keep them incarcerated. The lucrative punitive policy held by *The National Post* carries a large debt in the citizens it directly affects, the inmates, and prohibits them and the rest of Canada from realizing the potential they could gain if given a chance to prove themselves outside of prison.

Chapter 2: Literature review

History of Canadian Penology

To understand exactly why Canada's penal system is punishment focused, it is integral to look at its history of penology, from the public displays of torture adopted from France and England, to its eventual acceptance of the penitentiary. Curt T. Griffith's *Canadian Corrections* offers a comprehensive guide to Canada's penal system beginning from the seventeenth-century, giving a portrait of 400 years of corrections. Kelly Hannah-Moffat's *Punishment in Disguise*, and Stephanie Hayman's *Imprisoning Our Sisters* will also be discussed, as they both offer many critical insights into the history of female corrections in Canada, which will give a better understanding as to how Karla Homolka was ever able to participate in a "prison party."

Much like Foucault's recounting of torture in France, public corporal punishment was very common in seventeenth-century Canada, with a severity in sentencing which varied between regions and different jurisdictions (Griffiths, 2003). According to Griffiths, "the death penalty was applied to offenders convicted of murder, grand larceny, sodomy and rape, and a variety of sanctions were available for less serious offences, including branding, transportation, banishment, fines, and whipping (Ibid, 2003)." Hangings and dismemberment for violent crimes and for repeat offenders were unfortunately a public spectacle until the early nineteenth-century, while the public use of the pillory or stocks, which fastened the offenders head and hands between a solid wooden frame, was used for lesser offences (Ibid, 2003).

During the 1700s, many local jails existed in Canada, but were used primarily for the containment of citizens awaiting trial, or for short-term lock-up (Ibid, 2003).

Workhouses also existed, and were populated by petty criminals, vagrants, and prostitutes, in what was then called "free labour," but would now be considered a mandatory sweat shop (Ibid, 2003). In 1810, Upper Canada passed legislation that established local jails as the primary form of punishment for most offences outside of murder and rape, with Lower Canada passing similar legislation in 1799 (Ibid, 2003). During this period of Canadian corrections, a typical punishment for a victimless or petty theft included branding, the use of pillories, and in more drastic cases banishment (Manson, 2001). This gave way to less public forms of punishment later in the century, which included large fines, private whipping and hard labour, which could last up to two years (Ibid, 2001). Capital punishment was still in place at this time, and was frequently used for violent crime and murder (Ibid, 2001).

Between the years 1830 and 1867, penitentiaries began springing up in Canada as the occurrence of public corporal punish began to vanish, famously including its first and still reigning facility, Kingston Penitentiary (Ibid, 2003). Canada's new penitentiaries were built with the intention of rehabilitation, and made "religion a focal point of the punishment/reform process (Ibid, 2003)." The facilities operated using the Auburn model of reform, prohibiting any speech and forcing the inmates to work long hours, with non-compliance resulting in lashings or solitary confinement (Ibid, 2003). The Penitentiary Act of 1886 finally put regulation to the corporal punishment which was still rampant, and allowed inmates to earn remission, or "good time," in provincial institutions, but was later repealed in 1906 (Ibid, 2003).

Following the first World War, conditions in Canadian penitentiaries slowly began to improve, as corporal punishment was abandoned and incentives were offered for

well-behaved inmates, with actual wages now being offered for the labour performed (Ibid, 2003). Following World War II, educational and vocational training were offered, as well as group counselling and individual therapy (Ibid, 2003). Improvements in probation, the re-training of corrections officer, and new security classifications soon followed suit, establishing the penal system Canada operates today (Ibid, 2003). Though the penal system has and can be much worse in Canada, it has stagnated where other countries, mostly European, have continued to grow. While much of developed Europe considers probation and other alternatives to incarceration, Canada continues to follow the lead of the United States in over-incarcerating despite a stabilized crime-rate.

In 1934, the Canadian government made its first step in segregating the male and female prison populations by formally opening Canada's only federal women's facility, the Prison for Women in Kingston, Ontario (Hayman, 2006). P4W, as it was collectively known, was the first penitentiary in Canada made by women, for women, featuring a maternal mode of penal reform that employed "matrons" instead of corrections officers, and counseling services that also taught basic life skills (Hannah-Moffat, 2001). The problem with P4W was that since it was the only federal women's institution, most of the inmates were forced to live thousands of miles from their families, which negated any potential positive effects the maternal mode of penal reform had to offer (Hayman, 2006). Also, as penal reform gradually improved through the 1950s and 1960s, it quickly became apparent that P4W's antiquated design did not effectively allow for the social programming which was available at every other federal penal institution (Hayman, 2006). Conditions degraded in the prison to the point that a 1977 report "argued that P4W was 'unfit for bears, much less women (Hannah-Moffat, 2001).'"

A task force, *Creating Choices*, was launched in 1990 in effort to understand the violent behaviour that plagued the P4W (Hayman, 2006). Throughout the 1990s, a decade which saw several inmate suicides and countless attempts, *Creating Choices* lobbied for the closing of P4W, a goal that wasn't achieved until the summer of 2000 (Harris, 2003). All of P4W's inmates, including Karla Homolka, were displaced among the 5 new regional facilities located in Truro, Nova Scotia, Kitchener, Ontario, Maple Creek, Saskatchewan, Edmonton, Alberta, and Jolliette, Quebec (Ibid, 2003). The new facilities were controversial in that the women lived in 'cottages,' and were given the opportunity to cook their own food and take care of their own house-keeping (Ibid, 2003). In reality, the rooms in the "cottages" were still essentially cells, and the facilities still struggled with violent behaviour (Ibid, 2003). The new facilities had the potential in becoming ultimately successful, until *The National Post* and *The Montreal Gazette* printed the "prison party" photos in 2001, opening the flood-gates for a deluge of public criticism.

Four Justifications for Imprisonment

Though often over-looked in favour of crime-rate statistics, a key factor in understanding Canada's high incarceration rate is through the various rationales for imprisonment employed by its penal supporters. In *The Expanding Prison,* David Caley introduces four common justifications for imprisonment: "1) That it prevents or deters crime; 2) that it incapacitates criminals; 3) that it satisfies the demands of justice by denouncing wrong and giving the offender what he deserves; and 4) that it rehabilitates the offender (Caley, 1998)." Caley successfully critiques this common rationale by recognizing the one-sided nature of their existence: "a fall in crime proves that

imprisonment is an effective deterrent, [while] a rise in crime only shows that we need more punishment to achieve the desired effect (Ibid, 1998)."

Deterrence is a term used in penology to describe the supposed influence incarceration holds over the general public in terms of committing crime, while ideally curbing any potential re-offence by existing inmates (Ibid, 1998). Caley argues that incarceration can't always deter due to the high frequency of passionate crimes committed without premeditation, which are most often violent in nature (Ibid, 1998). Caley also observes the news media's penchant for only reporting on the crimes which are most dramatic in nature, resulting in a general lack of knowledge concerning the arrest rates and prison sentences of victimless crimes (Ibid, 1998).

In 2007, researchers from Yale and the University of Chicago compared the recidivism rates of inmates nearly dangerous enough to be placed in a maximum-security institution, to those just barely dangerous enough to be placed in one (*Enonomist*, 2007). Despite a similar disposition between the two sets of inmates, the group incarcerated in maximum-security prisons was 10-15 percent more likely to re-offend, proving that a harsher sentence does not necessarily imply a lower recidivism rate (Ibid, 2007). Caley argues that using a harsh prison sentence to set an example for deterrence creates a moral dilemma, as the individual punished is used as a means instead of an end, a situation made worse by the fact that "those who are so used are generally from the poorest and weakest sections of society (Caley, 1998)."

Incapacitation as a rationale for imprisonment is more difficult to criticize, as it is often successfully employed to uphold public safety, especially in the case of violent crime. It is important to note that though incapacitation can reduce some crime,

incarceration "is a selection process that culls "crimes" from a vastly larger pool of potentially criminalizable acts (Ibid, 1998)." Caley argues this point by using the example of organized crime: "If a drug seller is sent to jail, another will be found to take his place, and the same will be true in any other criminal enterprise organized enough to involve planning and recruitment (Ibid, 1998)." Caley admits that incarceration may be beneficial in the case of violent crime, but understands the difficulties posed through the prediction of future offences, and argues that mandatory minimum sentencing often penalizes the offender for crimes yet to be committed, with a gain that is "marginal in relation to the fiscal and moral costs of speculative sentencing (Ibid, 1998)."

The third justification for incarceration discussed by Caley is concerned with the mentality that the offender *must* receive a harsh enough penalty for their crime, which is often called their "just desserts." "Just Desserts" punishment, while not exactly the opposite of rehabilitative justice, relies on the argument that the offender deserves any punishment they may receive, an exercise in pain and power which clearly diverges from the concept of inmate reform (Ibid, 1998). In a 2007 study, Jeremy Travis describes "just desserts" punishment as a principle where "a criminal sanction is deemed appropriate, or legitimate, if the severity of the sanction reaffirms the social norms underlying the creation of the crime itself (Travis, 2007)." These social norms have allowed the creation of abnormally long prison sentences, and worse, mandatory minimum sentencing which strives for constants in its battle to view every act of the same crime as equal, with roughly the same penalty, while ignoring the individual circumstances on which the crime was committed (Ibid, 2007).

Caley's main point of contention with the "just desserts" ideology is its basis on the myth that the "pains of imprisonment [are] in some sense commensurable with the pain caused by crime (Caley, 1998)." Caley argues that punishment has become too emotional in its execution, and calls for an 'unsentimental compassion' in sentencing, an action that recognizes the limitations of sentences championed by "just desserts" principle, while still advocating a solemn discipline and rehabilitation (Ibid, 1998).

As recently as thirty years ago, rehabilitation was considered the foremost goal of incarceration, but as policy has changed to benefit the victim, over-crowding within Canada's prisons has eliminated the necessary requirements to make reform a priority. Foucault theorizes that the abuse of power that penal systems employ to uphold the law creates a general malaise among inmates, leading the prison population to believe that they are in fact the victims (Foucault, 2005). This, in turn, leads to a lack of differentiation between their captors, the "agent of authority," which in effect quashes rehabilitation (Ibid, 1995). In a 2005 study of four Belgian prisons, Sonja Snacken studied the effects of the deprivation of liberty on rehabilitation, and concluded: "More liberal, active, and non-authoritarian regimes [were found in prisons where] relations between prisoners and between prisoners and staff, are less strained [and] that have many more activities, work or education, and more autonomy for prisoners (Snacken, 2005). Caley believes that there is potential for rehabilitation within prison, but resigns to the fact that the "prison structure as it stands, militates against it (Caley, 1998)." Caley continues in arguing that for a real rehabilitative change within our penal system to occur, Canada has to view our institutions as more than just a "decent place to suffer (Ibid, 1998)."

The NAOMI Project & Drug Treatment Courts

It should be noted, however, that Canada has made some strides in the sentencing for minor drug possession felonies through trial runs of "Drug Treatment Courts" and the NAOMI project. The first drug treatment court in Canada was established in Toronto in 1998, but was only applicable to repeat offenders arrested for heroin or cocaine possession (Harrison, Scarpitti, 2005). The sentencing consists of tailor-made rehabilitation programs which are tracked by urinalysis and regular court updates, and "charges are dropped for those completing the program successfully, while those who fail to complete return to regular court (Ibid, 2005)." The program proved to be cost-effective, but only 10 cases were successful in its first 18 months, and the drug court trend has yet to catch on elsewhere in Canada.

