

Re(claiming) Indigenous Identity within Canada's Prison System:

Indigenous Identity and Indigenous-Specific Prison Programming

by

Stephanie Wellman

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Abstract

The purpose of this thesis is to explore how Indigenous men understand Indigenous identity, how they experience Indigenous-specific programming while in prison, and how these experiences intersect. Through a number of qualitative semi-structured interviews, Indigenous men described their experiences of participating in Indigenous-specific programming while incarcerated; the data is then understood within an historical context of colonialism and assimilation policy. The key findings of these interviews highlight the importance and necessity of Indigenous-specific prison programming to incarcerated Indigenous men, as well as the healing potential of Indigenous culture and spirituality. However, systemic barriers in provincial prison systems prevent Indigenous men from being able to access such programming. This thesis also finds that Canada's history of colonialism has affected the Indigenous identities of many of the research participants. Some spoke about culture and language loss as a direct result of colonization (the residential school system, the sixties-scoop, and the child welfare system) while others spoke about the indirect outcomes of colonization, such as marginalization and fragmented identities. Based on these findings the main conclusion is that while Canada is attempting to appear post-colonial in light of talks of renewed relationships and reconciliation, colonization of Indigenous men continues within the Canadian prison system. As incarcerated Indigenous men are denied access to culture and spirituality the prison itself is serving to further disconnect Indigenous people from *being* Indigenous and fostering the erasure of Indigenous identity from the Canadian settler state as a means of continuing what can be termed as the 'civilizing' project.

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First and foremost, I acknowledge the unceded and unsurrendered Algonquin territory that I am on while I wrote this thesis. Secondly, in a good way, in a most humble way, and in a respectful way, I acknowledge and thank the research participants of this research project. I am forever grateful to the eight Indigenous men that entrusted me with their deeply personal stories of both pain and resilience, so I say *chi-miigwetch/ qujannamiik/* and thank you. I hope this thesis does you and your stories justice. Lastly, I thank all the individuals that offered encouragement and support during this process, including Elders, family, friends, community members, and a very patient thesis supervisor.

While I wrote this thesis Attawapiskat First Nation, an isolated reserve in northern Ontario, experienced a devastating suicide crisis. There were eleven youth suicide attempts in one day. In this community of 2,800 there have been one hundred suicide attempts in only a few short months, and twenty-eight attempts in March 2016 alone. Most of these suicide attempts involved youth and people under the age of twenty-five. These events truly devastated me, not because I knew anyone directly affected, but because my heart ached to know that so many young First Nations people felt so much hopelessness in a country that is supposed to be filled with unlimited opportunity. One of the research participants of this research project, an Inuit man who survived the residential school system, shared a message with me during our interview that I did not completely understand the importance of until now: “I want people to stay strong, be hopeful, even though all these things happen.”

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Introduction

This study focuses on the fragmentation of Indigenous¹ identity and over-representation of Indigenous peoples in the Canadian criminal justice system, within the context of Canadian colonialism. As a result, this study seeks to explore how Indigenous men understand Indigenous identity and understand why Indigenous identity is a problematic construction for many Indigenous men,² as well as how they experience Indigenous-specific programming while in prison, and how these experiences intersect. In the first chapter I provide a literature review of how Indigenous identity has been conceptualized from an Indigenous worldview and an historical context of defining Indigenous identity from periods of early contact, to policies of the *Indian Act*³ and the progression of this legislation. I then examine the over-representation of Indigenous people in the criminal justice system and highlight some justice responses. I also examine Correctional Services of Canada's Indigenous-specific penal programming, as well as provincial/territorial prison programming, and the limited academic literature that has examined such programming. Significant to this literature review will be an exploration of the terminology that grounds this thesis. This includes exploring what "healing" means, and choosing to use the term "Indigenous" instead of the term 'Aboriginal' as the latter represents the legal relationship Indigenous people have with the Canadian state, and this political-legal construction of identity does not highlight Indigenous people as distinct Nations of people (Alfred and Corntassel, 2005).

In the second chapter I outline the theoretical framework employed for this research project, which is a harmonized approach using both postcolonial theory and settler colonialism.

A combination of both theoretical frameworks is used to achieve a nuanced approach to

¹ The term "Indigenous" represents First Nations, Métis, and Inuit people. These three Nations are recognized under Section 35 of the *Constitution Act*, 1982.

² This research focuses only on incarcerated Indigenous men. The experiences for incarcerated Indigenous women are unique, and therefore I do not make generalizations that apply to women.

³ S.C. 39 Victoria., c.18, 1876. [*Indian Act*].

examining identity construction within an often complicated and politicized idea of Indigenous identity, amongst a history of colonialism as well as the contemporary realities of colonialism and settler-created structures. The theoretical frameworks used in this research project are primarily using an Indigenous perspective, and this therefore requires a discussion of contemporary colonialism, the colonial mentality, how all of this ties into the over-representation of Indigenous people in the criminal justice system, and the necessity for decolonization.

In the third chapter I outline the methodological framework that is used for this research project that is grounded within qualitative research methods. A qualitative methodology is used for this research project due to the richness of data that is sought, as well as the empowerment that emerges as a historically marginalized and silenced population speak for themselves and convey their own understanding and meaning. Therefore, the data collection method used is qualitative semi-structured interviews while interpretative phenomenological analysis is used to analyze the data collected. I outline a large metropolitan city in Ontario as the site for this research project, recruitment of research participants and eligibility criteria, design of interview questions and subsequent interviews themselves, as well as challenges experienced during interviews. I then detail my use of interpretative phenomenological analysis of the data collected from the interviews, as well as challenges and benefits to using this method. I conclude this chapter with a discussion of ethical considerations and safeguards.

In the fourth chapter I provide an overview of the data collected through a series of qualitative semi-structured interviews with Indigenous men who participated in Indigenous-specific programming while incarcerated. The analysis is divided into two sections. First is the presentation of data pertaining to the research participant's experiences while participating in Indigenous-specific prison programming. This includes men's reasons for participation and their

emotional connection to traditional Indigenous practices, ideas about pan-Indigenous programming, experiences with a lack of access to Indigenous-specific programming and the emotional outcomes of being disconnected from Indigenous culture and spirituality while in prison, and lastly, how they felt about the need for Indigenous-specific programming in Canadian prisons. Second are presented data regarding Indigenous identity and how the research participants understand this concept. This includes discussion of how research participants identify themselves, how they understand what it means to be Indigenous, and how colonialism has affected the pride they feel in being Indigenous. I also provide a narrative regarding Indigenous identity that has been directly disrupted by colonial projects, including the residential school system, the sixties scoop, and the child welfare system. Lastly, I examine the challenges that all of the research participants face in being Indigenous, including dislocation from traditional territories and language loss.

In the fifth chapter I use a theoretical framework of post-colonialism as well as settler colonialism to discuss the findings from the qualitative semi-structured interviews. I first discuss the themes related to the research participant's experiences while participating in Indigenous-specific prison programming, including the participants' identified need for Indigenous culture and spirituality in Canadian prisons, and the challenges some participants faced due to a lack of access to such programming. Secondly, I discuss themes that emerged when the research participants shared how they understand Indigenous identity. Lastly is a discussion about how the criminal justice system and Indigenous-specific programming affects the identity of Indigenous men in the present research project. Based on the participants' experiences, the main contention of this discussion is that the colonization of Indigenous men continues within the Canadian prison system.

In the concluding chapter I summarize the key findings of this research project, reasons for why decolonization of the Canadian prison system is necessary, and lastly, considerations for future research. The key findings of this thesis reaffirm the importance for Indigenous perspectives to be present within the Canadian prison system, as well as the healing that is required for incarcerated Indigenous men. Given that a main contention of this research project is that the colonization of Indigenous men continues in Canadian prisons, decolonization is therefore required. This would allow Indigenous men, such as those in the present research project, to live in accordance with their own cultural and spiritual practices and beliefs, and this includes approaches to addressing criminal behaviour both within and outside of prison; it should be a priority for the Canadian state to ensure this is accessible to all Indigenous men.

Chapter 1: Literature Review

Historically, the criminalization of *being* Indigenous as a result of aggressive assimilation policies and colonial projects has caused the erasure of Indigenous identity, and in many cases this has resulted in many Indigenous individuals having no knowledge of their Indigenous culture or language. Internalized negative identity conceptualizations as a result of colonialism also includes internalization of racist stereotypes, resulting in many Indigenous individuals feeling shame in *being* Indigenous, and this plays a role in how contemporary Indigenous individuals construct identity. The initial relationship between Indigenous people and the State was grounded in scientific racism and the contention of evolutionary progress based on an ideology that accepted Indigenous people as inherently inferior and at the same time promoted European imperialism. Both legislation and policy evince this ideology as seen in the *Enfranchisement Acts* of 1868⁴ and 1869,⁵ the *Indian Act*, the Christian residential school system, the reserve system, and continuous bureaucratic control over the lives of Indigenous peoples. Colonial discourse and practices created a normative order with a preferred culture, social meanings, and most importantly, preferred identities [i.e. white]. What is evident is that colonial legislation prohibited many of the practices of Indigenous people,⁶ leading to further stigmatization due to racism and marginalization, with the concomitant result of the internalization of the colonial construct.

The effects of colonialism are manifest in many ways today. For example, when compared to the Canadian population, Indigenous people in Canada have higher unemployment

⁴ *An Act providing for the organisation of the Department of the Secretary of State of Canada, and for the management of Indian and Ordinance Lands*, S.C. 1868, c. 42, s. 8(1).

⁵ *An Act for the gradual enfranchisement of Indians, the better management of Indian affairs, and to extend the provisions of the Act 31st Victoria*, Chapter 42, S.C. 1869, c. 6.

⁶ Legislation within the Indian Act once made it illegal for Indigenous people to practice traditional Indigenous ceremonies (such as the Potlatch and Sundance).

rates, lower educational attainment, higher rates of poverty, greater overrepresentation in the child welfare system, less access to clean drinking water, higher suicide rates, shorter life expectancies, and HIV/AIDS infection rates that are ten times higher than the Canadian population (Kendall, 2009; RCAP, 1996; Statistics Canada, 2011). For the purpose of this research, colonialism has also resulted in the over-representation of Indigenous people in the criminal justice system; one response to this by the Canadian state has been the implementation of penal programming specific to Indigenous people. Many of these programs are grounded in Indigenous spirituality in an attempt to be more meaningful for Indigenous offenders. In fact, Waldram (1997) contends that Indigenous-specific penal programs attempt to directly heal the persisting harms from the intergenerational effects of colonialism and the residential school system, and the internalized racism stemming from assimilation policies. Indigenous-specific programs look beyond individual criminality and examine the historical and contemporary context of colonization and racism in order to understand how this crisis of identity is often the force behind criminal behaviour. Given that there is very little literature on such programs in both federal and provincial/territorial institutions, especially from the perspective of the recipients of the programs themselves, the impetus for this research is focused on hearing Indigenous voices regarding their perspectives on Indigenous-specific programs within the Euro-Canadian criminal justice system. As a result, this research project seeks to understand the impact that Indigenous-specific programs has had on how Indigenous men conceptualize identity. The research question for this thesis is: How do incarcerated Indigenous males experience Indigenous-specific penal programs and how does this experience relate to their sense of identity?

Definitions and Terminology

For the purpose of this research, the term ‘Indigenous’ is used to represent First Nations, Inuit or Métis, unless otherwise distinguished. As Alfred and Corntassel (2005) explain:

Indigenoussness is an identity constructed, shaped and lived in the politicized context of contemporary colonialism. The communities, clans, nations and tribes we call Indigenous peoples are just that: Indigenous to the lands they inhabit, in contrast to and in contention with the colonial societies and states that have spread out from Europe and other centres of empire. It is this oppositional, place-based existence, along with the consciousness of being in struggle against the dispossessing and demeaning fact of colonization by foreign peoples, that fundamentally distinguishes Indigenous peoples from other people of the world (pg 597).

In contrast, the term ‘Aboriginal’ is a legal category created by the Canadian State, which represents a political-legal construction of identity grounded in rights afforded by treaties, with the purpose of subsuming the ‘Aboriginal’ into the Canadian Constitutional State (Alfred and Corntassel, 2005). Therefore, to be defined as ‘Aboriginal’ one is dependent on the existence of a contemporary colonial nation-state. Alfred and Corntassel (2005) argue:

Indigenous peoples are forced by the compelling needs of physical survival to cooperate individually and collectively with the state authorities to ensure their physical survival. Consequently, there are many ‘Aboriginals’...who identify themselves solely by their political-legal relationship to the state rather than by any cultural or social ties to their Indigenous community or culture or homeland (pg 599).

For this reason, the term ‘Aboriginal’ will be used only in the appropriate Canadian context, mainly when describing the legal relationship Indigenous people have with Canada as a social, political, and legal construct. The term ‘Indian’ is used when referring to the language of the *Indian Act* and within an historical context when considering how Canada legally defined, and continues to define, Indigenous people. The term ‘Native’ is not used in this thesis as it is viewed as outdated and sometimes holds a negative connotation. At the same time, this thesis does not take a pan-Indigenous approach that fails to acknowledge the distinct and multiple Nations of Indigenous people, including First Nations people, Inuit, or Métis. Rather, this thesis attempts to

elucidate the problematic nature of a narrow definition of Indigenous people that does not distinguish between the multiple Nations, such definitions as found within the *Indian Act* and employed by the Correctional Service of Canada.

The concept of ‘healing’ is also central to this research and is continuously explored throughout this thesis. As a starting point, healing can be understood as the process of beginning to recover from the harms and sickness left behind from colonialism, done so primarily from an Indigenous perspective and in an Indigenous way. As briefly detailed earlier and further examined in later chapters of this research, the effects of colonization, including assimilationist policies of the residential school system and the sixties scoop, has resulted in intergenerational trauma, further leading to contemporary marginalization and systemic discrimination.

