

Résumé du contenu/English Summary

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Résumé du contenu
English Summary

Translation: D. Crelinsten

In the present issue of this review, the authors have tried to analyze the present penal situation in Quebec from an historical and socio-economic viewpoint, as well as examine the question of prisoners' rights.

The motivation behind the writing of the various articles will appear in more detail in the editorial, as well as in the form of a short resumé in English. Anyone interested in receiving a translation of a particular article may write to the editor.

HISTORICAL PERSPECTIVE

In Canada, the detention of persons whose sentences call for less than two years' imprisonment is under the jurisdiction of the provinces. Those sentenced to more than two years serve their sentences in penitentiaries administered by the federal government.

The two oldest prison institutions in Quebec are Bordeaux Jail and St. Vincent de Paul Penitentiary, and it is for this reason that the authors chose these two institutions for their study of the historical evolution of the prison system.

THE HISTORY OF BORDEAUX JAIL P. LANDREVILLE AND G. JULIEN

The Montreal prison commonly known as Bordeaux Jail was built from 1908 to 1912, and has been the chief prison of the judicial district of Montreal ever since. It is a Pennsylvania type of prison, that is, one modelled along the architectural lines of the penitentiary

erected around 1820 in Philadelphia, where isolation in cells was practiced at the time.

Besides having adopted a philosophy and style of architecture of almost a hundred years' standing, Bordeaux Jail is also almost the only one of its kind in North America, since the Pennsylvania system had its greatest vogue in Europe during the 19th century, and had scarcely any influence on prison construction in North America.

In this article, the authors try to determine the penological context in Quebec during the past century, the immediate circumstances that led to the erection of a new prison, the persons mainly responsible for this enterprise, as well as some events associated with the construction of the prison.

BORDEAUX JAIL AND ITS POPULATION DOMINIQUE DELISLE

The author analyzes the evolution of the prison population of Bordeaux Jail dating back to its inception. In particular, he studies the data on admissions to ascertain the distribution of prisoners according to the type of crime committed, the sentences imposed, as well as the age, educational level and profession of the prisoners. Undertaken for the first time, this study shows a continuity over the years, both striking and tragic, of common characteristics among the prisoners, associated with their socio-economic situation, and the same types of petty offences committed repeatedly from one period to another.

SOCIO-ECONOMIC PERSPECTIVE

Who are our prisoners? What milieu do the majority of the inmates of our provincial prison institutions come from? These are the questions dealt with in this issue, on the basis of empiric research, an analysis of the sentences imposed and a study of prison conditions in terms of preparation for release.

THE QUEBEC PRISONS : GHETTOS FOR THE POOR A. CAMPEAU

Furthermore, it is evident that today it is considered essential to avoid the stigmatization of prison as often as possible; but the system of imprisonment for default of payment of fines hardly

seems consistent with this approach. Indeed, this research has shown that 54.3% of the persons detained in the prison of Orsainville in 1974, were there for non-payment of fines, and that in 95% of these cases, the fines were imposed for what could be defined by law as petty offences.

THE POOR, THE JUDICIAL SYSTEM AND DETENTION
J. HÉTU*

In this article, the author also finds that in its daily application, the criminal law does not always respect the right of the individual to equality before the law, and that for identical offenses the poor are often more severely punished than the rich. In the light of Canadian legislation and case law, he points out to what extent the life style of the poor can at times appear to have illegal overtones, and how such persons are sometimes forced by circumstances to break the law. Finally, he shows that inner city people are more often arrested and receive harsher sentences than other people, so that they spend more time in prison.

PRISONERS' RIGHTS

True, like any other citizen, those condemned to prison have certain obligations, but they also have rights. The importance of these rights is less often taken into account, largely because prisoners are a group apart, isolated by the community and unable to express themselves publicly.

In the case of minors, their incarceration not only deprives them of assistance and the eventual support of the community, but also of any positive image of the society to which, by definition, they must return.

PRISONERS AND HUMAN RIGHTS
P. LANDREVILLE

Prisoners, therefore, should have all the rights of other citizens, save that of circulating among the community. Only in the case of a clear and present danger to the security of the establishment should the administration be allowed to infringe upon these rights, and then only if it can give definite proof that such a danger exists.

* Author translation.

In this article, the author examines a number of clauses in the Canadian Bill of Rights to see what the application of these principles would mean in some of the main areas of prison life. Among others, he analyzes the significance in the prison milieu of the right of the individual to life and security of the person, equality before the law and the protection of the law, the right to freedom of speech and of the press, the right not to be submitted to cruel and unusual treatment or punishment, and for an accused, the right to be presumed innocent until proven guilty.

THE RIGHTS OF MINORS AND THE IMPRISONMENT OF JUVENILES IN QUEBEC
A. PARIZEAU

With respect to minors who, lacking a suitable family environment, are taken in charge by society, their primary right is not to be detained in prison. Contrary to adults, they should have the full benefit of the mitigating factor of legal minority and not be placed in custody, but given treatment, which by definition is at variance with any form of incarceration.

It is from this point of view that the author analyzes the present situation with regard to the policy governing the protection of minors' rights, as well as future prospects such as are outlined in the proposed federal and provincial legislation.

EYE-WITNESS ACCOUNTS

THE PRISON AND COMMUNITY RESPONSIBILITY
R. SWEENAY

Indeed, there is a definite connection between the imprisonment of the young and the responsibility of society. The author of this account, through personal experience, clearly proves that a young person, once imprisoned, is heir to injustice and social indifference throughout the rest of his life.

PARTHENAIS : THE BEGINNING OF A STRUGGLE
A. GAGNON AND H. DUMONT

With regard to the question of detention itself, Astride Gagnon and H el ene Dumont describe the demonstrations that took place in the fight to change the living conditions of the prisoners in the Centre de Pr evention de Parthenais. It concerns the broader action,

however, of the Office of Prisoners' Rights, which calls for the evaluation of detention from now on in terms of human rights.

BOOK REVIEWS

The bibliographical analysis and comments concern various books and reports, the most recent being the following :

FOUCAULT, M. (1975) : *Surveiller et punir*, Paris. Éditions Gallimard, 318 pages.

PASQUALINI, J. (1974) : *Prisonnier de Mao*, Paris, Éditions Gallimard, 8 pages.

MATHIESEN, T. (1974) : *The Politics of Abolition*, Oslo, Norway, Scandinavian University Books/or London, Martin Robertson Co., 222 pages.

MORRIS, N. (1974) : *The Future of Imprisonment*, Chicago, The University of Chicago Press, 144 pages.