The NAOMI project stands for The North American Opiate Medication Initiative, which aims to help reduce "the use of illicit drugs and drug-related crime (www.naomistudy.ca, 2006)" through safe-injection sites set up in Montreal and Vancouver in 2005. Though the NAOMI project is enormously unpopular in the Canadian news media, it doesn't support the promote the legalization of heroin, but "seeks rigorous scientific evidence as to the usefulness of medically prescribed heroin in the treatment of a limited number of people with chronic addictions for whom there are currently no effective treatments (Ibid, 2006)." Keith Martin, a Liberal MP in Victoria who is also a physician who has worked in drug-detox, outlines several benefits of the NAOMI project on his website, and claims the program has:

"1. Increased access to the use of detox and drug treatment facilities
2. Reduced the risk of overdose fatalities
3. Reduced needle sharing and the transmission of HIV, hepatitis B and C
4. Reduced crime

5. Saved the public money (Martin, 2008)."

Despite their unpopularity with the Canadian news media, both the NAOMI project and drug treatment courts offer a viable alternative to lengthy incarceration which could end up saving both tax-payer's money and drug-user's lives

Although gains were made through the implementation of the NAOMI project and Drug-Treatment courts, the news media clearly still has a vested interest in the intimate and negative details of Canadian penology, or more accurately those incarcerated within our penal system. This fascination has spread to other media, most notably television and film, with news-broadcasts and crime dramas frequently adopting the victim-centred fear of crime slant discussed earlier. David Garland writes: "these media representations undoubtedly give shape and emotional reflection to our experience of crime, and do so in a way that is largely dictated by the structure and values of the media rather than the phenomena it depicts (Garland, 2001)." Devah Pager comments on an American study done between 1990 and 1996, which showed that despite a stabilizing and declining crime rate, "network news...found that crime stories were featured more often than any other topic, including the economy and health care (Pager, 2003)." The melodramatic nature of these programs reinforce false truths about penology for the sake of entertainment, excluding the root of the problem, the political and administrative decisions on which our penal system is constituted (Garland, 2001).

Media Ownership

To properly understand why *The National Post* advocates stringent penal reform, it is imperative to recognize the role that media ownership plays in the shaping of news stories. The mainstream news media is made up of a handful of large conglomerates that,

like any business, are interested in private gain, which in this instance is at the cost of public interest and accurate news reporting (Cohen, 2005). Elliot D. Cohen writes: "Driven by profit maximization, these colossal, corporate media empires have cooperatively joined ranks with government offices and agencies at the highest federal levels, spinning off an intricate, seamless politico-corporate media web of deception (Ibid, 2005)." A good example of this is the corporation General Electric, which owns the media giant NBC, but also produces munitions for the United States through government contract, creating a conflict of interest for NBC's news reporting of the war in Iraq (Ibid, 2005).

According to media analyst Edward S. Herman, the media are sycophantic toward the government because they "all require government licenses and franchises and are thus potentially subject to government control or harassment (Herman, 1988)." Herman argues that due to this harassment, "the media protect themselves from this contingency by lobbying and other political expenditures, the cultivation of political relationships, and care in policy (Ibid, 1988)." Herman argues that many of the media giant directors are former government officials that are experts in relaying government policies as a means to negotiate tax breaks, and in some cases expand conglomerations (Herman, 1988).

In Canada, there is a long history of media mergers that began in the 1950s and 1960s with the advent of the television, which "ignited an increased competition for advertising revenues (Bozonelos, 2004)." In the 1970s and the 1980s, two reports, the Davey Report and the Kent Commission, looked into the issue of media conglomeration to decide whether a "concentrated newspaper industry restricts the diversity of

viewpoints on respective issues, and both examined whether excessive concentration is a threat to the quality and characteristics of Canadian journalism and, in particular, Canadian content (Ibid, 2004)." The Davey report found that "the media is passing into fewer and fewer hands...and this trend is likely to continue and perhaps accelerate (Ibid, 2004)." Over the next ten years this prediction came true as many newspapers in metropolitan cities such as Winnipeg, Montreal and Toronto had newspapers fold, which "eliminated competition between Canada's two largest newspaper groups at the time (*Southam* and *Thomson*) (Ibid, 2004)."

In 1981, the Kent Commission looked for practical solutions to the problems addressed by the Davey Report and "introduced legislation prohibiting the expansion of existing chains owning more than five newspapers and prohibiting any future chain from acquiring any more than five papers (Ibid, 2004)." Despite the commission's good intentions, it was vilified by the Canadian press and was shot down in the House of Commons, effectively ceasing its influence (Ibid, 2004).

The punitive ideology that *The National Post* has adopted can be linked to the values of its owner, *CanWest Global Communications*. Understanding the implications of media ownership and the potential partisan stance of a news-outlet, is especially significant when considering the magnitude of the purchase of *The National Post*'s parent company, *Southam*, by *CanWest Communications*, a merger considered a "conglomeration of unprecedented scope (Moore, 2002)." The repercussions of a media convergence of this size are outlined by Marie-Helene Lavoie in her research for the *Department of Canadian Heritage*: "these major transactions raise concerns about the potential impact on the nature of democratic debate of a single firm owning several media

and thereby exerting greater control over information (Lavoie, 2002)." In the case of post-merger *CanWest*, the conglomerate is now in control of 120 community papers and 14 metropolitan dailies as well as "sixteen television stations, several specialty networks, and the news portal, Canada.com (Moore, 2002)."

CanWest Global used the acquisition of *Southam* as a way to bolster its profits through the inclusion of nationally-syndicated print editorial writers on *Global Television* news (Moore, 2002). Content within *Southam* papers was also standardized, as *CanWest* "began running the same corporately crafted 'national editorials'" three times a week in all of its dailies, while censoring opposition articles and refusing any letters to the editor deemed retaliatory to the opinion pieces (Moore, 2002). In response to the accusations of *CanWest*'s partisan affiliations, former *Halifax Daily News* columnist Stephen Kimber writes (Winter, 2002):

> *CanWest*'s owners, Winnipeg's Asper family, which made its fortune in the television business, appear to consider their newspapers not only as profit centers and promotional vehicles for their television network but also as private, personal pulpits from which to express their views. The Aspers support the federal Liberal Party. They're pro-Israel. They think rich people like themselves deserve tax breaks. They support privatizing healthcare delivery. And they believe their newspapers...should agree with them.

These allegations are difficult to dispute when considering *CanWest* owner Israel Asper's first career was that of Liberal Party president in his home province of Manitoba (Edge, 2003). A buyout of a media company the size of *Southam* was not even legal in Canada until the 1980s under a new policy by Brian Mulroney, and even then, special permission would need to be granted (Edge, 2003). The approval of the convergence, coupled with the prospect of tax-breaks, gives the Asper family and *CanWest Global*

plenty of reasons to side with the federal government on many issues, including "getting tough on crime (Edge, 2003)."

Apart from any political incentives, there is also many other reasons the news media tends to latch on to stories of violent crimes and prison. Crime stories are apolitical, and help the news source sell ad-space, as a fearful consumer is more likely to spend money than a comfortable one (Lipschultz, Hilt, 2002). Typically, crime stories are short, simple and easily made, allowing them to be produced as an event is "ongoing (Ibid, 2002)." Also, such news reports are "dramatic, conflict filled, and intense, and disrupt order in the community (Ibid, 2002)," which helps to sell the reader on the idea that they are not safe, and that the only way the situation can be righted is through harsher prison sentences.

One major component of media ownership is media systems, which shape the social context in which policies, in this case punitive, are developed (Barker, 2005). In theory, the media is one of the only outlets for citizens to educate themselves on specific policies and how they are affected by them, but the conglomeration of the news media "is diminishing the ability of citizens to meaningfully participate in the policymaking process governing the media (Ibid, 2005)." As could very well be the case for *The National Post*, policy agendas are often shaped by lobbyists working hand in hand with journalists and editors, to ensure that "reporting conforms to their dominant news values, selecting what issues are covered and which sources are used (Ibid, 2005)." This form of lobbying effectively quashes citizen campaigners in their efforts to change policy, as the over-arching news media will only print the manipulations of "election-minded politicians (Ibid, 2005)." This theory could help confirm that though the CSC is a

government agency, and *CanWest Global* is critical of the CSC, politicians and lobbyists could be plying *CanWest Global* to push for a more stringent penal reform. This could help familiarize their readership with harsh punitive policies, in preparation for the public support needed for future laws and bills.

The Stanford Prison Experiment

One very important earlier research into the psychology of punishment was conducted by Philip G. Zimbardo in 1971, and is known as the *Stanford Prison Experiment.* The basis for this research was the question of: which side would win in the confrontation between good, psychologically sound young men and an evil situation, which in this case was a mock prison set-up (Zimbardo, 2007). Zimbardo's goal was to see if an individual granted power will inherently abuse that position, even if it physically or psychologically harms another. Zimbardo selected 24 bright and healthy young men with no criminal past, and offered to pay them $15 a day for their participation. The 24 individuals were randomly split into two groups, prison guards and inmates, and were taken into the basement of Stanford's psychology department, which had been transformed into a mock-jail (Ibid, 2007). Concerning the dramatic realism of the event, Zimbardo recalls:

> "Palo Alto police agreed to "arrest" the prisoners and book them, and once at the prison, they were given identity numbers, stripped naked, and deloused. The prisoners wore large smocks with no underclothes and lived in the prison 24/7 for a planned two weeks; three sets of guards each patrolled eight-hour shifts.

The experiment started off slowly, with much confusion for both the guards and the inmates as to what was expected of them, but the situation heated up on the morning

of the second day when in an act of rebellion, the inmates barricaded themselves in their cells with their beds, upsetting the guards (Ibid, 2007). This triggered a psychological tug-of-war between the two camps, which the guards quickly exploited:

"Suddenly the guards perceived the prisoners as "dangerous"; they had to be dealt with harshly to demonstrate who was boss and who was powerless. At first, guard abuses were retaliation for taunts and disobedience. Over time, the guards became ever more abusive, and some even delighted in sadistically tormenting their prisoners (Ibid, 2007).

The prison guards were allowed to make up their own rules during their shifts, but were expressly forbidden from actually physically harming the inmates, which transformed the research into an exercise in psychological torture (Ibid, 2007). It began with the guards shouting antagonizing threats at the inmates, which carried on into the nights as a form of sleep deprivation (Ibid, 2007). The threats quickly escalated into bathroom deprivation and the frequent punishment of nakedness, which was a none-too-subtle method of stripping the inmates of their dignity and power, to gain the upper hand for future exploits (Ibid, 2007).

Zimbardo himself pulled the plug six days into the projected two-week experiment, after being scolded by a colleague regarding the inhuman conditions within the make-shift prison (Ibid, 2007). At the end of the experiment, Zimbardo witnessed humiliating acts of sexual degradation, in which the jeering prison guards forced the prisoners into simulated sex-acts, a first-hand experience which made great lengths in acknowledging the gravity of unsupervised power (Ibid, 2007). Zimbardo concludes: "The situation won; humanity lost. Out the window went the moral upbringings of these young men, as well as their middle-class civility. Power ruled, and unrestrained power

became an aphrodisiac. Power without surveillance by higher authorities was a poisoned chalice that transformed character in unpredictable directions (Ibid, 2007)."