Intergenerational trauma or the intergenerational effects of the residential school system are understood as the legacy of the residential school system, which includes the passing down of dysfunctional behaviours from parents or grandparents that attended residential schools to future generations (Aboriginal Healing Foundation, 2004; 2008). Intergenerational impacts of the residential school system can include physical, emotional, sexual, mental, and psychological abuse, domestic and family violence, community dysfunction and family breakdown, depression, and unresolved grief and loss (Aboriginal Healing Foundation, 2008). The Aboriginal Healing

Foundation provides a meaningful conceptualization of the effects of colonization:

After centuries of depersonalization, isolation from a sound culture and social milieu, with the group identity removed, all previous ideals and beliefs destroyed or stolen and being objects of ruthless exploitation, Aboriginal people became extremely vulnerable and almost naked in the face of their powerful oppressors. Being treated with utmost contempt and derision and being brutally stripped of every reminder of their previous cultural identity and their predictable social environment, they lost their strength as a people and as individuals. The almost complete destruction of their social context and their social identity left them unbearably anxious, tremendously uncertain and miserably subject to a new and uncertain world (Wesley-Esquimaux and Smolewski, 2004, pg. 79).

Therefore, by outlining the intergenerational outcomes of colonization, this not only points to the necessity for healing, but also the need for Indigenous people to determine how best to do this.

While difficult to define in specific terms, as it means something different to each individual, a basic conceptualization of healing is holistic and rests on the need to restore balance to an individual's physical, mental, emotional and spiritual wellbeing. This notion of healing is located in the interconnectedness of family, community, culture and nature. The following definition of healing within an Indigenous spiritual context captures this:

The word healing comes from the same roots as “whole” and “holiness.” The interdependence of holiness and wholeness are essential to healing in Native traditions. The holiness of healing is manifested in the journey towards a wholeness of spirit and an attempt to incorporate this wholeness of spirit into the person, the family, the community and its surrounding land. Good health is a gift and a reflection of the respect shown for oneself and the Creator. Sickness is indicative of an imbalance, of not nurturing ourselves physically, mentally, spiritually or emotionally (Durst, 2000, p. 53-54, in Proulx, 2003).

Asserting this necessity for healing within the present research project is based upon an Indigenous worldview that views crimes committed by Indigenous persons as not due to evidence of inherent criminality, *per se*, but rather as an indication of a spiritual imbalance within the individual. This imbalance causes them to deviate from their intended path and requires healing rather than punishment. This Indigenous worldview also situates criminal behaviour within the historical context of colonialism as well as the trauma and damage left behind as the pretext for criminal actions (Proulx, 2003, Waldram 1997). By doing so, the Indigenous individual is relieved of the “blame” of criminal actions, but is instead left to be responsible for change. Waldram (1997) thoughtfully argues that by asserting a colonial history as being the force behind an Indigenous person's criminal actions, “the inmate is made to feel less ‘bad’ and therefore more worthy as a human being, and he is brought to see how criminal behaviour, substance abuse, or distorted thinking can develop” (pg. 206).

Literature Review: Indigenous Identity

“Identity, for Native people, can never be a neutral issue. With definitions of Indianness deeply embedded within systems of colonial power, Native identity is inevitably highly political, with ramifications for how contemporary and historical collective experience is understood” (Lawrence, 2004, p. 1).

Indigenous identity is a historically contentious issue, one that continues to be politicized, disrupted, and invariably deeply embedded in colonial power. In this section, an historical context of how Indigenous identity has been conceptualized is provided, followed with a primarily Indigenous world-view of Indigenous identity.

Historical Legal Context

It was during first contact that Europeans described the Indigenous people of the territory of Canada as Indians when Jacques Cartier sailed from France and believed he had discovered India. From this point forward, Indigenous people in Canada during the early seventeenth century have been categorized as ‘other,’ however this image of the Indian has shifted over time. Indigenous people were first considered allies during the fur trade and early times of war, they were deemed the ‘Noble Savage,’ and were stereotypically romanticized (Retzlaff, 2005). The imagery gradually shifted to simply ‘Savage,’ as Indigenous people became to be seen as barbaric and inferior when they were no longer useful as military or economic allies, but were considered a hindrance to colonial progression in need of assimilation (Retzlaff, 2005). These ideas later shifted to the modern ‘Indian’ whereby Indigenous people were depicted as poor, assimilated, and still hindering the progression of Canada. Even today, it could be argued that parts of contemporary Canadian society view Indigenous people as ‘Savages,’ due to their continual marginalization.

It could also be argued that the negative Euro-centric connotations that originated from

first contact continue to persist today in both the prejudices towards Indigenous people within contemporary society, but are also mirrored in the history of federal policy on how Indigenous people are defined and managed by the Canadian state. Government policy and histories of colonial assimilation have controlled and constructed the ways in which identity is conceptualized for Indigenous people, and this is in contrast to how many Indigenous people understand their own Indigenous identity, as being part of a distinct Nation among many. At the same time, government regulations continue to determine who is Indigenous based on the legal policy of the *Indian Act*, on the basis of measurable genealogy and marriage; such regulations ignore the deeply personal aspects of identifying as Indigenous, such as a connection with culture, language and the land, community, or values (Lawrence, 2004). This is to say that an Indigenous person may strongly identify with being Indigenous, but may not have the quantifiable genetic lineage to be recognized by the Canadian government as Indigenous. Defining Indigenous identity is further complicated by the fact that the common traditionalist view conceives Indigenousness as living a traditional lifestyle of hunting and trapping (Coates, 1999). Thus, from this perspective, an urban Indigenous person may be viewed as being less Indigenous (Lawrence, 2004).

In order to understand how truly contentious Indigenous identity is, it is important to consider how legislation and policies have defined who is Indigenous and who is not. The first documented example regarding Indigenous identity can be seen in the *Indian Act* and its underlying purpose was the erasure of Indigenous identity; if it could not be erased then it was to be regulated, subject to further colonial power and regulation of who is entitled to Canada's land. This first definition of who was Aboriginal (or 'Indian') was inclusive of individuals that were of blood descent or any person that married an Aboriginal person, as defined by legislation passed

in 1850. The *Indian Act* was first passed in 1876 as a consolidation of the *Gradual Civilization Act* of 1857⁷ and the *Gradual Enfranchisement Act* of 1869⁸ (RCAP, 1996). The *Gradual Civilization Act* of 1857 provided the voluntary enfranchisement of Aboriginal people allowing them to become Canadian citizens if they abandoned their Indian status. Enfranchisement was seen by the Canadian State as a privilege, one that was only reserved for Indians that were educated, debt free, and of ‘good moral character.’ The *Gradual Enfranchisement Act* of 1869 added the provision that an Aboriginal woman would no longer be an Indian if she married a non-Aboriginal man and any children from this marriage would not be Indian. The first version of the *Indian Act* maintained this explicit vision of assimilation within a paternalistic relationship with the State. From the period of 1876 to 1951 the *Indian Act* was revised multiple times. Some key revisions included: the 1885 provision which prohibited traditional Indigenous ceremonies; the 1910 amendment which prohibited Aboriginal people from using band funds for land-claim actions; the 1914 revision which required Aboriginal people to gain official permission in order to dress in Indigenous ‘costume’ for public activities; the 1918 revision which allowed the lease of reserve lands to non-Aboriginal people for farming purposes; the 1927 revision that outlawed any individuals from soliciting funds to pursue land claims; the 1930 revision that prohibited Aboriginal people from entering a pool hall (RCAP, 1996).

However, it was the 1951 amendments to the *Indian Act* that were deemed to be a turning point, as these amendments moved in a different direction and included the removal of prohibitions on traditional Indigenous ceremonies and practices. Aboriginal people were now allowed to engage in legal actions, and while women were given the right to vote in band elections, compulsory enfranchisement of Aboriginal men stopped, however compulsory

⁷ S.C. 20 Vic., c.26, 10 June 1857.

⁸ S.C. 32-33 Vic., c.6, 22 June 1869.

enfranchisement of Aboriginal women that married non-status Aboriginal men continued (RCAP, 1996). These 1951 amendments also made provincial laws applicable on reserves. Lawrence (2004) contends that the 1951 provisions ushered in the ‘sixties scoop’ as provincial child welfare agencies were given jurisdiction over reserves across Canada at that time. The sixties scoop occurred from 1960 to the late 1980’s when a disproportionate number of Indigenous children were forcibly removed from their families and placed in foster care or adopted out to white middle-class families (RCAP, 1996). The sixties scoop was not a specific child welfare policy, but represented a segment of the larger history of Aboriginal child welfare that followed the residential school system (Sinclair, 2007). During this period, social workers removed children for what they believed were conditions of neglect and poverty on reserve; some consider the sixties scoop as “an act of genocide, which was deliberately implemented upon the demise of the residential school system to perpetuate the governments’ assimilation policies” (Sinclair, 2007, pg 67).

Gender based discrimination was finally removed in the 1985 *Indian Act* amendments, also known as Bill C-31, where status lost to women due to marriage to non-Aboriginal men was restored. As a result of Bill C-31, approximately 127,000 Indigenous individuals regained their Indian status (Lawrence, 2004). While blood quantum⁹ was disregarded under Bill C-31, this was replaced with the “two generation cut-off clause” or the “second-generation cut-off” which stipulated that children from marriages between a status Indian and a non-status Indian would have Indian status, but grandchildren would not. Lawrence argues that this was a “bleeding off” strategy as there was a limit to one generation of Indigenous people that would be legally recognized as Indian. This issue was later addressed in 2011 when the *Gender Equity in Indian*

⁹ Eligibility requirement under the *Indian Act* base membership on the amount of Indian blood possessed as measured by the percentage of an individual’s ancestors, out of their total ancestors, who are full-blood Indian.

*Registration Act*¹⁰ came into force, which amended registration provisions of the *Indian Act* that had been deemed unconstitutional by the British Columbia Court of Appeal in the case of *McIvor v. Canada*.¹¹ In *McIvor*, it was argued that Bill C-31 divided Indian status into two sections and this resulted in different eligibility rules for men and women. For women only two generations were entitled to status under Bill C-31, whereas for men three generations were entitled to status. The British Columbia Court of Appeal therefore ruled that registration of the *Indian Act* infringes the right to equality under s. 15 of the *Charter*.¹² The resultant *Gender Equity in Indian Registration Act* allows for grandchildren of women that lost status due to marriage with a non-Indian man to become entitled to Indian status.

Who is Indigenous?

Due in part to Indigenous people's historical and continued inability to define membership to their Nations and the Canadian government's continued imposed determination of who is recognized as Aboriginal, there is a long-standing question as to 'who is Indigenous'. Coates (1999) contends that there is no standardized definition or measurement of Indigenousness. Some Indigenous communities see membership as participating in cultural practices and traditional teachings, while other Indigenous communities see membership as willingness to respect and support community values and aspirations. For Coates, being Indigenous means to self-identify as Indigenous while also being accepted by an Indigenous community. Similarly, Tripathy (2006) contends that, "Native identity is about Native experience, trials, tribulations, and material participation in Native traditions. An assimilated full-blood Indian is not really a Native. Admiration for Native ways of life and the desire to live

¹⁰ *Gender Equity in Indian Registration Act*, S.C. 2010, c. 18.

¹¹ *McIvor v. Canada (Registrar of Indian and Northern Affairs)*, 2009 BCCA 153 [*McIvor*].

¹² *Canadian Charter of Rights and Freedoms, Constitution Act, 1982*, s 35, being Schedule B to the *Canada Act 1982 (UK)*, 1982, c 11. [*Charter*].

that tradition make a Native” (pg 315). For Tripathy, Indigenous identity is not a matter of biology, but rather cultural and conscious conviction. Restoule (2000) also argues that Indigenous identity should shift towards the concept of ‘identify’; by moving from identity to identifying, it empowers the self to identify who they are at a particular fluid moment rather than allowing a colonial power to do so.

In attempting to define who is Indigenous from a primarily Indigenous perspective, Alfred and Wilmer (1997) define Indigenous identity as consisting of three conditions:

First, they are descended from the original inhabitants of the geographic area they continue to occupy, hence, they are Aboriginal; second, they wish to live in conformity with their continuously evolving cultural traditions; and third, they do not now control their political destiny and consequently are frequently subjected to policies arising from the cultural hegemony originally imposed by an ‘outside’ force (pg 27).

Corntassel (2003) finds it problematic to define who is Indigenous based on political destiny as it implies a lack of control, therefore his definition is based on a framework of international law, nationalism literature, and Indigenous rights, which also combines self-identification with cultural perspectives:

(1) Peoples who believe they are ancestrally related and identify themselves, based on oral and/or written histories, as descendants of the original inhabitants of their ancestral homelands; (2) Peoples who have their own informal and/or formal political, economic and social institutions, which tend to be community-based and reflect their distinct ceremonial cycles, kinship networks, and continuously evolving cultural traditions; (3) Peoples who speak (or once spoke) an Indigenous language, often different from the dominant society’s language – even where the Indigenous language is not ‘spoken’, distinct dialects and/or uniquely Indigenous expressions may persist as a form of Indigenous identity; and (4) Peoples who distinguish themselves from the dominant society and/or cultural groups while maintaining a close relationship with their ancestral homeland/sacred sites, which may be threatened by ongoing military, economic or political encroachment or may be places where Indigenous people have been previously expelled, while seeking to enhance their cultural, political and economic autonomy (pg. 92).

In Alfred’s (2009) later work, he answers the question of ‘who is Indigenous’ by asserting that the answer is located within the traditions of Nations and their inherent right to self-

determination. According to Alfred, “pure self-identification and acting the part” does not constitute being Indigenous (pg 109). Therefore, membership should be determined based on blood relationship and the collective determination of belonging according to the particular Nation. Further, no individual should have the right to assume possession of an Indigenous identity just because they claim it, similarly as one Nation or State should not have the ability to impose identity membership upon another Nation. This is to say that the Canadian State should not hold the power to establish membership to unique Indigenous Nations, simply through its legal definition of who is Aboriginal. Alfred argues that returning to and respecting a traditional Indigenous framework for determining membership, would “promote reconstruction of Indigenous nations as groups of related people, descended from historical tribal communities, who meet commonly defined cultural and racial characteristics for inclusion” (pg 110).

