

Editors' Introduction

Liz Elliott and Stephen Reid

The *Journal of Prisoners on Prisons* (“*JPP*”) provides a venue for prisoner and former prisoner writers to publish commentary on a wide range of issues related to crime, justice and punishment. The need for this particular vehicle of expression has never been more evident in Canada than the recent attempt to pass Bill C-220, also known as the “Son of Sam” bill.

In the first edition of the *JPP*, Bob Gaucher wrote of the “necessity of taking into account the sense and rationale of all actors within the analysed social situation or cultural realm” in the context of the prisoner as ethnographer (Gaucher, 1988). The significance of ethnographic accounts of the prison experience was well understood by the French philosopher Michel Foucault in his studies of power. In an interview with his colleague Gilles Deleuze on the topic of intellectuals and power over twenty six years ago, he remarked that “. . . when the prisoners began to speak, they possessed an individual theory of prisons, the penal system, and justice. It is this form of discourse that ultimately matters, a discourse against power, the counter-discourse of prisoners and those we call delinquents - and not a theory about delinquency” (Foucault, 1977).

It is precisely this discourse that would have been silenced in Canada with the passage of Bill C-220, had it not been for its rejection by the Standing Senate Committee on Legal and Constitutional Affairs on June 10, 1998. Witnesses appearing before the Committee earlier this year repeatedly brought up the potential effects of the bill in silencing the claims of the wrongfully convicted. In this issue of the *JPP*, Thomas Mann writes of his interview with Donald Marshall, who served almost 11 years for a murder for which he was finally acquitted in 1983. The public pressure leading to his acquittal was a result in large measure of a book written about Marshall’s case (Harris, 1987). Mann’s “You can’t be mad forever” speaks to Marshall’s healing process in the years following his acquittal and his contributions to native communities since his release.

In rejecting the bill, the Senate Committee acknowledged the contribution of prisoner literature to “society’s understanding of the causes and effects of crime, punishment, and other significant social

issues” (Standing Senate Committee on Legal and Constitutional Affairs, 1998). An example of such a contribution is Pat Reid’s “The Closing Door,” a narrative of the human effects of an Irish prison on the lives of its captives and the social context in which these lives are interwoven. The value of this understanding is amplified in P.J. Murphy and Loyd Johnsen’s *Life 25: Interviews with Prisoners Serving Life Sentences*, reviewed in this volume by Bobby Paul. Through the individual accounts in the book, Paul wrestles with issues of symbolic justice, retribution and pragmatism in the state response to interpersonal violence. A deeper awareness of punishment is also afforded in cross-cultural comparisons of different formations of penal power. In this issue, Ian Miller provides an account of the operations of a Japanese prison from the perspective of a westerner. Through his diary entries we get a vicarious penal experience of a frenzied micro-power, where harsh punishments apparently do little to reduce recidivism.

The importance of history in tracing the workings of power and how it silences the voices of the dominated is emphasized by Mumia Abu-Jamal. “Law’s Nature” uses a selection of historical examples to make the point that it is human agency, and not the law, which forges the pathways to human rights. A poignant and pressing example of the need to preserve the freedom of expression of the criminalized is also found in the “history of the present,” Stevan Looney’s account of the ongoing case of *JPP* editorial board member and frequent contributor Little Rock Reed. Reed’s attempts to amplify the voices of prisoners generally and the cause of Native American Indian prisoners specifically are a resistance to the powers of the state. Had Bill C-220 been passed, the Crown - as the owner of the copyright to the creative “works” of the convicted - could have prohibited the publication of Canadian testimonies similar to that of Reed’s.

Finally, new editorial board member Peter Murphy responds to previous articles in the *JPP* addressing prison education programs. As a former university instructor in the now defunct Prison Education Program (PEP) in British Columbia, Murphy argues that the program evolved with a view to create learning environments in which prisoners gained the tools with which to express their opinions, and not as a “rehabilitative strategy” to correct immoral behaviour/thinking. Ultimately, this created tension between university personnel and prison administrators. The demise of

the PEP and the rising emergence of cognitive skills training programs in Canadian prisons would seem to confirm the validity of Murphy's analysis.

In closing, we would like to encourage our prisoner and former prisoner writers to keep sending their submissions. In addition to reifying the critical need to preserve freedom of expression of the incarcerated, the practice of writing is a liberating power for the individual. "A forest and a prison/Where the snow and guards are white/If you want to keep your sanity/You'll teach yourself to write" (Simon and Walcott, 1997).

REFERENCES

- Foucault, Michel and Gilles Deleuze (1977). "Intellectuals and Power," in *Language, counter-memory, practice: Selected Essays and Interviews by Michel Foucault*. Edited by Donald F. Bouchard. Ithaca: Cornell University Press.
- Bob Gaucher (1988). "The Prisoner as Ethnographer: The Journal of Prisoners on Prisons." *The Journal of Prisoners of Prisons*, 1 (1).
- Harris, Michael (1987). *Justice Denied: The Law versus Donald Marshall*. Toronto: Totem Books.
- Simon, Paul and Derek Walcott (1997). "Time is an Ocean" on *Songs from the Capeman*. Warner Brothers.
- Standing Senate Committee on Legal and Constitutional Affairs (1998). Eleventh Report of the Standing Senate Committee on Legal and Constitutional Affairs, Wednesday, June 10, 1998, p. 7.