When interviewed in 2007 by *The New York Times*, Zimbardo discussed in detail the similarities between the *Stanford Prison Experiment* and the shocking events which unfolded at the Abu Ghraib prison in Iraq in 2004. The Abu Ghraib pictures showed several Iraqi prisoners being sexually degraded in a fashion eerily similar to the events of the *Stanford Prison Experiment*, and Zimbardo noted that if anything, his research can offer a glimpse as to why and how power distorts the minds of otherwise rational individuals (Dreifus, 2007). Zimbardo himself even served as an expert witness on the stand, testifying against lead Abu Ghraib instigator Sgt. Chip Frederick, who was ultimately sentenced to eight years in prison for his role in the tortures (Ibid, 2007). There is certainly a clear correlation between the two events, but there are also less auspicious comparisons to made, particularly regarding the treatment of prisoners in Canadian prisons, and the difficult task that is rehabilitation when considering the opposing forces that exist between the offender and the system punishing them.

Foucault's Political Hegemony of the Body

When changing the application of power from corporal punishment to more lenient forms of discipline, Foucault claims: "it is no longer the body, with the ritual play of the excessive pains, spectacular brandings in the ritual of the public execution, it is the mind, or rather a play of representations and signs circulating discreetly but necessarily and evidently in the minds of all (Foucault, 2005)." This subtle form of punishment is evident when looking at the psychological torture of the *Stanford Prison Experiment*, and the photos at Abu Ghraib make this sentiment even more chilling, as what was proven in

theory with the *Stanford Prison Experiment* was carried out in an identical fashion in the real world. This shows that Zimbardo's study depicts a likely scenario of abusive power in prisons that could easily be replayed in one subtle form or another within the Canadian Penal system.

Michel Foucault's *Discipline and Punish*, central to this research, expertly analyzes how punishment against the body is used by the sovereign as a means to gain and exhibit its power. Nick Fox of the *British Journal of Sociology* claims that for the strict Foucauldian, the notion that the body simply implies a singular body is unacceptable, a point that is very relevant to *Discipline and Punish* (Fox, 1998). Through much of the first chapter of *Discipline and Punish,* Foucault writes in great detail of seventeenth-century France, and the public tortures the sovereign willingly implemented as a form of control (Foucault, 2005). Foucault successfully used this historical backdrop in revealing the singular tortured body as a metaphor for the body of people, or population, of France in a modern era. Though this mass social body may not be physically tortured, Foucault argues that they are still controlled in more subtle and effective terms: now out of the public eye, the sovereign can punish from a position of power without any fear of the back-lash that was associated with executions, pillories, and other forms of public-punishment. Similarly, Foucault believed that "the important thing was not the body itself, but that it was both realized in the play of power and also the site of possible transgressions or refusals of power (Fox, 1998)."

A particularly relevant thrust in Foucault's research is its aim to find the connections between penal law and the human sciences through history. Foucault explains:

> Instead of treating the history of penal law and the history of the human science as two separate series whose overlapping appears to have had on one or the other, or perhaps on both, a disturbing or useful effect, according to one's point of view, see whether there is not some common matrix or whether they do not both derive from a single process of 'epistemological-juridical' formation (Foucault, 1997).

A good example of how Foucault compares the history of the penal system to human social sciences for useful effect is through his account of the shift from punitive public punishment to the penitentiary. Supporters of the current penal system would have you believe that there is little other option than to incarcerate, but Foucault offers the insight that "within a short space of time, detention became the essential form of punishment (Ibid, 1997)." Foucault argues that prior to 1810, contrary to popular belief, prisons were not used primarily as a form of detention, but as a means to detain offenders awaiting trial (Ibid, 1997)." This fact suggests there are alternatives to incarceration and as a primary form of punishment incarceration developed within a specific historical context.

Apropos to the idea that there is an intrinsic relationship between the history of the penal system and the history of human sciences, Foucault argues that "discipline sometimes requires enclosure, the specification of a place heterogeneous to all others and closed in upon itself (Ibid, 1997)." The enclosure mentioned could easily be referring to a modern penitentiary, but also refers to many other structures of historical and social significance, including boarding schools, military barracks, monasteries, and factories, all of which, not coincidently, share many similarities to the penitentiary, most notably through the concept of enclosure (Ibid, 1997). To continue its dominance over the social body, Foucault argues that the sovereign built the prison after these other institutions to

meticulously train individuals to be objects and instruments of its exercise, effectively creating 'docile bodies (Ibid, 1997).'

Foucault's Theory of Surveillance

Another reason the prison was modeled after factories and boarding schools was for the purpose of surveillance (Ibid, 1997). Surveillance is important in the production of docile bodies, Foucault writes, as it is able to control a great deal of subtly physical power without resorting to corporal acts of punishment (Ibid, 1997). Foucault continues: "This enables the disciplinary power to be both absolutely indiscreet, since it is everywhere and always alert, since by its very principle it leaves no zone of shade and constantly supervises the very individuals who are entrusted with the task of supervising; and absolutely discreet, for it functions permanently and largely in silence (Ibid, 1997)."

The concept of surveillance as a means of power and control culminates in *Discipline and Punish* through the theory of the Panopticon, a building of absolute surveillance (Ibid, 1997). At the periphery of the Panopticon is a ring-shaped building which holds the inmates, one per cell, with two windows in each cell, one facing outside, the other facing the inside of the building, effectively creating a back-light for maximum visibility of the inmate (Ibid, 1997). In the centre of the ring-shaped building sits a tower, where the cells can be discreetly monitored, yet the prisoner cannot see the guard, nor into any other cell, "[inducing] in the inmate a state of conscious and permanent visibility that assures the automatic functioning of power (Ibid, 1997)."

The level of solitude and visibility the Panopticon exhibits creates an absolute power, as "it programmes, at the level of an elementary and easily transferable mechanism, the basic functioning of a society penetrated, through and through, with

disciplinary mechanisms (Ibid, 1997)." Foucault uses the suffocating nature of the Panopticon to invoke a modern society where the sovereign requires a total power and surveillance over the social body, where forms of discipline have permeated all social institutions (Ibid, 1997). Foucault concludes with the notion that the normalization of the social body through these various forms of discipline has become all-encompassing, and this becomes his battle cry to reform the institution at the centre of institutionalized control the prison embodies (Ibid, 1997).

The Significance of CDA to Research

Similar to Foucault in his critique of institutional control, Norman Fairclough through his breakthrough study *Language and Power* was the first text to tackle the multi-disciplinary approach known as Critical Discourse Analysis, a method rooted in an ideology that views "the production and consumption of text (and discourse practices) as parts of a system that connect language and power (Bloom, Talwalker, 1997)." Fairclough describes this approach as a means to "analyze social interactions in a way which focuses upon their linguistic elements, and which sets out to show up their generally hidden determinants in the system of social relationships, as well as the hidden effects they may have upon the system (Fairclough, 1989)." One example of a potential hidden determinant would be through the production of a radio program, which on the surface just features the discourse between the DJ and the listener, but also offers a plethora of other potential variables on ways its "text" can be interpreted (Bloom, Talwalkar, 1997). Depending on the station's broadcast policies, its media ownership, "its relationship to businesses, banks, government, and more broadly its relationship to a

market economy (Ibid, 1997)," there are many factors and countless ways to read any given text.

In response to the varied ways a text can be read, Fairclough hypothesizes that "social conditions determine properties of discourse (Fairclough, 1989)," a notion that helps the researcher dissect the text by recognizing the power distribution between those involved. Fairclough uses the example of a spoken discourse between a dominant police officer and a submissive woman to prove how language can change a social relationship (Ibid, 1989). The transcribed text features dramatic pauses from the police officer, who twice ignores a question from the woman in question, and interrupts her on another occasion (Ibid, 1989). Regarding the police officer's dramatic pause, Fairclough argues "if something similar happened in a friendly conversation, it would be experienced by participants as a real absence and a problem, maybe an indication of disbelief or embarrassment (Ibid, 1989)." However, because this was a formal conversation between two individuals with an unfair distribution of power, "the interpretation as well as the linguistic features of the conversation are circumscribed by the discourse practices of the particular social institution within which they take place (Bloom, Talwalker, 1997)."

Critical Discourse Analysis, though clearly applicable to direct human interaction, is best used in its analysis of written text, examining the way in which the text is implicated in power (Fairclough, 1989). The three different ways in which text can display power and bias are through vocabulary, grammar, and textual structures (Ibid, 1989). Vocabulary primarily deals with the experiential and relational values of words (Ibid, 1989). The experiential value of words concerns the rewording of a specific selection of text to exhibit a positive or negative slant, while the relational value of words

concerns the degree of formality, and thus politeness, given to a specific selection of text (Ibid, 1989).

The interpretation of grammar typically studies nominalizations, which is the grammatical structure of a sentence, but also looks into how a written passage is active or passive, and how its connotations are either positive or negative (Ibid, 1989). When researching the textual structures of a selected discourse, the text's larger-scale structures should be identified, as they concern the order in which a news story is laid out (Ibid, 1989). Fairclough makes note that often in articles detailing industrial accidents, the gory details are scattered through the most-read first paragraphs, whereas the safety record of the company in question would usually be buried near the end of the article (Ibid, 1989).

Detractors of Critical Discourse Analysis often cite that that the method uses a "language myth," that unfairly lumps verbal and textual human communication into "categories, elements and procedures ...that cannot afford any critical purchase on communicative processes and actually get in the way of a proper appreciation of how we communicate in real life situations (Jones, 2007)." This statement argues that the CDA over-analyzes language and over-emphasizes the power relations between participants, claiming that too many variables in communication exist to place all interaction into simple categories. While this may be true to a degree, particularly within spoken communication, the textual analysis of *The National Post* in this research is not hurt by such an argument, as the syndicate's need for power over the reader regarding the topic of penology is quite evident.

An integral aspect of Fairclough's writing in *Language and Power* is his successful ability to recognize the unfair power distribution of a given text, while still

offering his own non-partisan socio-political slant (Ibid, 1989). Fairclough is a self-admitted socialist who underscores the social justice leanings of Critical Discourse Analysis in *Language and Power* by saying: "This does not, I hope, mean that I am writing political propaganda. The scientific investigation of social matters is perfectly compatible with committed and 'opinionated' investigators (there are no others!), and being committed does not excuse you from arguing rationally or producing evidence for your statements (Ibid, 1989)." CDA's obligation to social justice through the study of power in words complements Michel Foucault's theories of power through the act of punishment, providing a sturdy framework within which this research is developed.

Chapter 3: Methodology & Analysis

The Application of Critical Discourse Analysis on the Representation of the Canadian Penal System in *The National Post*

The goal of this research is to identify a bias within *The National Post* through their hard-line stance on the Canadian penal system, which will provide evidence of the syndicate's position that favours stringent penal reform. This bias will be identified through the critical approach of Norman Fairclough's Critical Discourse Analysis, as outlined in his book *Language and Power* (1989). The stages of analysis in this research are Textual Structure, Grammar, and Vocabulary. Within Textual Structure, the text's turn-taking system will be analyzed, as will be the manipulation of the text's larger-scale structures.

Grammar will dissect *The National Post*'s use of expressive modality, presupposition, and nominalization to create vagueness within its articles phrasing, with regard to the danger posed by Canadian inmates and how this affects public safety. Finally, the stage of vocabulary will be employed to reveal *The National Post*'s tendency to report on how 'easy' inmates have it, through the use of euphemistic expressions and experientially descriptive language.

This analysis builds on ProQuest, a search engine for newspaper articles, by using the term "prison" in a keyword search. A specific date range was set from September 22, 2000 to September 22, 2005, which coincided with the publishing of the "prison-party" photos and Karla Homolka's release from prison. The search returned 6802 results, which I organized using the engine's *most relevant articles first* application. From this point, I chose the first fifty articles that I felt spoke specifically of Canada's penal system,

regardless of content. A vast majority of the articles returned within the initial search results dealt with specific criminal cases, such as Stephen Truscott's, and were ignored. The articles detailing Karla Homolka were also crime specific, but featured numerous criticisms of the Canadian penal system, so they were included.