Mi'kmaw scholar Bonita Lawrence agrees with Alfred's contention that Indigenous communities must have the power to determine their own community identity, and this should be based on community traditions that existed prior to colonial disruption. However, Lawrence questions some of Alfred's traditionalist opinions for such frameworks and what the implications are for those who do not live a traditional lifestyle. For instance, for Alfred being a 'real' Indian means to live a traditional lifestyle in an Indigenous reserve community, and this in turn causes Lawrence to question if reserve communities are the only place where 'real' Indians can exist. Lawrence argues that this notion of the reserve community as the only place where 'real' Indigeneity can exist entrenches the colonial idea that Indigeneity and modernity are inherently contradictory. This is because the very basis of government control of Indian identity was to erase Indians from the Canadian landscape as it was once believed that Indigenous people were too inferior and 'savage' to exist in modern Canadian society. Also importantly, while fifty-

percent of the First Nations population do not live in reserve communities (National Household Survey, 2011), Lawrence questions if Indigeneity actually ceases to exist when an Indigenous person leaves the reserve community. Also of concern, Alfred has suggested that those that do not live a traditional lifestyle in accordance with the customs and traditions of their Nation of origin should not be entitled to band membership in that First Nation community and should therefore consider themselves as having the political-legal “Aboriginal” identity, and no longer be a member of their Nation (Alfred in Barnsley, 2000; Lawrence, 2004). I do think it is important to think critically about such ideas that are outlined above, much like Lawrence does when she questions the very real implications of Alfred’s arguments for urban Indigenous people. However, I think there must also be caution given when critiquing a Nation’s direction for self-determination as this can quickly become the basis of colonial thinking. Therefore, for the purposes of this research, conceptualizing Indigenous identity will be grounded primarily on an individual’s understanding of Indigenous identity, so to avoid prescriptive political pitfalls.

Literature Review: Indigenous People and the Criminal Justice System

The following section provides an historical examination of the over-representation of Indigenous people in the criminal justice system from 1960 to 2016,¹³ along with the justice responses and inquiries that have attempted to resolve this historical problem. Following this, Correctional Services of Canada’s (CSC) prison programs for Indigenous people are examined, as well as a literature review of criticisms and critiques of such programming.

From the mid-1960’s to the present, Indigenous people in Canadian prisons have been over-represented relative to their numbers in the general population. Statistics from over a 40-

¹³ The year 1960 is the earliest period when Indigenous over-incarceration is discussed within academic literature; 2016/15 is used as the cut-off as it is the date from which the most recent statistics are available at the time of writing.

year period illustrate this: in 1965 Indigenous people in the Prairies represented 5% of the Canadian population, but 32% of the Prairie inmate population (Jackson, 1989). A 1976 Saskatchewan study found that an Indigenous male turning sixteen had a 70% chance of having at least one incarceration experience before turning twenty-five (Jackson, 1989). In Manitoba by the mid-1980's Indigenous people represented 46% of provincial correction admissions while representing 6% of Manitoba's population. By 1995-96, Indigenous people represented 55% of admissions to Manitoba's provincial corrections and 72% of Saskatchewan's admissions. In 2013, Indigenous inmates represented 46% of the Prairie inmate population while representing 15% of the Prairie population – 65% of the federal prison population in Manitoba and 63% of the federal population in Saskatchewan is Indigenous (Sapers, 2013).

Most recently, the *Adult Correctional Services Survey* reported that Indigenous adults represent 25% of admissions to provincial/territorial corrections in 2014/2015 while representing 4.3% of the total Canadian population (Statistics Canada, 2016). In the Prairies, Indigenous adults represent 72% of the provincial prison population in Manitoba while representing 14% of the province's population; in Saskatchewan, 75% of the provincial prison population is Indigenous while representing 11.3% of the province's population (Statistics Canada, 2016). Lastly, the *Office of the Correctional Investigator* reported that the federal correctional system has an Indigenous prison population of 25% as of January 2016, while 47% of the inmates in federal prisons in the Prairies are Indigenous (Sapers, 2016). Sapers further put these numbers in context by showing that from 2005 and 2015 the federal inmate population grew by 10% while the Indigenous inmate population grew by 50% during this same time.

Due to the continuous over-representation of Indigenous people in Manitoba's criminal justice system and the apparent failure to deliver justice to Manitoba's Indigenous people, the

Aboriginal Justice Inquiry (AJI) of 1991 was commissioned. The public inquiry was in response to the sixteen-year silence over the murder of Helen Betty Osborne¹⁴ and the racially charged death of J.J. Harper¹⁵ by Winnipeg police. The purpose of the AJI was to examine the relationship between Indigenous peoples of Manitoba and the criminal justice system, and overall contended that Indigenous people were treated differently as a result of systemic and overt discrimination. The AJI found that justice in many cases had been denied to Indigenous people and that the rights of Indigenous people were routinely ignored. The AJI asserted that the over-representation of Indigenous people in Canadian corrections was the end point of multiple failures within the justice system – Indigenous people were more likely to be denied bail, spend more time in pre-trial detention, more likely to be charged with multiple offences, more likely to have poor legal representation, and more likely to receive prison sentences. The AJI problematized Canada's practice of treating all individuals as equal citizens who share common values and experiences and highlighted that such practices have adverse effects on Indigenous people. The AJI further argued that the under-employment of Indigenous people within the criminal justice system represents a systemic bias, and by excluding Indigenous people from decision-making positions ensures that subjective discretionary practices will not be appropriate for Indigenous people. The AJI also encouraged judges to reconsider how they sentence Indigenous people so that incarceration is a last resort and when a sentence is required that it be community-based.

¹⁴ Nineteen-year-old Helen Betty Osborne, from the Norway House Reserve, was murdered in Manitoba in 1971 by four men. It took over sixteen years for one of the individuals to be convicted and sentenced to life imprisonment, while the other three men were never charged, were either given immunity in return for testimony or were acquitted. There was public outcry for an Inquiry due to the sixteen years it took for a trial to be held and the belief that the delay was because the victim was Indigenous (RCAP, 1996).

¹⁵ John Joseph (J.J.) Harper died in 1988 from a gunshot wound caused by a Winnipeg Police officer. The police officer stopped J.J. Harper on the basis of race as he had loosely fitted the description of a car thief. The officer's weapon discharged during the altercation and the officer was later found to be not responsible as he argued that J.J. Harper had reached for his weapon (RCAP, 1996).

Parliament attempted to address the AJI's recommendations and rely less on incarceration and to make greater use of community-based sanctions, through Bill C-41 in 1996, which contained substantive amendments to sentencing provisions in the Criminal Code as found in 718.2(e):

718.2 A court that imposes a sentence shall also take into consideration the following principles:

(e) All available sanctions, other than imprisonment, that are reasonable in the circumstances and consistent with the harm done to victims or to the community should be considered for all offenders, with particular attention to the circumstances of Aboriginal offenders.¹⁶

The challenge facing sentencing judges was to determine which circumstances of Indigenous people to consider, this was clearly the issue in *R. v. Gladue*.¹⁷ In *Gladue*, Jamie Tanis Gladue plead guilty to manslaughter and was sentenced to three years' imprisonment. The sentencing judge decided that a suspended sentence or a conditional sentence was not appropriate for Indigenous people who live in urban areas off reserve, accordingly they are not part of the Indigenous community. The Court of Appeal for British Columbia and Supreme Court dismissed the accused's appeal of her sentence, however the Supreme Court provided the considerations that should be taken into account when sentencing Indigenous offenders. The Supreme Court ruled that 718.2(e) must be applied liberally, in a purposeful manner that will have an impact on the over-incarceration of Indigenous people, despite their current residence. The established circumstances that must be considered are:

(a) the unique systemic or background factors which may have played a part in bringing the particular aboriginal offender before the courts; and (b) the types of sentencing procedures and sanctions which may be appropriate in the circumstances for the offender because of his or her particular aboriginal heritage or connection (para 62).

The Supreme Court asserted that 718.2(e) gives sentencing judges flexibility, and relying less on

¹⁶ *Criminal Code*, RSC 1985, c C-46, s 718.

¹⁷ *R. v. Gladue*, [1999] 1 S.C.R. 688. [*Gladue*].

imprisonment does not sacrifice the traditional goals of sentencing.

In 2012, the Supreme Court reaffirmed the importance of s. 718.2(e) and *Gladue* in *Ipeelee*,¹⁸ asserted that in fact that since the *Gladue* decision and s. 718.2(e) implementation, Indigenous over-incarceration has increased. In *Ipeelee*, the Court ruled that *Gladue* principles apply in all contexts, including violent offences, and in this case, a breach of long-term supervision orders. Most important about the *Ipeelee* ruling was the assertion of error that courts have made in cases since *Gladue* and the failure to implement s. 718.2(e). The first error cited is judges that “erroneously suggest that an offender must establish a causal link between background factors and the commission of the current offence before being entitled to have those matters considered by the sentencing judge” (para 81) as this ignores the intergenerational effects of colonialism while also imposing an evidentiary burden that was not outlined in *Gladue*. A second error cited is the “irregular and uncertain application of the *Gladue* principles to sentencing decisions for serious or violent offences” (para 84). Furthermore, the Supreme Court asserted, “sentencing judges have a *duty* to apply s. 718.2(e)” (para 85) and a failure to apply *Gladue* principles in all cases involving Indigenous offenders justifies an appeal.

Shortly after the AJI, further disruptions were occurring in other parts of the country and another public inquiry was called due to the deteriorating relationship between Canada’s Indigenous people and the federal government on account of two specific events: the Oka Crisis¹⁹ and the Meech Lake Accord.²⁰ The Royal Commission on Aboriginal Peoples (RCAP)

¹⁸ *R. v. Ipeelee*, 2012 SCC 13, [2012] 1 S.C.R. 433 [*Ipeelee*].

¹⁹ The Oka Crisis was a 1990 land dispute when the Mohawk of Kanasatake protested the development of a golf course on their territory. The Mohawks assembled a barricade, which was met with police presence, tear gas, flash bang grenades, and a gun battle. The boiling point was when Indigenous people from across the country joined the Mohawk warriors, blocking a major Montreal highway, causing anger amongst Quebec residents. The Armed Forces were called in leading to a heavy military presence, which caused the 78-day standoff to end (Swain, 2010). In 1994 the federal government and the Mohawks of Kanasatake signed a memorandum of understanding in regards to land purchases, then in 1997 the federal

of 1991 was established with a broad mandate to examine the historical and contemporary relationship between Indigenous people and Canadian society, calling for a renewed Nation-to-Nation relationship. The Commission issued an interim special report in 1995 regarding Indigenous people and the criminal justice system - *Bridging The Cultural Divide: A Report on Aboriginal People and Criminal Justice In Canada*. The first unambiguous finding was:

The Canadian criminal justice system has failed the Aboriginal peoples of Canada – First Nations, Inuit and Métis people, on reserve and off, urban and rural – in all territorial and governmental jurisdictions. The principal reason for this crushing failure is the fundamentally different world views of Aboriginal and non-Aboriginal people with respect to such elemental issues as the substantive content of justice and the process of achieving justice (Chartrand, 1996, pg 4-6).

The Commission determined that the root causes of Indigenous crime, of over-incarceration and of social disorder were a result of the history of colonialism and its continuing effects. Moreover, the over-representation of Indigenous people in the criminal justice system was seen as the result of systemic discrimination as well as high levels of crime. It was noted that high levels of crime also affect higher levels of suicide and substance abuse, which are linked to histories of colonialism and the contemporary damages of colonialism which systemically undermined Indigenous culture and social structures. Furthermore, the Commission supported addressing the roots of Indigenous crime through healing and the legitimization of Indigenous justice traditions. The Commission therefore did not suggest minor reforms to the existing system, but rather, radical reshaping and allowing Indigenous people the inherent right to determine and develop their own justice system.

government purchased the land in the name of the community, however the status of the disputed land remains unresolved (Lackenbauer, 2014).

²⁰ The Meech Lake Accord was a failed proposal to amend the *Constitution* in 1987, which proposed legislation that would have given Quebec special status as a distinct society. Indigenous groups raised opposition to this due to a lack of consultation, the Accord's recognition of Quebec and Canada as the only nations of Canada, and concern that Quebec would be given the power to disregard sections of the *Charter* (Kallen, 1988).

Another recent development in this regard occurred when the Office of the Correctional Investigator, twenty years after the implementation of the Corrections and Conditional Release Act (CCRA)²¹ and thirteen years after the *Gladue* decision, examined the conditions of Indigenous people in federal corrections. The subsequent report *Spirit Matters: Aboriginal People and the Corrections and Conditional Release Act* found that the federal government is failing Indigenous people and also failing to implement the CCRA. Specific provisions in the CCRA (s.81 and 84) addressed the circumstances of Indigenous people in federal corrections, and provided measures to mediate over-incarceration. Section 81 provides Indigenous communities the capacity for the care and custody of Indigenous offenders, including the delivery of Healing Lodges:

81. (1) The Minister, or a person authorized by the Minister, may enter into an agreement with an aboriginal community for the provision of correctional services to aboriginal offenders and for payment by the Minister, or by a person authorized by the Minister, in respect of the provision of those services. (3) In accordance with any agreement entered into under subsection (1), the Commissioner may transfer an offender to the care and custody of an aboriginal community, with the consent of the offender and of the aboriginal community (Canada, 2013, pg 10).

While section 84 allows for Indigenous communities to assist with reintegration upon parole:

84. Where an inmate who is applying for parole has expressed an interest in being released to an aboriginal community, the Service shall, if the inmate consents, give the aboriginal community; (a) adequate notice of the inmate's parole application; and (b) an opportunity to propose a plan for the inmate's release to, and integration into, the aboriginal community (Canada, 2013, pg 10).

The Correctional Investigator of Canada, Howard Sapers however found that CSC only allows Indigenous offenders who are assessed as minimum security into s.81 healing lodges, which means that 90% of Indigenous men are excluded. Sapers contends that this contravenes Parliament's intent with the implementation of the CCRA, which was for greater involvement of

²¹ *Corrections and Conditional Release Act*, S.C. 1992, c. 20.