Another large percentage of the returned articles were ignored because they dealt with prisons or penal systems in foreign countries, with the stories of the American run penitentiaries Guatanamo Bay and Abu Ghraib being by far the most frequent. A few exceptions were made and some articles detailing the American penal system were used in this research, as no distinction within the articles' events were ever made regarding the geographic specificity of the information in question. Also, these articles were written by journalists working for *The National Post* who undoubtedly admired the syndicate's reputation for advocating stringent penal reform. The rest of the articles excluded from this research were stories which just happened to casually mention the word *prison*, but had no bearing otherwise to the subject. Of the 50 articles chosen, only 2 (just 4%) were entirely positive about aspects of the Canadian penal system.

In Adam Radwanski's "Jail shouldn't be a death sentence" (Radwanski, 2004), the author, a *National Post* columnist, actually advocates needle exchange programs in prison, claiming that they are "in no way an endorsement of drug abuse" and that they save lives (Radwanski, 2004). "Homolka's prison legacy" on the other hand, is an article that claims, "Images of Homolka misrepresent life in the minimum and medium-security prison (Feb 2, 2001)." It's unfortunate that this is the only article to make this point, especially considering it was released in a news-period (2001) that was not heavily saturated with prison news, and that the article itself is merely 80 words in length.

In analyzing the articles that assert the Canadian penal system is too liberal, Fairclough's Critical Discourse Analysis is essential. The multi-disciplinary approach studies "how language connects with the social through being the primary domain of ideology, and through being a site of, and a stake in struggles for power (Fairclough, 1989)." This particular power struggle revolves around a government trying to issue a certain control over its citizens through the use of incarceration, and a news source partially subsidized by the government that uses its location to support the government through advocacy of stringent penal reform.

Fairclough continues: "this approach is particularly concerned with social change as it affects discourse, and with how it connects with social relations of power and domination. It looks at change in terms of how the combination of discourse genres and styles, which make up the language elements of a social practice, change over time (Fairclough, 2000)." For instance, in the 17th century France detailed by Foucault, punishment was public and torturous, yet spectator-papers were issued glorifying the execution (Foucault, 1997). When torture was dubbed "inhumane," a slow road took penology to the twentieth-century through the concept of rehabilitation. Now, with torture long behind us, the concept of stringent penal reform is adopted by conservatives as a means of domination, while their discourse persuades us that the prisoner has it easy, and that *we* are the victims.

Textual Structure

The first category that will be used to examine *The National Post* through the approach of Critical Discourse Analysis is Textual Structure. According to Fairclough,

Textual Structure refers to how "formal features at the textual level relate to formal organizational properties of whole texts (Fairclough, 1989)." In this instance, Textual Structure is examined to reveal the methods that *The National Post* employs to construct texts upholding their position as a news-source dedicated to stringent penal reform.

Analysis of Textual Structure's Turn-Taking System

One facet of analysis within Textual Structure is in the study of an article's turn-taking system. Turn-taking is typically associated with the examination of dialogue, to help determine the "power relationships between participants (Ibid, 1989)," but is still effective in textual analysis regarding a new source's capacity for non-partisan, open discourse. The dialogue in a newspaper article in this research would be between those in favour of a more stringent penal reform, and those who favour a less heavy-handed, rehabilitative approach to discipline. Unfortunately, "in dialogue between unequals, turn-taking rights are unequal (Ibid, 1989)," creating an uneven playing field where one side's opinions are voiced more frequently, and in more strategic textual positions.

One such example of this is George Jonas' "He should never have been free, period (2004)," which reads more like an angry editorial than the national front-page news report that it was. The article focuses on journalist Jonas' condemnation of repeat sex-offender Martin Ferrier, and the correction's system that allowed him to be released, after having served his sentence 'in full (Ibid, 2004).' The author uses the method of "topic control," to illustrate the image of a rapist who only now is "back to the relative safety and tranquility of prison (Ibid, 2004)." Fairclough describes topic control as how the "topic or topics of interaction may be determined and controlled by the more powerful participant, (1989). Jonas uses this method so extensively it ensures that not

one piece of retaliatory dialogue is voiced within the confines of his article, giving his pro-prison stringency stance a monopoly on the information provided.

Peter O'Neil's "Life-term crackdown on meth dealers: Ottawa begins battle with 'hip' synthetic drug (2005)" also makes use of a biased turn-taking system by promoting significantly stiffer sentences for producers of methamphetamine. As difficult as it may be for most readers to reconcile with the average meth-dealer, this article could have done a better job in explaining alternatives to lengthier prison sentences, or could have at least provided a separate perspective on the matter. The topic control used mainly focuses on the danger of the drug itself and not on the demographics and statistics of who specifically and how many are selling "the hip but highly addictive drug that is a growing problem for authorities (O'Neil, 2005)."

The article does, however, give a biased account of the demographics of meth users, arguing "MA appeals to intravenous drug users and party drug users, as well as to students, athletes, waiters, long-distance drivers, software programmers and others who wish to stay awake for extended periods (Ibid, 2005)." This quotation sets out to prove that the drug meth has become prevalent *everywhere*, and does so as a means to instill fear within *The National Post* readership and ultimately to drum up support for a stricter penal reform.

Analysis of Textual Structure's Formulation

In a similar fashion, Donna Laframboise submitted two editorials to *The National Post*, "Double Standard Behind Bars (2001)", and "A place for private prisons (2001)," which both utilized a near complete topic control in criticizing the Canadian corrections system. Laframboise also utilizes another method of discourse control known as

"formulation," which is characterized by the participant in power repeating or re-wording the opponent's text, for the purpose of understanding the message, or in more dubious situations, for control over the discourse (Fairclough, 1989). In "Double standard behind bars," Laframboise argues that it is unfair that male inmates have female corrections officers looking after them, while male corrections officers are no longer welcome in female facilities (2001, Laframboise). In the only line of defense offered for the corrections system, Laframboise quotes from a government report: "respect for a woman's privacy and dignity must be paramount (Ibid, 2001)." In this instance, the method of topic control is applied through a veil of supposed empathy, as Laframboise feigns interest in prisoners' rights as a means to attack the Canadian corrections system.

The method of formulation is also used in two articles concerning criminal immigrants living in Canada and the apparent lack of effort in tracking them down. In "End immigration chaos (2005)," a spokesman for Citizen and Immigration Canada is quoted as saying "we are quite confident in our ability to protect public security and safety (May 20, 2005)." The author counters by arguing "It's likely few Canadians share the confidence (Ibid, 2005)," but gives no figures or relevant information regarding actual public opinion, or the numbers of criminal immigrants who are apprehended. Adrian Humphreys' "Criminal immigrants ignored (2005)," uses the same method, by mocking a spokeswoman for the Canada Border Services Agency when she claimed they were "targeting the most serious of criminals (Humphreys, 2005)." Humphreys turns the spokeswoman's words against her, claiming that many "serious criminals" were still free of charges, but a quick study of the figures included shows that only 134 cases of the 1483 immigrants escaping criminal charges were for serious criminality (Ibid, 2005).

By taking an isolated quote from a prior document without including an actual comment from the opposition, the author gains control over the discourse, using the lone obligatory line of defense to her advantage. Similarly, in Laframboise's "A place for private prisons," the author uses a critical report of two prison facilities conducted by a member of the corrections department to obtain merely two quotes, which described the penitentiaries as "evil and rotten," and "overshadowed by a pervasive culture of fear (Laframboise, 2001)." The practice of quoting two small excerpts from a report which likely provided a wider perspective on the matter gives Lafraimboise the power over the material, by bending an expert's opinion for her own means. Though it is impossible to prove otherwise, as both of these quotes are subjective in nature, one would surely think that the author could at least offer some reasons for this critique, if not an entirely different perspective on the matter. By withholding reasoning, Laframboise gains all of the control over the text, and thus over the reader, without any clear opposition.

The examples listed above are fairly obvious and were easy to pick out, but Fairclough cautions the reader regarding the ambiguity of perspective: within text "While the unequal influence of social groupings may be relatively clear in terms of who gets to be interviewed, for example, it is less clear but nevertheless highly significant in terms of whose *perspective* is adopted in reports (Fairclough, 1989)." This is particularly relevant to this research, as I have found a few articles offer the perspectives of both stringent penal reformers and actual inmates, seemingly co-existing peacefully within the same text. In reality, the inmate's 'perspective' was just used as a means to prove that they lack and yearn for harsher punishment.

Alana Coates' article "Guard safe after prison drama" details the story of two inmates who held a corrections officer hostage, while "demanding to be transferred to an institution with more security (2005)." No other information about the inmates or their motivations is provided, so the only message available to the reader is that the inmates in question desperately seek a discipline that does not exist. Chris Maag's "Reinventing old-style prison work: popular with inmates" treads on similar ground, in detailing a newly instated chain gang project which is volunteer based (2005). One inmate is quoted as saying "this is a lot better than what I've been doing (Ibid, 2005), while another claims that "this work is easier than my day job (Ibid, 2005)." In using prisoners to adopt a pro-punishment stance, *The National Post* successfully diverts their readership from the possibility that federal inmates could be over-penalized.

Analysis of Textual Structure's Larger Scale Structures

Another important facet of Textual Structure involves the larger scale structures that exist within the text. This refers to "how the whole of a text...may be made up of predictable elements in a predictable order (Fairclough, 1989)," an experiential process that subtly influences how the reader analyzes and takes importance from any given text. An example of this is how a headline may set the tone for an entire article; such is the case for *The National Post*'s September 9, 2004 editorial "Stop pampering prisoners (2004), or the news report "Ottawa should study mandatory minimum sentences, MP says (2005)."

A further example of this larger scale structure is the propensity for newsmakers to pack the first and last paragraphs of an article with the most pertinent (and sometimes biased) information, knowing full well that these are the sections of a story most likely to

be read first (Fairclough, 1989). This method of writing effectively sandwiches the less desirable yet obligatory viewpoints of a story between the opening and closing biased paragraphs, giving the news outlet the upper hand in whatever position they decide to propagate.

Two examples of this method are "Saskatchewan issues apology over murder (2005)," and "Declare Ward dangerous, police urge (2005)," which both pack their introductory paragraphs with gruesome details from separate assault cases in an effort to support stringent penal reform. The authors pack the first paragraphs with events that describe a victim being "clubbed with a cast iron frying pan, then stabbed 15 times (Brean, 2005)," and a sex offender who "has been convicted of 26 violent crimes (Agrell, 2005)." These kinds of details often appear at the beginning of news reports because they are the first thing read, and often the last thing remembered, and are meant to hook the reader into reading the entire article. In this case they also help remind their readership that lengthier prison sentences would keep these individuals off of the streets.

An example of this method exists within Tom Blackwell's June 7, 2002 *The National Post* article "Drug-free prison program 'kind of ironic:' Inmates abstaining from illegal activity can live in 'clean unit (2002).'" Though the article features praise from Correctional Service of Canada workers regarding recent steps regarding drug treatment in Canadian prisons, the article both begins and ends on a sour note. The author begins the article by quoting a corrections critic in calling drug-free living units "ironic, because prisons are already supposed to be clear of narcotics (Ibid, 2002)." No doubt that this is true, but on paper our entire nation should be drug-free, which makes these claims seem disingenuous, as well as unrealistic that an expert within the Canadian Corrections

system would be so surprised that drugs have made their way into federal and provincial institutions when they are so readily available on the streets.

The article ends with a quote regarding the failure of the program due to funds being allocated to "the protective-custody population- sex offenders and others who need a protection form fellow inmates (Ibid, 2002)." This is a clear swipe at the CSC for not getting serious about drug issues, in an article that mostly mocks their efforts to clean up Canadian prisons. This last sentence also serves the purpose of psychologically swaying the reader away from supporting drug treatment, by saying such funds will only end up "protecting sex offenders (Ibid, 2002)."

The ending of another article by Tom Blackwell, "Serving time, without teeth: Prison's seniors meet to offer support as system struggles with aging inmates (2002)," uses the same technique in diverting sympathy from the aged inmates detailed within his news story. The article ends with a quote from a senior inmate who is only identified by the fact that he is incarcerated for sex crimes: "I'm getting my union pensions and I'm getting my Canada pension. They're being deposited in a bank on the outside. I'm gonna have a little nest egg when I come out (Ibid, 2002)." Ending the article with this quote, which in itself seems like it would have been an off-hand remark, not only aims to divert sympathy from the speaker, but to instill outrage within the reader regarding the inmate's steady cash flow, his Canada pension. By choosing this as the final words of the article, Blackwell is inviting the reader to react negatively toward the inmate and his predicament, while making the remedies to his situation outlined earlier "disappear from view and consciousness (Fairclough, 1989)," due to their unfortunate tactical positioning within the body of the article.

Similarly, Richard Foot's "Pregnant woman will do jail time for selling pot: Baby expected behind bars (2005)" uses an intentionally negative and misleading ending in condemning a small-time marijuana dealer. The accused, Lynn Wood, admitted selling to pot to those who needed it for medicinal purposes, but didn't ask for proper documentation (Foot, 2005). Wood, who was six months pregnant at the time, was "sentenced following standard sentencing recommendations for likely re-offenders (Ibid, 2005)." Illegal as her crime may have been, Wood was a member of a marijuana compassion club and was a first time felon, so to end the article on the notion that she is a "likely" re-offender is questionable, especially when considering how *non-standard* her situation was.

Apart from using the prime real-estate that is the headline, beginning, and endings of articles, the use of bullet-points is also a successful method of drawing from a text's larger scale structures. Not only are they eye catching, but the positioning of bullet points can give the false impression that they are in fact the main points of an article, condensed into easy-to-read bite sized points. Bullet-points can also abuse the turn-taking system outlined earlier, as the informal nature of point-form writing does not necessitate the same level of thoroughness to a topic or even a sentence required by typical narrative journalism (Ibid, 1989).

Within my research I discovered five articles that heavily featured the use of bullet-point text structuring. The method is used successfully in the article "Four of five Canadians lack faith in justice system: survey," by selecting the first bullet-point as: "just one in four Canadians believes the prison system is doing a good job of controlling and supervising prisoners; about one in 10 Canadians feels the system is doing a good job of

supervising offenders on parole (Arnold, 2000)." Similarly, the article "Public holds negative view of prisons: Bernardo, Homolka influence opinion, survey finds" ends with a grouping of bullet-points, most of which are pro-stringent penal reform, including: "71% think other countries (than Canada) are tougher on offenders (Humphries, 2001). Finally, the cleverly titled "Just the facts" uses a series of bullet-points to highlight certain complaints against the CSC, such as: "While in prison, Homolka has been able to undertake, at tax-payer's expense, an undergraduate degree in psychology, equipping her with bogus arguments that she is a victim, instead of leading her to the contrition for which the criminal penal system is, in par, intended (2000)."

Michael Stone's article "Quantifying Evil (2005)" also treads familiar ground through its use of bullet-points which represent a method of judging an individual's "evil." The author intends for such a scale to help courts incarcerate violent offenders for extended sentences, an act that would also hinder first-time offenders and those jailed for manslaughter, though the list is clearly wishful thinking as the Canadian justice system does not recognize the term "evil (Stone, 2005)." Finally, a satirical article "The Jailhouse Mock (2005)" pokes fun at Martha Stewart's prison release through a bullet-list on "how to throw the perfect hung-jury party," including such items as "the Apres Lockdown Latte," and "a Conjugal Visit Vichyssoise (McKenzie, Bodolai, Murray, 2005)." The article is meant in good fun, but still perpetrates the image that prison is an easy and fun environment for the inmate.

Even if these selected points were undeniably true, *The National Post* would still be guilty of using a method of writing that benefited from tapping into the reader's experiential knowledge of a text's typical structures, which they did for the purpose of

campaigning for a stringent penal reform (Fairclough, 1989). This practice is even more suspicious when considering that not one bullet-point from the three articles selected was dedicated to an entirely oppositionist view. The misuse of turn-taking and the larger-scale structures within the text, though seemingly subtle on their own, help identify a biased news-provider, as became apparent with *The National Post.*

Grammar

Analysis of Grammar's Modality

The second category of Critical Discourse Analysis taken into consideration in this research is that of grammar. This section looks at "the ways in which the grammatical forms of language code happenings or relationships in the world (Ibid, 1989)," or how *The National Post* used the grammatical forms of modality, nominalizations, and presupposition to push a strict interpretation of punitive ideology. All of the examples found for this grammatical analysis featured similar subject matter, notably of how Canada's "lenient" take on penology affects the public's safety both when inmates are incarcerated and when they are eventually released.

Expressive Modality is a method *The National Post* uses to imply that the penal system in Canada is in shambles, without using any grammatically grounding information to support their claims. Expressive Modality concerns the "writer's authority with respect to the truth or probability of a representation of reality (Ibid, 1989)," which could otherwise be easily explained as being the degree to which a writer is committed to expressing the truth (Fairclough, 2000). Expressive Modality can be broken down from the categorical, which is authoritative, such as in "there must be more drugs in prison

than on the streets," to less specific modal degrees, such as in "there probably may be more drugs in prison than on the streets (Ibid, 2000)."

Though a vast majority of the articles found for this research were overwhelmingly critical of Canada's "soft on crime" penal approach, not all of these examples used a categorical modality approach. Two good examples of articles that did employ categorical modality are Colby Cosh's "Self-defence is fine—if you are in jail (2004)," and Anne-Marie Owens' "Prison guards outraged by judge's ruling: Inmate made a knife: Weapons in jail are acceptable, court decides (2002)." Both articles tackle the controversial issue of prisoners who are convicted of using weapons while in jail, and both make use of lofty, sweeping categorical modes to argue a case that is not entirely true.

Owens' article begins with the statement: "Federal and provincial officials are keen to overturn a decision by an Alberta provincial court judge that deems it acceptable for an inmate to arm himself as a protection from prison life (Owens, 2002)." This is a very direct categorical statement, which is misleading when taking into account the judge's actual intentions, outlined later in the article, which describe the "weapon" as "not for a purpose dangerous to the public peace (Ibid, 2002)." The "public peace" quoted by the provincial court judge was actually referring to the safety of the inmates in question. The judge also only supported the use of weapons in an act of self-defense, a fact that is conveniently left out of the opening quotation.

Continuing in a comparable argument, Colby Cosh uses a series of definitive verbs within his editorial to achieve categorical modality by implying that Canadian weapon laws are definitively wrong. Examples of this are as follows: "the right of armed

self –defense *is* no longer considered respectable (Cosh, 2004);" "police in any Canadian city *will* invariably hem and haw over charges (Ibid, 2004);" "we *have* adopted a toilsome, wasteful, error-ridden registry for legal firearms (Ibid, 2004)." Though all of these statements are un-provable and unquestionably the author's opinion, the use of the definitive verbs italicized within the text clearly show *The National Post*'s penchant for using categorical modality within its opinion articles to falsely imply certain "facts" about Canada's justice system.

The "facts" that these news reports unveil about the Canadian criminal justice system most often detail an overtly soft, liberal mode of penology. Like Colby Cosh's news report outlined above, *The National Post* frequently makes use of definitive verbs when outlining their position on the Canadian penal system, in an attempt to pass off opinion as fact. Mike McIntyre uses the definitive verb *have*, with the adverb and verb *just* and *lend*, in arguing "The leniency of the sentences the courts *have* handed out *just lend* themselves to repeat offences (McIntyre, 2005)." Though just an opinion, McIntyre is arguing that the only possible outcome for Canada's definitively lenient sentencing is re-offence. In "Victim: Individuals," Jason Chow expands on this thought, with the definitive verb *offer*, stating that re-offence rates are high "because lenient prison terms *offer* little deterrence (Chow, 2005)."

"White collar crooks (2005)," takes a similar stance, through its use of the definitive verb *would* in stating: "If Bre-X had happened stateside, corporate heads *would* be jailed (Francis, 2005)." The Bre-X Scandal was heavily publicized in Canada, but the main goal of this article cared less about the Bre-X top-brass as individuals, and more about using them as an example in adopting a more stringent penal reform. In another

article, author Adrian Humphreys uses quotes from imprisoned former attorney Simon Rosenfeld to make the case that Canada is too soft on crime: "It *is* '20 times safer' to launder money in Canada than in the United States (Humphreys, 2005)." Though the use of the definitive verb *is* was used in a quotation by Rosenfeld and not the author, no alternative view was included, giving his statement a certificate of truth in its contempt for the "lenient" Canadian criminal justice system.

Categorical modality was also used to attack marijuana grow-operations, in "MPs call for tough line on grow-op sentences (2005)." Author Cristin Schmitz uses a quotation from a Quebecois MP to argue that there is a "*proven* link between organized crime and marijuana grow-ops (Schmitz, 2005)," before claiming that current Judicial practices *ignore* the seven-year (maximum) sentence in favour of trivial, and frankly dangerously light sentences (Ibid, 2005)." The adjectives *trivial* and *dangerous* reinforce the definitive verb *ignore*, to state the opinion that maximum sentences are *never* handed out to marijuana harvesters.

A great deal of the articles selected for analysis opted against the categorical modality detailed above to and chose a more subtle method of proving Canada's punitive leniency. Where categorical modality thrives on strong verbs, other degrees of modality employ modal adverbs and less definitive verbs such as *probably*, *possibly*, *apparently*, and *may* in order to make false accusations or half-truths without ever having the onus to back any of their accusations up. (Fairclough,1989). An interesting exception can occur when a definitive verb is paired with less fact-derived language (in this example adjectives and nouns), which eliminates the definitive categorical qualities of the sentence: "In a certain percentage of those cases there *will* be a reasonable possibility of

eventual control of the risk in the community (Tibbetts, 2003)." This example still features the categorical *will*, but when coupled with the adjectives *reasonable* and *eventual* and the noun *possibility*, the modality shifts, while the author's commitment to truth diminishes. Thus, the only information one can actually take from the quotation above is that one authority figure claims that his community *will* be potentially safe, which is an opinion and nothing more.

Less-specific modal degrees are very frequently used as a means to prove the dangerousness of a prisoner or lack of public safety because such accusations don't always warrant a plethora of information to prove their case to an already skeptical public. Tom Blackwell's articles "Gangs blamed as prison murders quadruple in year (2004)" and "Prison guards demand protective vests: Fear stabbings by inmates (2002)" both make use of non-categorical but still biased grammar to give the impression that in prison "the potential for violence is greater now (Blackwell, 2004)." Regarding a spike in prison violence, Blackwell comments "*virtually* all the killings occurred in maximum-security facilities (Ibid, 2004)," and "the surge in violence *likely* reflects the changing face of the prison population, especially the large number of gang members (Ibid, 2004)." In the earlier article, when outlining the potential physical threats faced by corrections officers at the hands of unruly inmates, Blackwell quotes a CSC spokesman regarding their apparent unwillingness to provide stab-proof vests: "*Sometimes* the inmate *might* see this as a provocation (Blackwell, 2002)."