Indigenous communities in the delivery of services to Indigenous offenders in and outside of correctional institutions. The report also highlighted that Indigenous inmates are consistently being classified as higher need and/or higher risk due to their marginalization, unemployment, mental health, substance abuse and criminal history. The report therefore suggests that CSC has chosen to take a narrow approach to Parliament's attempt to reduce Indigenous over-incarceration through the enactment of the CCRA, and a lack of funding for developing Healing Lodges points to a failed attempt to having greater community involvement in federal corrections. Due to the lack of investment in implementing these aspects of the CCRA, there has been no closing of the gap of correctional outcomes for Indigenous offenders as the report found a 40% increase in Indigenous incarceration from 2001 to 2010-11.

Directly confirming Sapers (2013) contention that Indigenous offenders are being over classified as higher need and/or higher risk, in September 2015 the Federal Court ruled in *Ewert v. Canada*²² that CSC's psychological risk assessment tools violated a 53 year old Métis man's section 7 *Charter* rights to life, liberty and security of the person. The *Ewert* case focused on the psychological tests CSC uses for all inmates to assess risk of violent and sexual recidivism, as well as tests for psychopathic personality disorders. The court ruled that part of the psychopathy test "has substantial reliability issues and has been called 'junk' in respect of its use for Aboriginal prisoners" (para 17). The court further ruled that the risk-assessment tools are culturally biased against Indigenous offenders and therefore unreliable. Furthermore, these tests were found to have an adverse impact on prison conditions for Indigenous inmates, and for Ewert, had negatively affected his chances for parole and opportunities for Escorted Temporary Absences. What is most striking about the *Ewert* ruling is that Justice Phelan acknowledged that

²² *Ewert v. Canada*, 2015 FC 1093 [*Ewert*].

CSC has been aware since 2000 that they have been using assessments tools that provide inaccurate information for Indigenous offenders, and this is a breach of the *CCRA* (para 84).

Further highlighting the continued concern regarding Indigenous over-representation in the criminal justice system, in 2015 the Truth and Reconciliation Commission of Canada (TRC)²³ made Calls to Action to specifically address this problem. In the ten-volume report, the TRC made ninety-four Calls to Action related to child welfare, education, language and culture, health, justice, and reconciliation amongst all levels of government. Specifically related to the over-incarceration of Indigenous people, the TRC made the following Calls to Action, and called upon federal, provincial, and territorial governments to:

30. Commit to eliminating the overrepresentation of Aboriginal people in custody over the next decade, and to issue detailed annual reports that monitor and evaluate progress in doing so.
31. Provide sufficient and stable funding to implement and evaluate community sanctions that will provide realistic alternatives to imprisonment for Aboriginal offenders and respond to the underlying causes of offending.
32. Allow trial judges, upon giving reasons, to depart from mandatory minimum sentences and restrictions on the use of conditional sentences
35. Eliminate barriers to the creation of additional Aboriginal healing lodges within the federal correctional system.
36. Work with Aboriginal communities to provide culturally relevant services to inmates on issues such as substance abuse, family and domestic violence, and overcoming the experience of having been sexually abused.
38. Commit to eliminating the overrepresentation of Aboriginal youth in custody over the next decade (TRC, 2015b, pg 3-4).

The above Calls to Action not only highlight that Indigenous over-incarceration continues to be a

²³ From 2008 to 2015 the TRC was implemented based on the largest class-action settlement in Canadian history with the mandate to document the history of residential schools and the persisting legacy as a means to educate Canadians and to begin reconciliation. The commission collected testimony from over 6,000 witnesses, which included residential school survivors, their families, communities, and anyone affected by the residential school system.

persistent problem, but also underscored some of the many recommendations made earlier in the above outlined justice inquiries, as well as sentencing provisions that have already been implemented. The newly elected 2015 Trudeau government has promised all of the TRC Calls to Action to be implemented; whether this will occur remains to be seen.

Federal Prison Programming for Indigenous Inmates

As previously mentioned, there is very limited literature that examines Indigenous-specific programming that is available for Indigenous people in Canada's provincial/territorial prisons, and this is also true for federal prisons.²⁴ This section however examines the literature that does exist, including academic literature that examines and critiques federal programming for federally sentenced Indigenous adults, as well as CSC evaluation material regarding programming.

When Indigenous over-incarceration in federal institutions first began to be recognized as a concern for Canada in the 1990s, LaPrairie (1996) was one of the first academics to examine this issue, at a time when Indigenous-specific programming had also just begun to be offered in federal corrections. LaPrairie skeptically acknowledged that culturally specific programming for Indigenous people may be more effective than mainstream programming; however due to her skepticism, LaPrairie asked some interesting questions. In particular she wondered if there was a legitimate need for Indigenous-specific programming, or if it is part of a larger political agenda as a means for Indigenous people to move closer to self-governance. LaPrairie also questioned if

²⁴ Indigenous-specific programming in Canadian prisons varies depending on location as well as type of institution. Programming includes programs guided by Elders (such as Healing Circles, Healing Lodges, Sweat Lodge ceremonies), as well as ceremonies organized independently amongst inmates, such as Smudging. Details of what these programs entail are later explored in the third and fourth chapter.

Indigenous' criminogenic needs²⁵ (as per CSC) are cultural needs or if they are actually relate to personal dysfunction due in part to substance abuse, victimization, and identity issues, which may actually require mainstream cognitive programming.

However, Waldram (1997), a medical anthropologist, contends that Indigenous spirituality programs within prisons are premised on assisting Indigenous men in resolving identity conflicts while enabling Indigenous men to develop positive Indigenous identities. He finds that it is in prison that Indigenous men often first learn about their Indigenous culture and many Indigenous men enter prison with conflicted identity issues as a result of colonial projects, racism, discrimination, and marginalization. Indigenous spirituality programs are seen as symbolic healing, which are fundamentally therapeutic - "symbolic healing is more concerned with social aspects of illness, and teaching people to cope with trauma and dysfunction" (Waldram, 1997, p. 73). Furthermore, Waldram elucidates the need for prison programming to look beyond individual criminality and to examine the historical contexts of colonization in order to understand how an identity crisis is the force behind criminal behaviour for many Indigenous men.

Waldram also considers many of the issues and challenges of Indigenous-specific programs within correctional settings. Such challenges include the difficulty for Indigenous spirituality to be legitimized in a culturally appropriate manner, and a pan-Indigenous approach where Indigenous spirituality and identity is viewed to be homogenous. The current approach taken by CSC in program delivery tends to not recognize that being Indigenous consists of multiple Nations (Cree, Blackfoot, Chipewyan, Ojibwa, etc) and multiple belief systems,

²⁵ These have been described as dynamic risk factors that cause criminal behaviour, such as, "pro-offending attitudes and values, aspects of antisocial personality (e.g., impulsiveness), poor problem solving, substance abuse, high hostility and anger, and criminal associates" (Ward & Stewart, 2003, pg 127).

practices, and languages.²⁶ Waldram also outlines the challenges that Elders face, such as the desecration of sacred objects for security measures, the prison system's expectation for Elders to participate within the institution as Euro-Canadian staff (write reports, liaison with prison staff), while also requiring Elders to be competent in delivering authentic programming. Waldram notes that this can be contradictory as some Elders are grounded in Indigenous culture because they have lived on-reserve their entire lives and have not adopted Euro-Canadian values.

Zellerer (2003) examined Canada's first Indigenous culturally sensitive family violence program in Manitoba's Stony Mountain prison.²⁷ The Ma Mawi/Stony Mountain project combined both Western approaches to domestic violence programming along with traditional spirituality and cultural practices within the Medicine Wheel. The approach combined education, counseling and prevention, with the underlying goal that Indigenous culture will allow Indigenous men to gain a sense of belonging and pride as found within traditional Indigenous values, which will in turn affect domestic violence. Similar to Waldram (1997), Zellerer also found that many Indigenous men are first introduced to their Indigenous culture in penal programs. Zellerer's evaluation found that there was significant legitimacy in combining mainstream treatment methods with traditional Indigenous approaches. This is significant as while Indigenous traditions are valuable in healing Indigenous men, mainstream treatment methods can also help to enhance Indigenous teachings.

A further study examining Canadian Healing Lodges operating from 1995 to 2001, was

²⁶ Pan-Indigenous programming tends to use Plains Cree traditions, such as focusing on the symbolism of the Medicine Wheel and the Creator, Sweat Lodge ceremonies, and use of traditional plant medicines such as sage, sweet grass, and tobacco offerings.

²⁷ Correctional Service of Canada funded a domestic violence program at Stony Mountain Institution in Manitoba in 1993, operated by the community agency Ma Mawi Wi Chi Itata Centre. This study was funded by a grant from the Correctional Service of Canada.

undertaken by Trevethan, Crutcher and Rastin (2002).²⁸ The authors examine the two types of healing lodges, CSC-run healing lodges and s. 81²⁹ healing lodges that are run by Indigenous communities in conjunction with CSC. The authors contended that the socio-demographic and criminal history of Indigenous men admitted to Healing Lodges were similar to Indigenous men in minimum-security facilities. However the authors argued that Indigenous offenders admitted to Healing Lodges were rated as higher risk to re-offend, higher need, and lower reintegration potential in comparison to Indigenous offenders in minimum security. The authors therefore contend that CSC is not only taking the ‘easy cases’ into Healing Lodges. This, however completely contradicts Sapers (2013) report and it must be remembered that CSC funded this study and has a vested interest in a positive outcome. The authors further found that 80% of Indigenous inmates found the Healing Lodge to be a positive experience. Similar to Waldram (1997) and Zellerer (2003), the authors also discovered that Indigenous men first became exposed and interested in Indigenous culture upon entry into federal institutions, and this first exposure allowed Indigenous men to explore their Indigenous spirituality. What is particularly valuable about this study is that the authors found that s. 81 healing lodges run by Indigenous communities were under-resourced and significantly lacking in community involvement.

In another research evaluation programme funded by the Research Branch of the Correctional Service of Canada, Trevethan et al. (2005) evaluated the CSC program In Search of Your Warrior (ISOYW). The program is described as a “high intensity” violence prevention program for federally sentenced Indigenous men that have a history of violent behaviour (Trevethan et al., 2005, pg 4). The program integrates aspects of traditional Indigenous culture, spirituality, teachings, and ceremonies with Western approaches to rehabilitation programming

²⁸ This study was funded by the Research Branch of the Correctional Service of Canada.

²⁹ *Corrections and Conditional Release Act*, S.C. 1992, c. 20, as discussed on page 22.

to help Indigenous men who are caught in the cycle of violence. The program is delivered by CSC staff, with the assistance of an Indigenous Elder, and through therapeutic interventions the emphasis is on the creation of self-awareness and the development of cognitive skills necessary to identify patterns of problematic behaviour and determine strategies to better manage aggression. The evaluation found that Indigenous men that participated in the program had a decrease in criminogenic need while also self-reporting an increase in cultural awareness and healing. While there should always be caution when CSC is funding an evaluation of their own programming, this evaluation does highlight that there can space within the prison system for traditional Indigenous culture and spirituality, and importantly, that such programming can be effective for Indigenous men.

Another CSC program, the “Aboriginal Offender Substance Abuse Program” (AOSAP), offered to federally sentenced Indigenous men was evaluated by Kunic and Varis (2009). This evaluation was also funded by the Research Branch of the Correctional Service of Canada. The AOSAP program is described as a high intensity holistic intervention that blends Indigenous culture and spirituality with mainstream best practices. The program is further described as addressing the physical, mental, emotional and spiritual affects of substance use through traditional Indigenous cultural and spiritual values and ceremonies, while also incorporating cognitive therapy, social learning theory, harm reduction, stages of change, motivational interviewing, and relapse prevention (Kunic and Varis, 2009, pg 8). The evaluation found that Indigenous men that participated in the AOSAP program had a lower rate of recidivism and a reduced likelihood of substance use when compared to those that participated in mainstream substance abuse programs. Ultimately, and most importantly, the evaluators attested to the need for CSC to be attentive to the population that they are delivering programming to and that it

should be meaningful to their worldview.

In the United States some research has also examined programming for incarcerated Indigenous offenders. Gosaage, et al., (2003) examine Sweat Lodge ceremonies as a prison-based treatment initiative for incarcerated Navajo men. A cultural belief that underpinned the Sweat Lodge ceremonies was that alcohol and drug abuse was a symptom of a loss of balance; therefore these ceremonies attempt to re-balance the individual through traditional Navajo spirituality. The authors found that the program improved cultural worldviews, and deep feelings of connection to Navajo culture immediately after the traditional Sweat Lodge ceremonies, however these strong cultural connections diminished over time. Arguably, this speaks to the necessity of cultural and spiritual maintenance so that Indigenous men do not lose sight of balance. A decrease in alcohol consumption and substance use was observed, however recidivism rates were relatively high as nearly fifty percent of Navajo men that participated in the ceremonies were re-incarcerated. These rates may elucidate that achieving balance is a long process and a single intervention program without follow up may not produce long term change.

A further Canadian study examining the experiences of incarcerated Indigenous women in relation to identity was conducted by Martel and Brassard (2008). The authors used the idea of Aboriginalization of prisons as a springboard to examine the ways Indigenous women construct identity as Indigenous women when navigating corrections. For them, Aboriginalization is the government's attempt to make corrections more culturally specific to Indigenous people by introducing Indigenous programs to the penal system. The authors argued that the Canadian government has constructed Indigenous culture in a hegemonic manner based on traditionalism and oversimplification, which further reflects pan-Aboriginalism, whereby Indigenous culture is essentialized to consist of one homogenous group. They further found that Indigenous women

adopt hegemonic Indigenous identities and stereotypical identities of Aboriginality, in some cases this is done as a means of protection or social stratification while other women use Indigenous identity as a means to protest mistreatment within prison to access cultural symbols.

Further research by Martel, Brassard & Jaccoud (2011) and Milward (2011) is consistent with the finding in the 2015 *Ewert*³⁰ decision which underlines the problematic nature and discriminatory risk-assessment criteria used for Indigenous inmates by CSC, as well as the adverse outcomes. While incarcerated, Indigenous individuals are ranked higher on risk assessment scales by virtue of their marginalization within Canadian society. In fact, elements of risk are most predominate in Indigenous communities including poverty, under education and employment, substance abuse, the need for healing from sexual and physical abuse, and the lack of a healthy community to return to. The authors however contend that once an Indigenous offender has completed Indigenous-specific programming, CSC believes that they are a lower risk because the criminal justice system has introduced them to a cultural identity, and such programming acts as means to ‘cure’ the offender and therefore allowing for successful reintegration. As a consequence of this higher classification of risk/need, Indigenous prisoners are often unable to participate in some programming as their higher classification deems them to be more dangerous and therefore unable to interact with other inmates or program officials. The problem is that individuals that would likely benefit the most from programming have the least access to it, due to their seemingly inaccurate risk classification.

While much of the above literature demonstrates the necessity for greater community capacity in dealing with Indigenous offenders, some authors highlight many of the problems associated with this approach (Andersen, 1999; Sapers, 2013). Andersen argues that in the name

³⁰ *Ewert v. Canada*, 2015 FC 1093.

of Indigenous ‘tradition,’ the criminal justice system attempts to place responsibility on Indigenous individuals and communities, leading to ‘traditional’ principles being incorporated within a system that is inherently non-traditional. This is evident in such practices as the Indigenization of policing and criminal justice institutions (appointing Indigenous judges, cultural awareness training for non-Indigenous staff, etc.), diversion programs such as sentencing circles, the introduction of Elders, and community panels and advisory committees. Such initiatives are grounded in community involvement in Indigenous criminality and taking ownership for punishing Indigenous offending and are focused on the community’s capacity to heal community members that have displayed destructive behaviour, all under the umbrella of healing through traditional processes. Responsibility in these initiatives is twofold: the Indigenous community must take responsibility for its members to heal injurious behaviour, while the individual must accept personal responsibility for criminality as a prerequisite to participating in such programs. Andersen (1999) argues that such initiatives fail to understand that Indigenous communities may not be ready for such responsibility due to historical disruption of colonialism that has left Indigenous communities fraught with the social ills of poverty and dysfunction. This is not to suggest that Indigenous communities are incapable of taking control of addressing crime, but rather, that the Canadian government should be responsible for improving the social and economic conditions of Indigenous communities so that they are better equipped to address crime in their own way.

Provincial Prison Programming for Indigenous Inmates

As previously mentioned, there is a significant gap in the academic literature that examines prison programming in federal prison facilities, and there is even less literature that examines Indigenous-specific prison programming in provincial/territorial prison facilities. Due

to this scarcity of academic literature, but necessity to examine programming in provincial/territorial prison facilities for this research project, the following section turns to reports released by provincial offices of auditor generals, and policy reports from non-profit charity research institutes. The purpose of doing so is to highlight and acknowledge the differences that exist between provincial and federal prisons in terms of prison programming as well as the offering and availability of such programming. This section therefore examines the prison programming in Saskatchewan, Manitoba, British Columbia, and Nunavut, and highlights similar challenges that are occurring throughout many provincial/territorial institutions in their availability of prison programming and how this affects Indigenous inmates.

A non-profit charity research institute, the Canadian Centre for Policy Alternatives, examined Saskatchewan's provincial prison system and also examined the impact of prison overcrowding for provincially sentenced adults (Demers, 2014). The report found that due to overcrowding inmates are experiencing food shortages, inadequate healthcare, increased segregation, and a lack of prison programming. In terms of prison programming in Saskatchewan's provincial prisons, the report found that despite a high demand for prison programming, extensive overcrowding is makes programming to be inaccessible due to the conversion of prison space to sleeping quarters. The report also found that the programming itself is taking a western medical "one-size fits all approach" which is often not appropriate for the unique needs of many inmates (Demers, 2014, pg 14). Lastly, the report also highlighted that Indigenous inmates in Saskatchewan's provincial prisons do not have access to any Indigenous-specific programming. This lack of access included a complete inability to practice Indigenous culture and spirituality, such as not being able to Smudge, attend Sweat Lodge ceremonies, or receive guidance from Elders. Findings such as these are concerning as Saskatchewan's 2014/15

provincial incarceration rate was 195 per 100,000 (compared to the national rate of 85 per 100,000), and there was also a five percent increase in the prison population in 2014/15, compared to a national decline of sixteen-percent (Statistics Canada, 2016).

Similar challenges exist in Manitoba's provincial prison system. In the 2014 report *Managing the Province's Adult Offenders*, the Office of the Auditor General of Manitoba reported that overcrowding in Manitoba's adult correctional centres poses a significant barrier to ensuring access to prison programming, including educational, recreational, training and rehabilitative programming (Ricard, 2015). In regards to the programming itself, the report found that the province is shifting from programming that is offence-centered (ex. programming for sex offenders and domestic violence offenders) to programming that focuses on addressing criminogenic needs (ex. education/employment, family/marital issues, substance abuse, pro-criminal attitude/associates, and anti-social behavior). However, the report found that programming focusing on criminogenic need has not been developed or adapted to be culturally appropriate or relevant to Indigenous people. While it may sound promising that Manitoba's provincial prisons are attempting to be more responsive to the needs of those that are incarcerated, it is however concerning that the cultural and spiritual needs of Indigenous people are going unmet and being effectively ignored. In fact, the report further found that only one Indigenous-specific program has been developed in one provincial institution in the entire province. When put in context, Manitoba's provincial prison system has an adult Indigenous population that represents seventy-two percent of the prison population while Indigenous people represent fourteen percent of the provincial population (Statistics Canada, 2016). These numbers are alarming, given the egregious overrepresentation of Indigenous persons in Manitoba jails.

Similar to other provinces, prison overcrowding is also particularly challenging for

British Columbia's provincial institutions, which in turn affects the availability of prison programming. In 2015 the Office of the Auditor General released *Audit of the Adult Custody Division's Correctional Facilities and Programs* and found that British Columbia's provincial institutions are occupied at a rate of 176%, and this causes many challenges for how provincial institutions operate (Bellringer, 2015). The report did not mention Indigenous-specific programming at all, but stated that existing programs cover topics of religion, recreation, education and training, and cognitive behavioural programming aimed at changing criminal behaviour and criminal lifestyles. When examining existing programmes in provincial institutions, the audit found that British Columbia's provincial institutions are not providing programming that inmates need in order to reduce criminality, but rather, institutions place a higher priority on security and safety of the facilities. Similar to rates of other western provinces, British Columbia has an Indigenous provincial incarceration rate of twenty-nine percent while five percent of the provincial population is Indigenous (Statistics Canada, 2016). Therefore, it is problematic that the cultural and spiritual needs of Indigenous people in British Columbia's provincial facilities are being unmet, and it is concerning that this is also happening while they face challenges with regards to accessing mainstream programming as well.

An examination of programming for Indigenous prisoners in Nunavut's six correctional facilities is only slightly more encouraging. Firstly, the 2015 report from the *Auditor General of Canada to the Legislative Assembly of Nunavut* outlined that the context of Nunavut's correctional facilities is very distinct: ninety-eight percent of the adult male inmates incarcerated are Inuit and the average age is thirty-two years (Ferguson, 2015). Additionally, the crime rate in the territory is described as being amongst the highest in the country: twenty-six percent of crimes in Nunavut during 2013 were considered violent crimes (compared to Canada's average

of twenty percent), and during 2015, sexual assaults were twelve times higher in Nunavut compared to the national average. The report further detailed that many of the crimes committed in Nunavut involve alcohol, however there are no substance abuse treatment programs in the territory. The Auditor General expressly asserted that because of these conditions and concerns, it is imperative for inmates to have access to meaningful programming while incarcerated.

The report went on to outline the programming that is available to inmates in Nunavut, including programming in the following areas: recreation, chaplaincy, traditional healing, education, Inuit cultural skills, Elders' counselling, mainstream counselling for specific needs (anger, addiction, sex offending, grief and loss). The intention of such programming is to assist in the future successful reintegration of prisoners into the community, and the programs in Nunavut are to be delivered based on input from Inuit Elders and available community resources. The report found that some inmates have challenges with accessing programming, and that while sixty-seven percent of the inmates in one correctional centre have accessed programming, it is unknown if this was long-term programming or attendance to just one class/activity. In terms of cultural programming, some of Nunavut's institutions offer carving programs however the report found that there is a lack of participation because inmates face pressure from other inmates to smuggle contraband and therefore do not want to participate in the program. Inmates in Nunavut also have the opportunity to serve their sentence at an outpost camp that provides healing through traditional counselling and the opportunity to live traditionally on the land. There are five camps operating in Nunavut and during 2013/14 there were only an average of four inmates participating in the camps, however the report did not indicate reasons for the low participation rates.

This research project will attempt to fill a gap in the literature by exploring how

Indigenous identity is affected and conceptualized as a consequence of carceral programming offered by the Canadian colonial state. In the literature, Waldram (1997) provides a general examination of Indigenous-specific prison programming, along with the challenges and benefits, however he does not assess the relationship of program participation to identity conceptualization. Martel and Brassard (2008) examine situational and stereotypical penal identity that are aligned with being the 'other.' However, neither Martel and Brassard (2008) nor Waldram (1997) consider identity conceptualization that is grounded in Indigenous identity that exists outside of the penal setting. In addition to this, there is also a significant scarcity of literature that examines Indigenous-specific programming in provincial/territorial institutions. The proposed research project will therefore attempt to fill a gap in the literature by exploring the impact of Indigenous-specific penal programs on Indigenous identity conceptualization.

Chapter 2: Theoretical Framework

The theoretical framework to be employed for this research project is a harmonized approach using both postcolonial theory and settler colonialism. A combination of both theoretical frameworks is used as a means to achieve a nuanced approach to examining identity construction within an often complicated and politicized idea of Indigenous identity amongst a history of colonialism as well as the contemporary realities of colonialism and settler-created structures. The first section of this chapter is dedicated to postcolonial theory, including an examination of the theoretical underpinnings that informed the process of colonization, and the resulting aftermath of colonial practices. Settler colonialism is then outlined, including how this theoretical framework is informed and the structures of contemporary Canadian society that exist as a result of settler colonialism. The description of both theoretical frameworks is located primarily from within an Indigenous perspective, and this therefore requires a discussion of contemporary colonialism, the colonial mentality, how all of this ties into the over-representation of Indigenous people in the criminal justice system, and the necessity for decolonization.

Postcolonial Theory

Informed by Marxism, postcolonial theory is a macro-oriented theoretical examination of the historical condition and aftermath of colonization and the complex conditions that have arisen from assimilation and colonialism (Gandhi, 1998). While postcolonial theory has a contested scope and disputed precise definition, however Ashcroft, Griffiths, & Tiffin (2003) define it as a:

Discussion about experience of various kinds: migration, slavery, suppression, resistance, representation, difference, race, gender, place, and responses to the influential master discourses of imperial Europe such as history, philosophy and linguistics, and the fundamental experiences of speaking and writing by which all these come into being.

...Post-colonial studies are based in the ‘historical fact’ of European colonialism, and the diverse material effects to which this phenomenon gave rise (pg 2).

Gandhi (1998) defines colonialism as “the historical process whereby the West attempts to systematically cancel or negate the cultural difference and value of the non-West” (pg, 16).

Keeping these definitions in mind, it is important to acknowledge that the ‘post’ in postcolonial theory does not mean that there is a particular end point to colonialism, but rather represents a discursive condition informed by imperial power with undeniable damage left behind upon the colonized (Ashcroft, Griffiths, & Tiffin, 2003).

A Note on Terminology for Postcolonial Theory

Postcolonial theory uses terminology that is specific and fundamental to this theory, therefore defining these terms at the outset is key. These terms will be more fulsomely examined throughout this chapter, however the following terms are a starting point for the discussion. Colonization is defined as the conquest and direct control of land that belongs to others, which is a specific outcome of imperialism (Ashcroft, Griffiths, & Tiffin, 2003). Imperialism is the ideological force behind the practice of colonization and represents the aggressive (coercive and violent) European policy for territorial acquisition and settlement for political, economic and cultural reasons (Ashcroft, Griffiths, & Tiffin, 2003; Mawani & Sealy, 2011). Lastly, fundamental to colonialism and postcolonial theory is hegemony. Hegemony involves “domination by consent” (Ashcroft, Griffiths, & Tiffin, 1998, pg 23). This refers to the power exerted by the ruling class that ultimately convinces the colonized that the interests of the ruling class are the interests of all, within all state apparatus. In this sense, domination is subtle and not by force, but rather power is exerted through media, economy, state institutions, and education, with the end result being an internalized colonial mentality.

Colonization

I want to get rid of the Indian problem. I do not think as a matter of fact, that the country ought to continuously protect a class of people who are able to stand-alone... Our objective is to continue until there is not a single Indian in Canada that has not been absorbed into the body politic and there is no Indian question, and no Indian Department, that is the whole object of this Bill.

- Deputy superintendent of the Department of Indian Affairs, Duncan Campbell Scott, 1920, in reference to the *Indian Act* amendment that made residential school attendance compulsory (Leslie and Maguire, 1983, pg 115).

Postcolonial theory developed as a theoretical framework to better understand the consequences of colonization. Therefore, it is imperative to first provide a brief detailing of process of Canadian colonization, and the following section then provides an examination of the effects of colonization, which is described as post-colonization, and this is the crux of postcolonial theory.