The use of modal adverbs *sometimes* and *virtually* imply a degree of assumption regarding the quotations in question, despite the fact that these lines play pivotal roles in their respective articles concerning the 'reality' of the problem of prison violence. The

words *likely* and *might* are not modal adverbs, but their inclusion serves the same purpose in making their parent sentences and articles less decisive, and thus easier to print, as the bias is implied but is never outright. Also, in arguing "*Sometimes* the inmate *might* see this as a provocation (Ibid, 2002)," Blackwell is turning his opposition's own words against them. In taking one excerpt of less-specific modal degree and making it the CSC's lone justification, Blackwell is ignoring the fact that the ambiguities within the article (*sometimes, might*) were intended and clearly linked to a larger, unquoted text. Because the original text is not included with the news article, Blackwell is able to use whatever points from the source material, no matter how isolated they may be, to help him prove the point that inmates see stringent reform as a provocation.

Adrian Humphreys' "Prison guard forced to watch his enemy: union: Saskatchewan pen: Naïve gangsters allegedly plotted to kill guard (2002)," tells the story of a gang who purportedly tried to kill a corrections officer over his "apparent" refusal to allow them certain concessions unavailable to other inmates. The uses of the modal adverb 'apparently' allows the author to write presupposed truths and professionally get away with it, despite stifling "the ideological interest in the authenticity claims, or claims to knowledge (Fairclough, 1989)" that should be paramount, when considering their decision to be a journalist and newsmaker. Humphreys' continues that the attack "was *apparently* meant as a warning to the guard from members of the Indian Posse (2002)," a sentence that proves little more than a correction officer was hurt and native Canadians may have been responsible. An interesting and informative paragraph could have been added to this article, describing Canada's incarceration trends, and how the likelihood of

a native attack in prison could be linked to their over-incarceration within our penal system.

The issue of Aboriginal Canadians being over-represented in the Canadian penal system is also addressed in Lorne Gunter's "Crime and Punishment is Saskatchewan (2005)." The author actually claims that the statement "Aboriginal Canadians are "over-represented" in our criminal justice system" is the work of the Liberal news media applying categorical modality to the subject, arguing: "'Over-represented' is a charged phrase, a judgment, a presupposition that discourages further analysis (Gunter, 2005)." Gunter then uses the modal adverb *often* to state that "claims of systematic discrimination *often* don't hold up under close scrutiny (Ibid, 2005)," a usage that gives the author power over the information despite its ambiguity. Gunter only backs this claim up with Aboriginal crime rate statistics, which fail to address the issue that perhaps they are more likely to be arrested for certain crimes, and thus more likely to be incarcerated.

Similarly, in the article "Hepatitis strikes one inmate in four (2003)" Tom Blackwell again uses ambiguous grammar amongst categorical modal verbs to "prove" points that still remain unproven. Blackwell writes "the Correctional Service of Canada *fears* hepatitis and HIV *are* even more widespread in penitentiaries than the statistics indicate (Blackwell, 2003)," a sentence that takes advantage of both a categorical verb (*are*) and a modulated less certain verb (*fears*). Likewise, Blackwell reports that "*Many* infectious diseases *are* asymptomatic (Ibid, 2003)," another example of how a categorical verb is softened by a less signifying word, in this case *many*. Blackwell uses this strategy again in "Ex-convict charged in serial rapes (2005)," by using the definitive verb *would*, coupled with the less-specific verb *suggest* and adverbs *sooner* and *later* to imply truth to

a statement that is purely opinion: "The frequency and brutality of the attacks against women in Toronto's Parkdale neighbourhood *suggest* the rapist *would sooner* or *later* have committed murder (Blackwell, 2005)."

Analysis of Grammar's Presupposition

Presupposition is also a component of grammar that is heavily used by the news media, which in this case will be analyzed to interpret penal-specific grammar regularly used by *The National Post.* Fairclough describes presupposition by saying: "discourses and the texts which occur within them have histories...and the interpretation of intertextual context is a matter of deciding which series a text belongs to, and therefore what can be taken as common ground for participants, or presupposed (1989)." Fairclough believes that the problem with presuppositions is that they are often used contentiously, either by passing themselves off as common knowledge, or by confusing the reader into placing a thought or a text into a misleading interpretation (Fairclough, 2000).

In this research, a majority of the presuppositions found within *The National Post* were not necessarily related to complex theories of whole texts but rather to the definitions of specific penal-related words and phrases. This usage of presupposition is crafty, as a majority of the words in question could be easily defined by the general public, but just not necessarily in the exact same way as intended by the corrections-related professionals interviewed for the various articles examined. For example, in Sheldon Alberts' "Day accuses Liberals of being soft on criminals: Would ban parole for repeat violent and sexual offenders (2000)," the subject is turned to *repeat offenders*, which leads to the terms *re-offence*, and *recidivism*. Apart from recidivism, which

experience reveals is not quite as prevalent as *repeat offender* or *re-offence*, these terms are assumed to be relatively self-explanatory and when used casually would indicate that an individual has broken the law and has been criminally charged for an offence more than once.

An example of a casual presupposition would be: "convicts from halfway houses *re-offend* at a higher rate than those who have re-entered society directly through full parole (Martinuk, 2004)." Though this text clearly implies that more individuals from halfway houses commit repeat crimes than those who serve their whole sentence, what is presupposed is what crimes are committed. Are they the same crime, or is a lesser or more severe crime committed? Similar problems are evoked when examining the term *recidivism*, as it is defined differently by any number of diverse parties. Factors that affect one's definition of recidivism can include: the area in which a crime is committed; if the same or a different crime is committed; and the timeline that is being judged after an inmates release (Rice, Harris, 2006).

At times, recidivism is recognized, or conversely ignored, if an offender commits a crime after release in another geographic area, such as a different province or country (Ibid, 2006). In other cases, whether recidivism is realized or ignored hinges on the severity of crime, and whether the crime is equal to, or different from the initial charge (Ibid, 2006). Many studies do not recognize a re-offence as *recidivism* if a lesser crime is committed (Ibid, 2006). Finally, one's definition of *recidivism* depends on the timeline being considered, as some sources believe that *recidivism* should only be measured until an offender's parole is finished, while others believe that it should be tracked through the

offender's entire life (Ibid, 2006). With all of these factors needing to be considered, it is amazing how carelessly these terms are bandied around.

Fairclough proposes that such usage "can cumulatively help to naturalize highly contentious propositions which are presupposed (Fairclough, 1989)," thus can over-simplify a term or idea such as *rehabilitation* and through time craft what the term means to the reader according to the intent of the news-maker. Rehabilitation is mentioned frequently in the articles, as in Susan Martinuk's "We need protection from our corrections system (2004)," which later describes the process as "protecting its prisoners from the discomforts of punishment and reform, hoping they will magically morph into model citizens once they re-enter society (Ibid, 2004)." Like *recidivism*, *rehabilitation* can be interpreted in any number of ways, from the textbook completion of programs that help inmates find work while "addressing the problems and needs that lead offenders to commit crimes (Marron, 1996)," to other approaches that just seek the offender to realize their mistakes and make amends (Ibid, 1996). As long as this term is not properly defined, news-sources like *The National Post* can use it freely and associate it with negatively connotations as shown above, nudging the reader toward their agenda.

A similar problem was realized earlier in this research, with the frequent ambiguous use of the terms *rehabilitation, recidivism,* and *reform*. Due to this issue, I adopted to use *stringent penal reform* as a blanket statement for all references to Canada's penal system as "too soft," and in the spirit of Critical Discourse Analysis and its devotion to critical evaluation in favor of social change, have decided refer to any Foucauldian or Liberal penal reform in our system as simply, *reform*. Two other articles, "More Parolees facing charges, report says: Prison drug use also up (Blackwell,

2001),"and "Parole board right to release Sand, probe finds: Went on to kill Mountie (Staples, 2003)" make use of significant presuppositions in *day parole*, *full parole*, and *statutory release*. Each term is used extensively but never fully explained, which successfully lumps them together and makes them difficult to differentiate. The lack of appropriate definitions for such terms in news articles could lead the reader into believing an inmate got a lighter sentence than they actually did. This tactic makes it easier for *The National Post* to rally against parole, in an effort to keep inmates incarcerated as long as possible until their eventual statutory release, which is a subtle method of manipulating grammar without needing to outright lie.

Analysis of Grammar's Nominalization

The final method of analyzing grammar within *The National Post* is nominalization, which is the representation of an adjective, verb or process as a noun (Fairclough, 2000). Fairclough describes the inadequacies of Nominalizations by stating "some of the meaning one gets in a sentence is missing (Fairclough, 1989)," which is certainly true of the two examples chosen from this research, *walk-away* and *jail-break.* Both terms are multi-word compound nouns that concern prison escapes, and both are shortened to the point of missing vital information, such as how the inmate escaped, where they escaped from, and where they escaped to (if already apprehended).

This use of nominalizations in Adrian Humphreys' "Prison blast prison system over escapes (Humphreys, 2003)" and "Most jailbreaks a walk out the door, data show (Humphreys, 2003)" can also create a vagueness concerning the topic as a whole, as is evidenced in these articles. The stories give details regarding a few escapes, but generally feature no information about the demographics of who is breaking out of prison, how

many are escaping, or what security-level institution they are walking away from. As with modality and presupposition, nominalizations are a clever way for *The National Post* to subtly push their stringent penal reform without having to physically say "we are pushing for a more stringent penal reform."

Vocabulary

Analysis of Vocabulary's Experiential Values

In the final stage of Critical Discourse Analysis conducted, I examine vocabulary, which aims to dissect "how ideological differences between texts in their representations of the world are coded (Fairclough, 1989)." The vocabulary's experiential and expressive values will first be analyzed, followed by a discussion on the relational and metaphorical aspects of the stage. It seems that *The National Post* wants to have its cake and eat it too, as every article examined in this section relies on the theme that criminals have it easy in prison, with numerous euphemisms and metaphors aiming to liken prisons to country clubs or summer camps. This is in stark contrast to the previously detailed theme of inmates being out-of-control violent and a risk to public safety, but through deft wording, *The National Post* keeps the focus on "comfortable" Canadian prisons. My aim here is to expose such editorial contradictions.

When studying a text's experiential values, it is important to acknowledge that any given text and its vocabulary characteristics will generally highlight the author's perspective and personal experiences (Ibid, 1989). In this case, the perspective and experiences adopted by *The National Post* lean toward a punitive-oriented bias. Fairclough argues: "a speaker expresses evaluations through drawing on classification

schemes which are in part systems of evaluation, and there are ideologically contrasting schemes embodying different values in different discourse types (Ibid, 1989)." This relates to my research, as evaluated elements regarding the topics of penology of punishment are decided through such disparaging classification schemes as prison life and country-club life, a method which attempts to instill envy in the reader regarding prison's "easy" life.

A number of articles use negative expressive values through their vocabulary to portray a biased view of Canadian prisons. Rick Mofina's "Ottawa sets hard time for murderers: At least two years in maximum security (2001)" features sarcasm in its very title, mocking what the federal government and the CSC consider 'hard time,' or a hard punishment.

Sarcasm is also used in four articles examined for this study, all of which concerning Canada's "soft" drug policy. In a 2005 news report, Allan Woods quotes Conservative Justice critic Vic Toews who argues: "I can't remember the last time anyone dealing in meth received ten years, so what is the point of increasing it to life in prison? (Woods, 2005)." Obviously Toews would like to see a life sentence for meth producers, but uses sarcasm and cynicism in order to push for the equally ineffective method of mandatory minimum sentencing. In "Greenhouse effect (2005)"an editorial detailing the popularity of personal marijuana grow operations, Stephen Lautens writes: "So what's keeping me from becoming Farmer Bong? Well first of all there's that whole going-to-jail thing. Since this is Canada, there is an outside chance that if you are a major drug producer you can go to prison (Lautens, 2005)." This is a cheap shot at Canada's

drug policy, as no specifics are given concerning how many are arrested for growing marijuana, or how long the sentences tend to be.