Canadian colonization first began with the forced entry into the geographical area of Canada by the French, which was then followed by the British Empire's domination (Frideres and Gadacz, 2001). Some contest that this incursion was done based on forced-voluntary entry, while others argue that Canada was considered to be vacant territory and free for Europeans to acquire and dominate. Regardless, European entry into Canada was based on the interests of the colonizer, including land and resource exploitation and eventual settlement. Following this, there was destruction of Indigenous political, social, economic, kinship, culture, and religious systems. This process began between 1830 and 1875 when settlers developed legislation that forced Indigenous people to surrender their culture and values. During the early 19th century and onwards, the existence of Indigenous culture and traditional way of life was denied, deemed to be inferior, to hold no moral value and through this, Canadian officials in tandem with religious groups sought to 'civilize' and 'Christianize' Indigenous people. This included developing the residential school system that forcibly removed Indigenous children from their families and

communities for purposes of assimilation. It also involved developing legislation (the *Indian Act*³¹) that outlawed Indigenous cultural and spiritual practices that were deemed to be incompatible with Christianity, such as traditional dances and ceremonies such as the potlatch. What subsequently followed was external political control of Indigenous life and personhood by the Department of Indian Affairs and Northern Development from 1911 onwards. This included control over Indigenous governance structures, such as band councils whereby Indigenous self-governance was prevented and band funds could not be used to develop social and political organizations of their own, and lead to economic dependency. Economic dependency also expanded through exploitation of reserve lands by non-Indigenous people, as well as industries that relied on the exploitation of cheap and unskilled labour, keeping Indigenous people at a subsistence level; problematically the profits of this exploitation left reserves. There was also an unsatisfactory level of social services made available to Indigenous people, specifically in the areas of health and education, leading to poor health and social outcomes. The final processes of colonization involved social interactions within the colonial state that were grounded in racism, whereby a colour line is drawn. This colour line is grounded in genetic and cultural settler superiority, subsequently leading to the marginalization of Indigenous people.

Post-Colonization

The effects of colonization can be understood within the framework of postcolonial theory. The result of centuries of colonial practices did not cause the erasure or disappearance of Indigenous people,³² however, a great deal of damage was left behind from the harms inflicted

³¹ S.C. 39 Victoria., c.18, 1876. [*Indian Act*].

³² The Beothuk of Newfoundland are the exception to this and they became extinct in 1829. The Beothuk extinction was a result of their attempt to avoid European settlers, they relocated from their traditional

on Indigenous people, their children, and their communities. Indigenous people of Canada suffered mental, emotional, physical, and sexual abuse while in the residential school system, and the intergenerational effects of the residential school system have been passed along to their children and grandchildren (Adjin-Tettey, 2007). This damage is represented in high rates of suicide, marginalization, alcoholism, language loss, low self-esteem, breakdown of the family, loss of parenting skills, and dependency (Proulx, 2003). Indigenous people of Canada have significantly lower life expectancies compared to the general Canadian population, higher rates of disease, higher mortality rates, higher levels of unemployment, lower educational attainment, lower household incomes, poor and crowded housing conditions, and significant social problems such as family violence, and over-incarceration within both provincial and federal penal institutions (Kirmayer, and Valaskakis, 2009).

The Aboriginal Healing Foundation explains the legacy of colonization as being similar to the symptoms of post-traumatic stress disorder: “intolerable, unresolved and cumulative stress and grief experienced by communities and nations [that] became translated, in time, into a collective experience of cultural disruption and a collective memory of powerlessness and loss” (Wesley-Esquimaux and Smolewski, Aboriginal Healing Foundation, 2004, pg. 5). The Aboriginal Healing Foundation meaningfully explains the legacy of colonization:

Intergenerational or multi-generational trauma happens when the effects of trauma are not resolved in one generation. When trauma is ignored and there is no support for dealing with it, the trauma will be passed from one generation to the next. What we learn to see as “normal”, when we are children, we pass on to our own children. Children who learn that physical and sexual abuse is “normal”, and who have never dealt with the feelings that come from this, may inflict physical abuse and sexual abuse on their own children. The unhealthy ways of behaving that people use to protect themselves can be passed on to children, without them even knowing they are doing so (Wesley-Esquimaux and Smolewski, Aboriginal Healing Foundation, 2004, pg. 2).

territory that was encroached by the Europeans, into an ecosystem that could not support them, subsequently leading to undernourishment and eventual starvation (Pastore, 1997).

The Aboriginal Healing Foundation therefore contends that as a result of unresolved historic traumatic experiences, unresolved grief is being passed along to future generations, and dysfunctional behavior has become normalized within contemporary Indigenous culture. The Aboriginal Healing Foundation has also found that there has been a revival in Indigenous communities of strength, determination, and culture, as communities heal from the trauma of colonization and show that they are more than victims of invasion. This revival occurring in Indigenous communities includes “the restoration of traditional systems of belief and practice, the resurgence and reclamation of languages, the growth of an Indigenous sense of national identity, and the reconstruction and deconstruction of Indigenous people’s history” (Aboriginal Healing Foundation, 2004, pg. 1).

From a more social-political focus, Alfred (2009) defines the legacies of colonization as the ongoing struggle to redress injustices from colonial periods where Indigenous people were disempowered and dispossessed, causing injustice and illness. For Alfred, a result of this legacy has been that Indigenous people are continuously seen as problematic and obstacles to the progress of civilization, wards of the State, and worthless members of society that live in the margins. Further effects include culture and language loss, Indigenous communities that are socially dysfunctional as well as impoverished and economically dependent, all while being under the political and economical control of the Canadian state. Alfred further that Indigenous people have internalized the oppressive power of the State, causing self-worth to be diminished, which has turned into self-hatred and hatred for Indigenous people as a whole, leading to self-destructive behaviour. An example of this is Indigenous people directing violence towards themselves and other Indigenous people as a form of systemic rage – “We cannot see our enemy so we’ll just have to kill each other” (Alfred, 2009, p. 58). Alfred contends that the enemy is in

plain sight – the residential school system, the welfare system, racism, and discrimination – but colonialism has caused Indigenous people to perpetuate their own oppression.

Settler Colonialism

In Patrick Wolfe's (1999) seminal book, the idea of settler colonialism was kick-started within postcolonial studies when he made the contention that settler "invasion is a structure not an event" (pg 163). This challenged the notion of a 'post' within postcolonialism as colonialism was no longer thought of in the past tense since settlers have stayed and occupied, and this began a shift in thinking about postcolonialism. Wolfe (1999) defines settler colonialism as:

Settler colonization is at base a winner-take-all project whose dominant feature is not exploitation but replacement. The logic of this project, a sustained institutional tendency to eliminate the Indigenous population, informs a range of historical practices that might otherwise appear distinct...(pg 165).

Therefore, settlers seek to replace the original population of the colonized territory, with processes that are sustained and based on a structure of domination, rather than a series of distinct events (Hixson, 2013; Wolfe, 2006). For Wolfe, settler colonialism is based on "the logic of elimination" on the basis that Indigenous people obstruct settlers' access to territory (2006, pg 388). Wolfe explains this in the following manner: "the primary motive for elimination is not race (or religion, ethnicity, grade of civilization, etc.) but access to territory. Territoriality is settler colonialism's specific, irreducible element" (2006, pg 388). Therefore, "settler colonialism destroys to replace" (Wolfe, 2006, pg 389) so that settler-colonizers eliminate Indigenous people and become the majority owners of territories. Sherene Razack provides a fulsome definition of settler colonialism:

A white settler society is one established by Europeans on non-European soil. Its origins lie in the dispossession and near extermination of Indigenous populations by the conquering Europeans. As it evolves, a white settler society continues to be structured by

a racial hierarchy. In the national mythologies of such societies, it is believed that white people came first and that it is they who principally developed the land; Aboriginal peoples are presumed to be mostly dead or assimilated. European settlers thus *become* the original inhabitants and the group most entitled to the fruit of citizenship (2002, pg 1-2).

Lastly, settler colonialism is differentiated from colonization on the basis that within settler colonialism the premise is occupation and eventual elimination of the Indigenous population, while colonization is based on conquest whereby the colonizer eventually leaves the land that they have “discovered” (Hixson, 2013). Arvin, Tuck, and Morrill (2013) explain why colonization cannot be viewed as an even of the past:

Settler colonialism refers to the structure of a society and cannot be reduced to, as many nationalist ideologies would have it, the merely unfortunate birth pangs of its establishment that remain in the distant past; settler colonialism and patriarchy are structures, not events. Settler colonialism is a persistent social and political formation in which newcomers/colonizers/settlers come to a place, claim it as their own, and do whatever it takes to disappear the Indigenous peoples that are there (pg. 12).

The Structure of Settler Colonialism

A number of social and political structures of settler colonialism have been developed to remove Indigenous people from Canada’s territory, and continue to exist today. From pre-contact, Euro-Canadian historians have asserted the myth that North America was “a vacant territory” (Richardson, 1993, pg 29), which resulted in the contention that Indigenous people were nomadic with no political or legal structures and therefore without sovereignty over their lands (Stasiulis and Jhappan, 1995). Lawrence (2004) argues that the land of Canada was “acquired” through “the forcible and relentless dispossession of Indigenous peoples, the theft of their territories, and the implementation of legislation and policies designed to effect their total disappearance as peoples” (p. 23). Following contact, the goal was to gain and maintain access to territory, through the elimination of Indigenous people. This settler society was developed as an “overseas extension or replica of British society” (Stasiulis and Jhappan, 1995, pg 2), and this is

apparent seeing as the dominant Canadian culture, values, and institutions mimic those of the 'mother' country.

Elimination of Indigenous people in Canada in the early history included segregation of Indigenous people with the reserve system and the development of laws that governed the lives of Indigenous people and their entitlements to access to territory. Wolfe (2006) lists the other mechanisms of settler colonialism:

Officially encouraged miscegenation, the breaking-down of native title into alienable individual freeholds, native citizenship, child abduction, religious conversion, resocialization in total institutions such as missions or boarding schools, and a whole range of cognate biocultural assimilations. All these strategies, including frontier homicide, are characteristic of settler colonialism (pg 388).

The above mechanisms of settler colonialism emphasize the ways in which settlers attempted to remove Indigenous identity while also ensuring that the Indigenous population did not increase, since Indigenous population increase was seen as counterproductive to gaining access to land.

In 1892, the mechanism of erasing Indigenous identity was to kill the Indian when Richard Pratt, founder of the Carlisle boarding school, famously stated: "all the Indian there is in the race should be dead. Kill the Indian in him and save the man" (Wolfe, 2006, pg 397). The idea of erasing the Indian subtly shifted in 1920 when Deputy superintendent of the Department of Indian Affairs, Duncan Campbell Scott stated he wanted to absorb the Indian into the body politic: "I want to get rid of the Indian problem... Our objective is to continue until there is not a single Indian in Canada that has not been absorbed into the body politic and there is no Indian question, and no Indian Department, that is the whole object of this Bill" (Leslie and Maguire, 1983, pg 115). Erasure of Indigenous identity later subtly shifted once again in 1969 with the *White Paper* when Pierre Trudeau proposed that the Indian should not be distinct, but rather should be equal to Canadians: "It's inconceivable...that in a given society one section of the

society [could] have a treaty with the other section of the society. We must all be equal under the laws and we must not sign treaties amongst ourselves” (Cairns, 2001, pg 52).

Effects of Settler Colonialism

The logic of elimination that Wolfe (1996, 2006) contends is central to settler colonialism is also the basis for what Alfred (2009) believes are the options for Indigenous peoples: “destruction, dependence or assimilation” (p. 53). Although not cited as settler colonialism, Alfred (2009), Alfred and Corntassel (2005) and Barker (2009) argue that Indigenous people are still constrained by colonial structures, which for these authors is described as contemporary colonialism – post-modern imperialism where domination is a settler goal, but it is subtler – colonial powers have shifted and techniques of domination have evolved. These authors contend that Canadian society remains based on the logic of imperialism and Canada engages in colonial action against Indigenous people that attempt to seek self-determination or land claims. Contemporary settlers of the Canadian state often deny Indigenous history and geography, which in turn causes Indigenous cultural identity and self-identity to be foundationally destroyed, disempowered, and disconnected. As well, as mentioned earlier, Alfred and Corntassel argue that Canada’s current government imposed the label of referring to Indigenous people as ‘Aboriginal,’ a state-created identity that pushes Indigenous people into a political-legal construction of identity. This further pulls them away from *being* Indigenous which fosters the erasure of Indigenous communities and obligations to community.

These effects of settler colonialism as a structure include psychological, social, and economic ones, which are all due to the destruction of cultural and community integrity (Alfred, 2009). Alfred (2009) argues that Indigenous people have internalized the oppression of their

traditional cultural knowledge, causing Indigenous people to be unable to see beyond the institutions and conditions created by the Canadian state. He further argues that this causes Indigenous people to accept and even defend systems of oppression and continued colonization – in effect having a colonial mentality. Fanon (1952) outlines this as an inferiority complex:

Every colonized people—in other words, every people in whose soul an inferiority complex has been created by the death and burial of its local cultural originality—finds itself face to face with the language of the civilizing nation; that is, with the culture of the mother country. The colonized is elevated above his jungle status in proportion to his adoption of the mother country's cultural standards. He becomes whiter as he renounces his blackness, his jungle (pg 9).

Therefore, as Indigenous people navigate within the colonial state they assume the hegemonic goals and values of the dominant status quo as a necessity to achieve the objectives and 'benefits' that Canada holds (Alfred, 2009).

Settler colonialism has also created structures that result in Indigenous people being dislocated from land, which has in turn created cultural dissolution (Alfred, 2009). Through the creation of the reserve system, Indigenous people have become dislocated from traditional land-based practices whereby nomadic hunting lifestyles have been disrupted, as well as the extinction of land-based self-sufficiency given that much of reserve land is barren (Alfred, 2009). While the situation for urban Indigenous people differs somewhat, they also face discrimination and racism. Further, Razack (2002) contends that Indigenous people “cannot occupy the same space as Europeans and the Europeanized. The colonial city belongs to the settler, and Aboriginal presence in the city inevitably contests settler occupation” (pg 53). This is all in addition to the bureaucratic control of Indigenous people's lives, an imposition of a governance structure that does not privilege cultural values, such as the role of Elders, or the normalized sexual and physical violence of the residential schools (Alfred, 2009). The result of these established settler colonial institutions is that Indigenous people are in a state of economic dependency to a colonial

regime that continuously attempts to remove them from the Canadian landscape, creates communities that are fraught with ill health, suicide, and substance abuse problems, and results in Indigenous people that are not autonomous nor able to live within a traditional way of *being* Indigenous (Alfred, 2009). As will be examined in the next section, an additional aspect of settler colonialism can be seen within the criminal justice system, as academics have argued that this system operates as a colonial project that works to transform Indigenous people into colonized Canadian citizens.

PostColonial Theory & Settler Colonialism: Indigenous People and the Criminal Justice System

When critically examining Indigenous people and their over-representation in the criminal justice system through the lens of postcolonial theory and settler colonialism, two predominate explanations emerge. One is that the criminal justice system operates as a settler colonial project that is continuing the assimilation of Indigenous people into colonized Canadian citizens. The second explanation is that Indigenous over-representation in the criminal justice system is the end result of the damage left behind from colonialism, in itself resulting from high levels of poverty, substance misuse and addiction, community fragmentation, and lower levels of employment and educational attainment. However, the distinction between these two perspectives often blur, as they inform one another. In fact, the Manitoba Aboriginal Justice Inquiry (AJI) of 1991 (as discussed in chapter one) describes how both of these perspectives can blur and the ways in which damage from colonization can be at the root of over-incarceration, as well as influencing the settler colonial structure of the criminal justice system that systemically oppresses Indigenous as part of its foundation:

Cultural oppression, social inequality, the loss of self-government and systemic discrimination, which are the legacy of the Canadian government's treatment of

Aboriginal people, are intertwined and interdependent factors, and in very few cases is it possible to draw a simple and direct correlation between any one of them and the events which lead an individual Aboriginal person to commit a crime or to become incarcerated (AJI, pg. 86).

Given that colonialism is based on the exercise of power and domination over Indigenous people that have historically been conceived of as wards of the state, using settler colonialism as a theoretical framework to better understand how the criminal justice system as a structure continues to affect how Indigenous people receive justice (or not) and their subsequent over-representation in the criminal justice system. Also evident within the criminal justice system is paternalism and racism which in turn affect the ways in which Indigenous people receive “justice” by police and courts, including notions that it is done ‘for their own good’ or the necessity to teach a lesson to an “inferior” Indigenous person as they do not know better (Jiwani, 2002; Mawani and Sealy, 2011). This systemic racism within the criminal justice system is also evident when Indigenous people are often both over-policed and under-policed, while many white-collar criminals go undetected and ignored (Jiwani, 2002; Mawani and Sealy, 2011; RCAP, 1996; Roberts and Doob, 1997).

Jiwani (2002) argues that the over-policing of Indigenous people represents the hierarchy that Canadian society is built upon – the people at the bottom are constructed as being inherently prone to crime, and their imprisonment is viewed as “doing” justice for the greater Canadian society. The attitude that Indigenous people are inherently prone to crime permeates both police and Canadian society, and this colonial-informed stereotype is what perpetuates the idea of over-policing as a public necessity. Barker (2009) argues that the over-policing of Indigenous people serves the purpose of ensuring that the Empire is maintained and social order does not become disrupted, while Rudin (2005) argues that Indigenous people are over-policed for the

government's purposes of assimilation, both historically and within a contemporary context. Indigenous people are also under-policed when police do not see Indigenous people as worthy victims and therefore ignore requests for police intervention (Rudin, 2005).

The general over-representation of Indigenous people in the criminal justice system serves the purpose of social control and consolidates hegemonic imperialist power and at the same time separates a part of the population that has been condemned as 'uncivilized' and undesirable because they are in the lowest position on the social and economic hierarchy (Adjin-Tetty, 2007). Furthermore, it has been argued that the over-incarceration of Indigenous people serves a purpose of ensuring that non-Indigenous people are employed – if Indigenous people were to reduce their involvement with the criminal justice system or if there was systemic reform to better deliver justice to Indigenous people, it would mean jobs will be lost for many non-Indigenous people (Monture-Angus, 1999).

In 1991 the Manitoba Aboriginal Justice Inquiry (AJI) stated that, "Aboriginal peoples have experienced the most entrenched racial discrimination of any group in Canada. Discrimination against Aboriginal people has been a central policy of Canadian governments since Confederation" (pg. 96). The AJI further contended that overt and systemic discriminatory treatment has caused the criminal justice system to fail Indigenous people, and has subsequently caused their over-representation in the penal system. Systemic discrimination occurs when the criminal justice system uses 'standard' policies towards everyone, but ultimately causes adverse outcomes for Indigenous people. An example of this, as detailed by the AJI, includes the requirement of employment as a prerequisite for bail but systemically acting as a barrier for Indigenous people to access bail as they are significantly impoverished and have statistically higher rates of unemployment. Systemic discrimination can also be found within the differing

conceptions of justice and crime due to cultural differences, a justice system and resources that are built for an urban population and not for remote reserve populations, as well as few Indigenous people employed by the criminal justice system and fewer within positions of power. One impact of both overt and systemic discrimination is that Indigenous people spend more time in pre-trial detention, have poorer legal representation, serve longer prison sentences, and are over-represented in Canadian prisons (AJI, 1991). Current statistics highlight that much of this systemic discrimination has not changed since the AJI in 1991 within the criminal justice system as Indigenous people continue to be over-represented in Canadian prisons.

Colonialism has also been conceptualized as the foundation for the disadvantaged position that many Indigenous people are currently in, with over-representation in the criminal justice system being one of many outcomes. In *R v. Gladue* it was stated that colonial-produced marginalization – poverty, substance abuse, lack of education, and lack of employment opportunities (para 65) – is the cause of Indigenous over-incarceration:

Years of dislocation and economic development have translated, for many aboriginal peoples, into low incomes, high unemployment, lack of opportunities and options, lack or irrelevance of education, substance abuse, loneliness, and community fragmentation. These and other factors contribute to a higher incidence of crime and incarceration (para 67).

Similarly, Monture-Angus (2007) points to the consequences of the colonial imposition – poverty, historical memories of genocide, violence, alcohol abuse, sexual assault during childhood, rape, past abuse of foster homes, and racism of Canada's justice system in its dealings with Indigenous people (pg. 27) – as the cause for Indigenous over-representation in the criminal justice system. She does this not to label Indigenous people as victims, but to argue that contextual and structural conditions must be at the centre when considering Indigenous over-representation in the criminal justice system.

Decolonization

Postcolonial theory and settler colonialism attempt to deconstruct Western imperialism by de-legitimizing hegemonic epistemology, fragmenting colonial institutions, and making space in the dominating Western ideal for more inclusive worldviews. Decolonization is defined as:

A process of disengaging from, and the dismantling of, hegemonic colonial structures, institutions, and the legacies of colonialism. It is aimed at shifting the dominant ways in which Western culture and society construct the "other," with a corresponding devaluation of non-Western values, norms, and traditions (Adjin-Tettey, 2007, pg 187).

Alfred (2009) defines decolonization as: “the mechanics of removing ourselves [Indigenous people] from direct state control and the legal and political struggle to gain recognition of an Indigenous governing authority” (p. 26). Decolonization therefore can be thought of as a process of disengaging from historically hegemonic colonial structures through the recognition and legitimization of epistemology and institutions that are not Euro-Canadian, and arguably most importantly, ending the paternalistic relationship of the colonized and colonizer. Through this relinquishment of paternalism and control, Indigenous people are able to live in accordance with their own culture, legal, and social worldviews. Decolonization requires the othering process to end, while simultaneously abandoning the assumption of Western universality as the only legitimate way of life and make space for a reconstructed worldview (Adjin-Tettey, 2007). Abandonment of long-held beliefs of European cultural superiority, and adopting a pluralistic approach by accepting diverse epistemological views within law, academia, politics, and relationships between Indigenous people and the state is therefore required. Decolonization also requires Indigenous people to be given back the power to define their own identity and to live in accordance with their own value systems – culturally, legally, and religiously (Adjin-Tettey, 2007). Fanon (1963) outlines when decolonization has been accomplished: “in the colonial context the settler only ends his work of breaking in the native when the latter admits loudly and

intelligibly the supremacy of the white man's values. In the period of decolonization, the colonized masses mock at these very values, insult them, and vomit them up” (pg 43).

A postcolonial and settler colonial theoretical framework can serve as a lens to examine how the criminal justice system addresses incarcerated Indigenous people, while also providing a backdrop for examining how Indigenous men form their identity. These perspectives are also useful for understanding the role that Indigenous-specific programs in the penal system play in decolonization. One important question to be answered is whether such programming represents the dismantling of hegemonic colonial ideals of universality and the marginalization of Indigenous traditions by allowing Indigenous worldviews to become part of programming offered by the penal system. Therefore, postcolonial theory and settler colonialism will be used to critically examine the criminal justice system’s initiatives that are an attempt to redress the legacies of colonialism through Indigenous-specific programs within the penal system. Postcolonial theory and settler colonialism will also be used as a backdrop in considering how Indigenous people have come to understand their own Indigenous identity. Given that identity for many Indigenous people has been informed by histories of colonialism that have attempted to erase, criminalize, and de-value Indigenous identity, both of these theoretical frameworks will serve as a means to locate this contentious and politicized process of defining who is Indigenous.

Chapter 3: Methodological Framework

Given that the purpose of this research project is to understand how Indigenous men experience Indigenous-specific programming while incarcerated as well as how they understand their own Indigenous identity, the methodological framework that is employed for this research project is grounded within qualitative research methods. A qualitative methodology is most useful for this research project due to the richness of data that is sought, as well as the empowerment that emerges as an historically marginalized and silenced population speak for themselves and convey their own understanding and meaning. Therefore, the data collection method used is qualitative semi-structured interviews while interpretative phenomenological analysis is used to analyze the data collected. Outlined below is the methodological framework used for this research project, however I believe it is important to first contextualize what it means to do research with Indigenous people, as well as to situate myself within this research project as an Indigenous person, student, and advocate. In what follows, I outline a large metropolitan city in Ontario as the site for this research project, recruitment of research participants and eligibility criteria, design of interview questions and subsequent interviews themselves, as well as challenges experienced during interviews. I then detail how I will be using interpretative phenomenological analysis to analyze the data collected from interviews, as well as challenges and benefits to using this method. I conclude this chapter with a discussion of ethical considerations and safeguards.

Doing Indigenous Research

[T]he term ‘research’ is inextricably linked to European imperialism and colonialism. The word itself, ‘research’, is probably one of the dirtiest words in the indigenous world’s vocabulary. When mentioned in many indigenous contexts, it stirs up silence, it conjures up bad memories, it raises a smile that is knowing and distrustful.

- Linda Tuhiwai Smith (2012, p. 1).

Maori scholar Linda Tuhiwai Smith asserts that ‘Western’ research has long been a tool of colonial power and imperialism, which continues the colonial exploitation and oppression of Indigenous people. To express this, Smith draws upon Edward Said’s Orientalism and his conception of Western discourse whereby Westerners came and observed and classified Indigenous people as Other and this became the authoritative representation of Indigenous people. Based on this discourse, Western observations of Indigenous people were accepted as universal truths while the stories of Indigenous people were marginalized – Smith calls this ‘research through imperial eyes’ (pg. 56). Smith argues that amongst a western thirst for new knowledge and discovery, research has been done *on* Indigenous people for the benefit of non-Indigenous people. Within much of this research, non-Indigenous researchers have extracted and claimed ownership over Indigenous intellectual and cultural knowledge, effectively removing Indigenous knowledge from Indigenous people and communities. Tuhiwai Smith (2012) provides a meaningful example of this:

Researchers enter communities armed with goodwill in their front pockets and patents in their back pockets, they bring medicine into villages and extract blood for genetic analysis. No matter how appalling their behaviours, how insensitive and offensive their personal actions may be, their acts and intentions are always justified as being for the ‘good of mankind’. Research of this nature on indigenous peoples is still justified by the ends rather than the means, particularly if the indigenous peoples concerned can still be positioned as ignorant and underdeveloped (savages) (pg. 24).

Such practices of appropriation are also visible in intangible forms, such as the collection of belief systems and cultural practices that are adapted for contemporary use, such as with the sweat lodge and practices of restorative justice. Smith therefore emphasizes for the necessity of decolonizing research methods, which is “about centring our [Indigenous] concerns and world views and then coming to know and understand theory and research from our own perspectives and for our own purposes” (pg. 39). Tuhiwai Smith further contends that there are critical

questions that must be considered when doing research with Indigenous people: Whose research is it? Who owns it? Whose interests does it serve? Who will benefit from it? Who has designed its questions and framed its scope? Who will carry it out? Who will write it up? How will its results be disseminated? (pg. 10). I attempt to consider many of these questions within this chapter as well as within this research project in its entirety.

Situating the Researcher

At the outset I must acknowledge that I am doing this research project on unceded and unsurrendered Algonquin territory.³³ I must also situate myself within this research project, as a researcher, an Indigenous woman, and as an advocate. Firstly, I am a citizen of the Métis Nation of Manitoba and member of the Manitoba Métis Federation. Secondly, I must also acknowledge my own privilege as an individual that is fortunate enough to obtain a university degree, a path that is unattainable for many Indigenous people. I have spent most of my university career focusing on Indigenous issues within the criminal justice system, and this is because I feel that there is a need for a different response to justice for Indigenous people. In addition to being a student, I am also an advocate. During this research project I was employed by one of the largest First Nations advocacy organizations in the country, while also doing volunteer work within my community for missing and murdered Indigenous women and girls, as well I am a member of a traditional Justice Circle for my local Native friendship centre.

I must also acknowledge my motivation for this research project. My motivation comes from growing up in the Prairies with a large Indigenous population and seeing Indigenous people

³³ Ottawa is on unsurrendered and unceded Algonquin territory. Since time immemorial, the Algonquin people have resided on this land and have never gave, sold, traded, or transferred ownership of their land to European colonies, nor are there treaties that exist which outline an agreement to use the land by settlers.

around me continuously face poverty, discrimination, and injustice within the criminal justice system. My motivation also comes from my own crisis of identity as an urban Métis person, while also coming from an ashamed Métis mother who told me to try to ‘pass for white’ and to never admit that I am Indigenous. In addition to this, I also learned at a young age that I am not a ‘real Indian’ because the Canadian government has not recognized me as such, and this has transcended into the mouths of many Indigenous people. I do not feel resentment for being classified as a ‘half-breed’ or not a ‘real Indian’ by other Indigenous people because I believe that this colonial imposed lie conveniently convinced Indigenous people that there are too few resources available for all Indigenous people, causing Indigenous people to be pitted against one another as a means for survival. Based on the identity confusion that I have myself felt, I have come to wonder what it means to be Indigenous – and according to whom? In situating myself as a researcher, my goal is to acknowledge who I am as a researcher as well as an Indigenous person, and not to suggest that I may be biased, but rather, that my motivation ensures that my research will be done in a good way, in a most humble way, and in a most respectful way.