Similarly, Marc Emery, "the Prince of Pot" was targeted in multiple articles for his involvement in an operation that sold marijuana seeds via mail to Canada and the United States. Two columnists were particularly troubled that the Canadian government was assisting the United States in an extradition of Emery for breaking U.S. law, but were only upset because they found it embarrassing that Canada can't deal with its own problems, not because they were marijuana advocates. In "Prince of Pot wanted in U.S. winds bail: Faces extradition (2005)," Keith Fraser argues: "Here we have a situation where they turn a blind eye locally and now they turn around and assist the U.S. (Fraser, 2005)." Colby Cosh continues this argument in the sarcastically titled "The case for Marc Emery," by stating that extraditing Emery "would leave him in the position of facing a worse punishment precisely as a consequence of our collective national uncertainty that he did anything objectionable (Cosh, 2005)." The author deftly uses false compassion for Emery to whip up both national pride and a call for stringent penal reform.

The editorial "Coffin's campus tour is no punishment (2005)," is no less obvious, stating that for white-collar offenders, "the worst thing that will happen to them is a slap on the wrist and a quick tour of university campuses (2005)." These examples carefully reword the specifics of the events in question to trivialize community service and Canada's security-tiered form of incarceration, while negatively portraying its dedication to rehabilitation.

A similar cynicism is employed in Janice Tibbetts' two articles about a former Canadian convict who attempted to sue the Canadian government $3.1-million over a

'lack of sleep' while incarcerated (Tibbetts, 2002). The first article is boldly titled "Prison guards wake me up too much, murderer claims in $3.1M lawsuit (Ibid, 2002)," which trivializes the 509 times he was awoken perhaps intentionally by corrections officers through the intentionally insincere and childish wording of 'wake me up too much." His stand is further trivialized in the second article "Sleep-deprived killer makes point in court (2002)" by stating that the " 'inhumane' head-count policy caused him to lose a full night's sleep 509 times (Tibbetts, 2002)." The quotation marks can imply a use of the subject's own words, but in this case serve the purpose of demeaning the defendant's claim, which is exacerbated by the wording "full night's sleep," which attempts at painting him as a bitter spoilsport.

Quotation marks are also used in Tom Blackwell's "Smoking ban proposal gives prisons the jitters (2004)," in stating that such a ban "could cause 'anxiety' among prisoners (Blakwell, 2004)." The quotation marks around *anxiety* are used again to signal the insignificance of the inmates' claims, in a display of rewording that attempts to discourage prisoner rights. "Prisoners win right to vegetarian meals: Eating meat morally reprehensible, sex offender says (2002)" further discourages inmate rights by suggesting in its very title the hypocrisy of a sex-offender finding his daily meals 'morally reprehensible,' while ignoring the fact that choosing vegetarianism is not offensive. "Vegan inmates accommodated after B.C. Human rights suits (2005)" plays a similar angle, in mocking a Vegan inmate by outlining his fraud and parole violations before adding that he will not eat meat or cheese because they are "against his religion (May 14, 2005)."

Though the expressive value of words is important, Fairclough writes: "it is not so much the mobilization of expressive values for particular persuasive ends that is of interest here, as the fact that these expressive values can be referred to ideologically contrastive classification schemes (Fairclough, 1989)," which in this case is how opinions on penology and punishment are described through country-club and prison cultures and vocabulary. In an article designed to encourage jealousy, Sheila Brady describes the newest trend in bathroom sets, the "prison chic" stainless steel fixtures which are both metropolitan and riot-proof, which retail for $2500 a piece, a figure whose mentioning is surely meant to instill rage amongst tax-payers (Brady, 2001).

Adrian Humphreys' "Prisoners' spa day will be reviewed (2004)" aspires to similar goals, in expressively detailing a spa day for female inmates, which described a "harp serenade by a volunteer from the community while inmates sipped tea from china dishes (Humphreys, 2004). Such an event would be undertaken for the purposes of rehabilitation, but the elegant wording and description are likely embellished to make the point that inmates in federal institutions "have it better than you do." Similarly, in Chris Lambie's "Female inmates get subsidized hair care (2005)," the final sentiment in an article detailing subsidized grooming is "it's just another perk for them...crime does pay (Lambie, 2005), a quotation that greatly exaggerates the benefits of being an inmate, with nary a mention of any potential hardships faced, or hygienic concerns for hair amongst a population placed in close quarters.

As previously mentioned, Karla Homolka's case is the most pivotal point of this research in establishing the connection between prison life and the country-club imagery adopted by *The National Post.* The syndicate achieves this goal by focusing on the

Homolka incident that started the whole debacle, and the lenient conditions within Joliette Institution, "the prison she partied in (May 24, 2003)." The photos themselves apparently showed a "smiling Homolka (Owens, 2000)" " enjoying life in the Joliette Institution and celebrating a birthday party with fellow inmates (Gamble, 2000)." Another interpretation of the events sees Homolka "enjoying a birthday party with other inmates and posing in a sleek black dress (Bellavance, Remington, 2000)." The descriptive nature of these quotations evoke the imagery of a photo-shoot in a ritzy rural get-away, complete with formal attire (sleek black dress).

The day prior to the reporting of the "sleek black dress," the photographs showed Homolka in a "*slinky* black dress, enjoying a birthday party with inmates, snuggling with a cat...and wearing make-up (Bellavance, Vallis, 2000)." One week prior in "Homolka's hard time includes soirees: Bernardo appeal refused (Cherry, 2000)," the events were described as "Homolka and Sherry were able to entertain other inmates by modeling dresses, as if they were heading out for a night on the town...they were just prancing around and showing off (Ibid, 2000)." In this instance, the use of the word *entertain* implies that Homolka in some way figuratively owns the prison and the other inmates are her guests. The inmates are also likened to socialites (*night on the town*), with Homolka in turn playing their glamorous ringleader.

Yet another interpretation saw the prison-party photographs "splash all over the news (Kingston, 2005)," while Homolka, "with easily the best hair in the room [was] *playfully* modeling cocktail *dresses* (Ibid, 2005)." This time, the word *dress* is pluralized and *playfully* is added, to keep up with the theme of a pool-party introduced with the word *splash*. The article goes on to say that Homolka "learned to speak French and

developed a taste for iced cappuccino (Ibid, 2005)," with the word *taste* implying that Homolka would have had to drink a lot of iced cappuccino before she actually began to like it. *The National Post* benefited here from an ongoing story and readership, slightly changing the expressive values in the description of Homolka's 'prison party' to definitively tell the story in as many ways descriptively as possible while still adhering to this greater cause, favouring stringent penal reform.

The news coverage of Homolka continued through the length of her incarceration, and peaked in September 2005 when she was released from Joliette Institution after serving 12 years. Descriptively, *The National Post*'s coverage of Homolka's release was very similar to that of the "prison-party" incident, in focusing on how coddled she was during her incarceration. The key difference between the *National Post*'s reporting of the two events was the dark undercurrent which ran through the coverage of her release, which used fear as a means to argue that her freedom was a fault of the Canadian criminal justice system. The articles stated that "the Max Princess (Cherry, 2005)" Homolka, the "happy, lustful partner to Bernardo (Blackwell, 2005)," prepared to leave the "sleepy town (Wilton, 2005)" of Joliette by "drastically changing her appearance through dying her hair jet black and wearing it at shoulder length (Cherry, 2005)."

The vocabulary used in these articles brings to mind the image of an evil princess or something out of a fairy tale. *The National Post* continues with its intensive coverage of Homolka by painting her as a public threat, calling her "unrepentant (Cherry, 2005)," in her efforts to avoid the "exorbitant restrictions imposed to prevent her from re-offending (Hamilton, 2005)." The news report "Homolka wants restrictions lifted: Killer offered jobs (2005)" leaves the reader with little doubt as to the publisher's intent for its

extensive Homolka coverage, in closing with the quotation "Karla Homolka will find other people like Paul Bernardo or the Bernardos of the world will find her (Ibid, 2005)." Just as they had through Homolka's entire incarceration, *The National Post* wanted the public to know that the Canadian criminal justice system had failed them.

Analysis of Vocabulary's Euphamism

The National Post uses many opposing classification schemes, usually backed up by one form of euphemism or metaphor to make Canada's penal system look soft. Euphemisms rely on the relational values of words, and focus "on how a text's choice of wordings depends on, and helps create social relationships between participants (Fairclough, 1989)," which in this research, similar to the last discussion, helps create the impression within the reader that going to prison is like going to summer-camp or to a spa.

Fairclough continues: "A euphemism is a word which is substituted for a more conventional or familiar one as a way of avoiding negative values (Ibid, 1989)." The National Post constantly uses euphemisms in referring to Canadian prisons as "an X-rated slumber party (Kingston, 2005)," "adult daycare (Bellavance, Remington, 2000)," "Club Fed (Mofina, 2002)," "Resort (Aubry, 2005)," and "Camp Cupcake (Engber, 2005)."

Descriptive language is also used to uphold the basis of these euphemisms, most commonly through the comparison of prison to summer-camp through the use of negative expressive values. In an article detailing Martha Stewart's stint in prison, the author details a craft where Stewart was "casting, painting and glazing a nativity scene for her mother after coming across an old set of molds in the prison's ceramics studio (Kingston, 2005)." Martha Stewart is a celebrity and famous for her ability in doing crafts; the

activities described sound as if they could be a part of a summer camp. Using Stewart as an example opened the door wide for comparisons between her particular prison and summer-camp, which in turn allowed all prisons to be compared to summer-camp.

Another article that aims for this comparison is Suzanne Wilton's "No horses or golf at Thatcher's new prison: moved to medium security: Switch may be linked to alleged threat at faint-hope hearing (Wilton, 2000)." The title of the article intends to incite resentment in the reader regarding his access to golf and horses, without any explanation allowed as to why perhaps the minimum-security institution offered such amenities. The article ends with more allusions of prison as vacation: "He won't be a happy camper about that move [from minimum security]," said justice critic Randy White, who had been outspoken about Ferndale Institution because of its golf course and high rate of escapes- 21 in the last five years (Ibid, 2000). The most obvious wording in this quotation regarding prison as a summer-camp is the word *camper*, but the mention of the high rate of escapes alludes to the fact that golfing amenities are available, giving the reader the impression that the inmates have a sense of owning the prison and can come and go as they please.

This sentiment is also expressed in Stan Grossfield's "Prison course gives new meaning to the term 'in the rough (2005),'" and Doug Schmidt's "Criminal reaches out and defrauds Home Depot from behind bars (2005)," which both aim to anger the reader by detailing Canadian inmates "easy life." Grossfield's article outlines a prison golf course that is open to the public and maintained by inmates. The title of the article is misleading as the inmates are unable to use the course, though one groundskeeper is quoted as saying "it makes me feel like I'm free (Grossfield, 2005)."

Schmidt's news report recounts how easy it was for an inmate to commit telephone fraud from a provincial institution, which was committed using a stolen credit card and a third-party payphone (Schmidt, 2005). Since the crime was committed using a third-party payphone, the defendant could only have been an accomplice, and though the crime was unfortunate, no information was provided to really imply that the crime was committed because of lenient penal policies.

Karla Homolka is invariably dragged into the comparisons of prison-life as vacation, with the brunt of the criticisms directed at the Jolliette Institution at which she was housed the longest. Paul Waldie and Mary Vallis write that Jolliete "has 10 cottages that hold up to 10 inmates. There are no bars on the windows and inmates have keys to their rooms (Waldie, Vallis, 2000)." This sentence is misleading as Jolliete is still a prison, and regardless of the key and bars situation, the inmates are unable to leave their building (or 'cottage') as they please. Another example arose when Homolka protested her proposed moving to a maximum-security institution in light of the "prison-party" photos, when she claimed the move would "unfairly cut her off from friends and family (Waldie, 2000)." The use of this statement is meant to establish Jolliete as a girl's club, as well as Homolka's desperate plea to remain a part of it.

The use of euphemisms and experiential descriptive language are effective in painting the Canadian penal system as soft on criminals, with penitentiaries that resemble country clubs, which the average Canadian citizen "could only be so lucky to enjoy." These methods were used seamlessly along with those in grammar, which concurrently proved through the vague phrasing of expressive modality and presupposition that criminals are violent creatures who place the public's safety at risk. Finally, through a

manipulation of textual structure, *The National Post* unfairly balanced its texts' turn-taking system while subtly exploiting their readerships pre-conceived notions of the order of a news story, effectively preaching their case for stringent penal reform to the nation.

Chapter 4: Discussion and Conclusion

The findings of this study reveal there is clearly a divide in Canada concerning what judicial sentences are reasonable and fair for both the inmates being incarcerated and the general public whose safety may be at risk by released convicts. On the one hand is the Canadian news media, most notably *The National Post*, which believes that criminals are not getting their "just desserts." Though *The National Post* frequently projects the notion that penal sentencing is too lenient in Canada, there is a lack of contextual information provided regarding how many Canadians are actually incarcerated, the demographics of who is incarcerated, and how much it costs taxpayers to keep inmates in prison. *The National Post* often fails on even a basic level in providing adequate counter-arguments to the myth that Canada is "soft on crime."

On the other hand is the liberal penal reform movement, which sees Canada's rising incarceration rates not as a solution to crime but as an indication that our country has taken punishment too far. When looking at the figure that 92% of inmates in provincial institutions are released within a year of the start of their sentence, it becomes obvious that incarceration, especially for victimless and non-violent crimes, is not always the best answer for Canada in the long run (Griffiths, 2003). One reason for this is because the cost of keeping inmates incarcerated hovers around $100 000 per year, a figure which seems astronomical in relation to increasing incarceration rates and the struggling Canadian economy. These costs reveal that prison terms in Canada are not just harmful to those that are incarcerated, but also to the Canadian tax-payers forced to pick up the bill, making everybody in the country a victim. Another reason is the notion

argued in this research that the inmates may be worse off after being released than they were prior to their sentencing.

The euphemism "Con College" is fitting for this discussion, as many in the liberal penal reform movement feel that prison has now become a place where petty criminals become life-long recidivists. It is difficult to imagine how an inmate could be rehabilitated in a violent environment that places criminals of all orders together in close quarters, especially when taking into account the constant fear of disease, sexual assault, and drug addiction (McVie, 2001). But the crux of the argument between the opposing forces of liberal and conservative penal reform is that neither wants the same thing out of incarceration. The conservative penal reform movement and its support from *The National Post* are most often seeking punishment and incapacitation from incarceration, in hopes that a lengthy prison sentence will serve as a deterrent to would-be offenders. A prison sentence does serve as a deterrent for the inmates themselves, in that they will have difficulty in finding work post-release, as most potential employers frown upon an applicant with a criminal record (Foucault, 1997).

The liberal penal reform movement, however, typically puts rehabilitation at the forefront of its incarceration practices, as it knows that a vast majority of Canada's current inmates will one day be free. This reform would rather fix a problem now, through rational sentencing that matches the crime, than sweep it under the carpet (and over-incarcerate) and have to deal with it again later (after re-offence occurs). Another particularly upsetting by-product of Canada's stringent incarceration policies is the over-representation of both black and aboriginal inmates within the criminal justice system. *The National Post* claims that this is due to a culture of crime (Gunter, 2005), but it is

likely closer to the notion that those groups in particular are more likely to be arrested for certain crimes than Caucasians.

One of the key questions posed by this research is if incarceration is not always the best answer, why does *The National Post* continually argue that it is? One reason is that the news reports advocating stringent penal reform are sensational and focus on the victims of crimes, leaving their readership to feel as though they are the victims, with every crime committed a personal attack against them and against the dignity and sanctity of Canada (Garland, 2001). This sensational style of news reporting is good for selling newspapers, as it unites the country against a common enemy, the criminal.

The main reason that *The National Post* and its parent company *CanWest Global* have adopted pro-stringent penal policies is because it is in their best interest in regards to their relationship with the government of Canada. The magnitude of the conglomeration of *Southam* news and *CanWest Global* was so enormous that such mergers were not always legal, and in this instance the deal had to be specifically approved by the government of Canada and the CRTC (Moore, 2002). The approval of this massive conglomeration gave *CanWest Global* and thus *The National Post* plenty to be thankful of the Canadian government for, with the addition of tax-breaks for media giants only sweetening the deal (Coen, 2005).

Though the blue-print for stringent penal reform seems to have been in place in *The National Post* prior to 2000, it wasn't until Karla Homolka's "prison party" incident that the opinion truly took hold. Homolka, one of Canada's most notorious killers, was mentioned daily by *The National Post*, in their condemnation of the party in which she participated in at the women's penitentiary Joliette Institution. The syndicate plastered

photos of Homolka wearing a black dress and eating cake, with captions recalling the grisly crimes she once committed.

Homolka was the perfect scapegoat for *The National Post* because she was already nationally reviled, so the syndicate brilliantly used her image to imply that supporting liberal penal reform would equal supporting additional liberties for Homolka herself. What *The National Post* rarely mentioned was that though Homolka's crimes were horrific, her sentence was a part of a questionable plea deal and thus inconsequential to many of the arguments that "killers" were partying in prison. *The National Post* invited the nation to push for stringent penal reform when such actions would have especially hurt those serving lesser sentences.

This research in this thesis was executed using the critical approach of Norman Fairclough's Critical Discourse Analysis, as outlined in his book *Language and Power* (1989). Fairclough describes CDA as "how language connects with the social through being the primary domain of ideology, and through being a site of, and a stake in struggles for power (Fairclough, 1989)." Fairclough continues "this approach is particularly concerned with social change as it affects discourse, and with how it connects with social relations of power and domination. It looks at change in terms of how the combination of discourse genres and styles, which make up the language elements of a social practice, change over time (Fairclough, 2000)." The stages of analysis in this research were Textual Structure, Grammar, and Vocabulary.

For Textual Structure, I discussed the turn-taking system which concerns the "power relationships between participants (Ibid, 1989)" to argue that *The National Post* was only offering a single viewpoint in a number of articles related to how "lenient"

Canadian prisons are. Similar to this is the system of "perspective," which I argued was used by several authors to give the impression that inmates wanted longer prison sentences, and actually liked to be punished. I also researched the system of formulation, which is the act of using a source's own words against them, or intentionally rewording a source's quotation for the purpose of gaining the upper hand in an argument or news report (Ibid, 1989). Larger Scale Structures were also identified in several articles, which is the propensity for newsmakers to pack the first and last paragraphs of an article with the most pertinent (and sometimes biased) information (Ibid, 1989). This method was frequently used to end an article with a glib remark on the state of Canada's criminal justice system.

Grammar was also analyzed in multiple articles, in dissecting how grammatical codes predicate certain relationships and the power structure's they are built on. Modality was the first tier of grammar studied, and can be broken down into expressive modality and categorical modality (Ibid, 1989). Expressive modality is best described as the use of definitive verbs such as *is, has, will,* and *would* to describe, for example, that Canada's penal system *is* the most lenient in the world.

Categorical modality concerns itself with less definitive verbs and adverbs such as *probably, possibly,* and *apparently* to suggest, perhaps, that *apparently* Canada's penal system is *possibly* the most lenient in the world.

Also analyzed under grammar were nominalizations and presuppositions. A nominalization is the representation of an adjective, verb or process as a noun, which is used to skew or sensationalize the original meaning of the given word. Nominalizations are often applied so that the author doesn't have to provide a definition for a term being

used (Ibid, 1989). This process was discovered in my research through the terms *jail-break* and *walk-away,* who's ambiguity through nominalization helped instill fear within the reader concerning escaped inmates. Presuppositions were also similarly used in *The National Post* as a means to quote terms such as *rehabilitation,* or *recidivism* without having to give the exact definition, leaving the reader in the dark and the author with all of the power over the discourse (Ibid, 1989).

The last aspect of CDA examined was vocabulary, by way of a text's experiential or relational qualities. An experiential analysis looks for the author's opinion or personal experiences on a specific matter, and relational analysis involves the examination of descriptive metaphors or euphemisms within a text (Ibid, 1989). Though it appeared that few writer's had a wealth of knowledge pertaining to the Canadian criminal justice system, many articles held strong opinions and used sarcastic tones to mock the collective inmates' "hard time" in prison. Similarly, the use of euphemisms and metaphors were widely used in many articles to make Canadian penitentiaries resemble a summer camp or a country club. This deft play on words allowed *The National Post* to regain all of the power from the discourse because only one perspective was ever given, and similar articles were released daily.

While this research is informed by critical discourse analysis, the cornerstone of this thesis lies within the theoretical frameworks developed by Michel Foucault in *Discipline and Punish.* In his study, Foucault describes in great detail the public torture that existed in France in the 17th century, which the sovereign used as a means to control its people through fear. As the torture became increasingly sadistic, a shift occurred which turned the maimed criminals into folk heroes, with "programmes for spectators"

being distributed at public executions detailing the criminal's past exploits (Foucault, 1997). Soon riots at executions and the public spectacle gradually became too much for the government to handle. What Foucault describes in the early chapters of *Discipline and Punish* is the incubation and birth of the criminal justice system as we know it, which was characterized by a dramatic shift from very visible corporal punishment, to a punishment of the body through incarceration, which was in turn a punishment of the mind and of the soul (Ibid, 1997).

What Foucault argues here is that despite the shift from public corporal punishment to the punishment of the soul, punishments were no less severe, as a short execution of the body could now be drawn out to a slow death over an inmate's entire life. This view of punishment of which Foucault speaks is beneficial only to those in positions of governmental power: those implementing the law still gain great power through the act of incarceration, but without any of the blood which the public execution left on their hands. This gave the sovereign, as it gives the Canadian government, power over its people through fear, but unlike 17th century France, punishment is public once again but in a much different manner. The public punishment of France was gruesome, while the punishment regularly detailed by the Canadian news media through *The National Post* is artificially tame, which is an entirely original method in gaining control over the populace.

Foucault's condemnation of France's criminal justice system is very relevant to the notion of liberal penal reform in Canada, as he argues that the prison creates criminals and multiplies their vices, yet he offers hope through the fact that the penitentiary is a relatively new phenomenon that still has potential to evolve for the better (Ibid, 1997). In

Canada recent developments such as drug treatment courts and the NAOMI project are taking steps in the right direction by offering a more suitable punishment for the crime committed, and elsewhere in Western Europe, victim-offender reconciliation is attempting a direct and logical discipline per offence. As critical discourse analysis pushes for social change, I would like this study to expose the flaws in Canada's current model of punishment, and would hope that this research has the capacity to aid those who are researching penal discourse, particularly in *The National Post*, so that the tremendous social and economic cost of incarceration can be known and recognized as the business of punishment.

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