Recruitment of Research Participants: Location and Criteria

A large metropolitan city in Ontario was chosen as the site for this research project because it has become what feels like my own community. It was also chosen as an appropriate site for this research project because there is a large Indigenous population. According to Statistics Canada’s 2011 National Household Survey, 21.5% of the total Indigenous population lives in the province of Ontario. In addition to this, Ontario is an appropriate site for this research project as there is also a significant problem of over-incarceration of Indigenous people in provincial correctional facilities. In fact, according to Statistics Canada, in 2014/15 thirteen

percent of the adult custodial admissions to Ontario's provincial correctional institutions were Aboriginal.³⁴

At the beginning of this research project before interviews were conducted, I sought guidance from an Algonquin Elder who is respected in the community and has worked extensively with incarcerated Indigenous men. I shared my interview questions with the Elder to allow for his feedback and guidance, to ensure that my research project is done in a respectful manner, and to acknowledge that this research project is being conducted on his traditional Algonquin territory. I recruited interested research participants with the assistance of the Algonquin Elder via word of mouth, as well as through local Native Friendship Centres. To recruit participants, I went to a Native Friendship Centre every Monday for a month and let people know about my research project and that I was in an office on the premise if they were interested in being interviewed. In order to be eligible for participation in this research project, participants were required to: 1) self identify as Indigenous; 2) be above the age of 18; 3) have been incarcerated and participated in any Indigenous-specific programming while incarcerated; and 4) now reside in the community. Research participants were chosen based on a first-come first-served basis. The sampling method I utilized for this research project is purposive sampling. Rather than selecting a sample based on a mathematically random process, purposive sampling is appropriate when the sample is that of a specialized and difficult to reach population, and the purpose is not to generalize about the larger population but rather to gain a deeper understanding of a particular phenomenon. Furthermore, this research project does not assume a pan-Indigenous approach by attempting to generalize to a larger population, which would ignore the uniqueness and diversity of the different Indigenous Nations of Canada.

³⁴ CANSIM table 251-0022.

Research Participants

All of the research participants were Status Indians. Three participants are Inuit and five are First Nations, including Swampee Cree and Plains Cree, Mi'kmaq, Dene, and Nuu-chah-nulth of British Columbia. The age of the research participants ranged from twenty-eight years old to fifty-one years old, and the average age was forty years old. None of the men grew up in the city where interviews were conducted but now live there for various reasons. The three Inuit men grew up in Nunavut; the rest of the First Nations participants grew up across Canada.

Research Participant³⁵	Age	Nation	Prison Programming
James	50	Mi'kmaq	Smudging; ³⁶ Provincial Institution
Keith	51	Inuit	Healing Circle; ³⁷ Federal Institution
Charles	37	Swampee Cree, Plains Cree	Smudging; Provincial Institution
John	30	Dene	Healing Circle; Federal Institution
Jason	51	Mi'kmaq	Healing Lodge; ³⁸ Provincial Institution
Martin	47	Inuit	Healing Circle, Hunting; Provincial Institution
Steve	28	Inuit	Smudging; Provincial Institution
Brian	30	Nuu-chah-nulth	Smudging, Sweat Lodge, ³⁹ Healing Circle; Provincial Institutions

Most of the men decided to speak about their experiences while in provincial facilities, while two participants spoke about experiences within federal institutions. Five men were incarcerated in facilities within Central Canada, one participant served his sentence in Western

³⁵ All of the participants were given pseudonyms and any identifying information has been changed.

³⁶ Smudging is the ceremonial practice of using smoke from medicines of cedar, sage, sweetgrass or tobacco, to cleanse or purify negative energy, feelings or thoughts from a place or a person.

³⁷ Healing circles are lead by Elders where individuals attempt to heal physical, emotional and spiritual wounds.

³⁸ Healing Lodges are Federal correctional institutions that use traditional Indigenous values, traditions, beliefs, and ceremonies. Elders guide these programs and ceremonies, and communities are involved when available.

³⁹ A Sweat Lodge is a ceremonial sauna used for purification, cleansing, and healing of mind, body, emotions and spirit.

Canada, one Inuit man served his sentence in the North West Territories, and one man spoke about his prison experiences from various prisons, including those in Quebec, Manitoba, and Ontario. All of the men participated in Indigenous-specific programming while incarcerated, which varied from programs facilitated by Elders (Healing Circles, Healing Lodges, Sweat Lodge ceremonies), to Smudge ceremonies organized independently amongst other inmates. Questions were asked about experiences with these programs, while questions pertaining to reasons for incarceration were not asked as I felt these questions to be too intrusive, unless brought up by the research participants themselves.

One research participant is a residential school survivor, one participant is a sixties scoop survivor, and one participant grew up in the child welfare system. These men chose to share some of these experiences because they felt comfortable with me and I promised anything they shared would be protected and used in a good way. However, I did not directly ask about these experiences and I left it up to the men to decide how much they wanted to share. All men were provided with contact information for local mental health services, however I did not have mental health supports on site to provide assistance if questions triggered the men in a negative way, therefore I did not ask intrusive questions about trauma they may have experienced.

Data Collection: Qualitative Semi-Structured Interviewing

In order to explore the lived experiences of my research participants to gain an understanding of their own interpretation and meaning of both Indigenous-specific prison programming as well as Indigenous identity, I employed qualitative semi-structured interviews as the data collection method for this research project. This data collection method fostered rich in-depth narratives while also allowing for ideas about identity conceptualization to come

directly from the individuals themselves. Rather than a paternalistic approach where Indigenous individuals are informed as to how they are conceptualized, the research participants themselves directly informed this research project. Furthermore, as Indigenous individuals are empowered as the experts, this allows for the recognition and legitimacy of Indigenous epistemologies.

Indigenous epistemology and identity has undergone historical and continuous devaluation, and it is therefore imperative for this project that Indigenous individuals were empowered to express their own feelings towards what it is to be Indigenous and how they value Indigenous identity.

The components of a qualitative semi-structured interview includes main questions, probes, and follow-up questions – these three types of questions together are what allow for a qualitative interview to obtain depth, detail, vividness, nuance, and richness (Rubin & Rubin, 1995). Main questions are interrelated questions that represent branches of the overall topic. These questions are answerable, open enough to elicit experiences and opinions of research participants, devoid of the word “why,” and do not impose the researcher’s own understanding of the research topic. Probes allow for the researcher to request for more depth and detail, while informing the research participant that the researcher is paying close attention to their responses. Follow-up questions allow for deeper discovery of themes that result from main questions (Rubin & Rubin, 1995).

Research Design: Interview Questions

Interview questions for the present research project⁴⁰ were devised to explore two realities: – first to explore the experiences of Indigenous men regarding their participation in Indigenous-specific programming while incarcerated, and secondly to encourage discussion of

⁴⁰ See appendix A for the interview questions used.

themes that relate to identity, sense of self, and meaning-making, within the context of the subjective understanding of the research participants. Berry's (1999) conceptualization of Indigenous cultural and behavioral identity, grounded in social science literature, was used as a foundation when devising questions relating to Indigenous identity. While Berry's composition of Indigenous identity was used as a general foundation in devising interview questions for this research project, however, the questions created for this project are more qualitative than the close-ended 'yes' or 'no' questions that Berry provides. These questions were also derived in part from the literature review which generally highlighted Indigenous identity within an Indigenous world-view based on self-identity and the power to identify through personal choice.

Berry's (1999) conceptualization of Indigenous identity is grounded in the connection of self-concept and how one self-identifies. Berry provides the following example:

In response to questions such as "Who are you?" or "How would you describe yourself?" – Statements such as "I am honest, I am bright, I am physically active" would be components of identity; statements such as "I am Canadian, I am Albertan, I am Cree", would be components of one's social identity (pg 3).

Berry however contends that to define identity it must go deeper than only self self-concept, as identity includes a sense of attachment. Berry defines social identity in the following manner:

Social identity is that part of an individual's self-concept which derives from one's knowledge of one's membership in a social group (or groups), together with the value and emotional significance attached to that membership. That is, there are both knowledge (perceptual) and evaluation (affective) aspects of social identity (pg 3).

Taken together, Berry outlines the interrelated features of Indigenous cultural identity: perception, importance, esteem, and maintenance. Perception is the knowledge and belief that an individual has in believing that they are Indigenous. Berry expresses this in the question – "do I see myself as an Aboriginal person?" (pg 5). Second, is the importance and attachment an individual has to an Indigenous group (or groups), which indicates that being Indigenous is

important to the social identity of the individual. Berry expresses this in the question – "is it important or not to be an Aboriginal person?" (pg 5). Thirdly are the positive or negative esteem feelings of being Indigenous and the effects that an Indigenous identity has on an individual's self-esteem. Berry expresses this in the question – "do I like being an Aboriginal person?" (pg 5). Fourth is the idea of maintenance, which refers to the extent to which an individual wants to maintain their Indigenous identity, or conversely change or hide their Indigenous identity. Berry expresses this in the question – "do I want to remain an Aboriginal person?" (pg 5). The final component of Indigenous cultural identity that Berry outlines is behavioral identity. Behavioral identity is the daily expression of beliefs and feelings associated with such an identity, such as speaking one's Native language, practicing cultural and/or spiritual practices, eating traditional food, and social community engagement in culturally appropriate ways. Berry expresses this in asking – "do I express my Aboriginal identity in my daily behavior?" (pg 5).

For Berry, answering in the affirmative to the above questions indicates a positive Indigenous cultural identity. There are however varying degrees to which this can be considered a positive or a negative feeling. As previously outlined, it is particularly important to realize the historical context within which a discussion of Indigenous identity is located. This is to say that expressing Indigenous identity has been criminalized, stigmatized, marginalized, and fragmented, to varying degrees therefore questioning the behavioral expression of Indigenous identity cannot be thought of as a simple 'yes' or 'no' answer as individuals have their own ways in which they choose to express their identity. Furthermore, as a researcher I do not feel that I am in a position to assess or determine what constitutes being Indigenous, particularly for Indigenous men, nor when considering that identity is deeply personal and the expression of Indigenous identity may be done in a personal and private way.

Interviews

A total of eight interviews were conducted with Indigenous men that had once been incarcerated and are now living in the community. Research participants were given a pouch of tobacco at the beginning of the interview to signify respect for their cultural tradition when making a request. Tobacco is one of the four sacred medicines of First Nations people and offering a pouch of tobacco is a traditional practice when making a request to signify appreciation of information that is being shared, as well as a promise that the information being received will be used in a good way. The presentation of tobacco is an offering, and is therefore not compulsory to accept. One First Nations participant did not accept the pouch of tobacco I offered because he felt that he was not ready to touch medicines yet as he had been sober for five days but felt that he should be sober for seven days before allowing himself to touch medicines. While offering tobacco is not an Inuit practice, however all of the Inuit research participants accepted my offering.

Most interviews lasted approximately forty-five minutes to an hour and questions were asked using Berry's (1999) abovementioned conceptualization of Indigenous identity. Questions were also asked about participants' experiences while incarcerated, however these questions only related to Indigenous-specific prison programming unless otherwise discussed by the participant. This is to say that I did not ask research participants how they became to be incarcerated as I felt that to be too intrusive, I also did not ask about prison experiences that might be emotionally triggering, such as experiences of violence or abuse while incarcerated. All the interview questions were open-ended and the progression of the interview was largely dependent on how each participant wanted to proceed. Where necessary, I asked follow-up questions as well as questions to keep the interview on track if we had gotten off-topic. For the most part I

empowered each research participant to discuss what they felt was important and necessary for me to know about their experiences while incarcerated as well as how they themselves understand their own Indigenous identity.

Once the interviews were completed, I took the opportunity to speak informally with the research participants. After sharing their own deeply personal stories, many research participants attempted to lighten the mood with laughter, discussion of current events, and discussing about my own experiences of growing up in the Prairies. Many research participants told me that by sharing their stories with me, they hope that people will become aware of what it is really like for Indigenous people to be incarcerated in hopes that effective change will happen. I promised to make sure their stories are heard in a good way and that their truths are known, and I idealistically promised to try my best to make change happen to the problem of over-incarceration of Indigenous people. Every interview was audio recorded, and after which each audio recording was transcribed verbatim. None of the research participants expressed an interest in reviewing their interview transcripts, however I informed each participant that they can review their transcript at any time and that I am available to discuss anything that came up during the interview if they felt at a later time that they had missed something during our interview.

Challenges of Qualitative Semi-Structured Interviewing

Neuman and Robson (2012) outline the limitations of qualitative interviewing, which are located within issues of validity and reliability, as they pertain to sample size, trustworthiness, and transferability. However, as detailed above, this research project is not attempting to accomplish transferability or generalization of the larger Indigenous population, but rather, to explore the deeply personal aspects of identity for Indigenous men within a context of

colonialism. Weiss (1994) contends that researchers can never be absolutely certain that respondents are telling the precise truth, as it is extremely unlikely that individuals would endanger themselves for social research. Weiss therefore suggests that researchers can attempt to verify respondent's accounts from outside sources, ultimately validity is dependent on the quality of the interview and the established interview partnership. While I did not feel it was necessary to corroborate information that my participants provided, I do however believe that it is possible to develop strong interview relationships to gain accurate responses. To gain a strong and trustworthy relationship with my interview participants, I approached each interview in a kind and humble way, while also being forthcoming with each participant about my intentions with this research project and their deeply personal stories. I believe that trust was developed with each research participant based on multiple things. Firstly, I shared with my research participants that I had sought guidance from an Elder to ensure my research project is done in a respectful way, and many of my participants personally knew this Elder and sought his guidance themselves. Secondly, before the interview started I shared my own personal story with each research participant and I shared stories of my own experiences of being an Indigenous person, I also shared my personal motivations for doing a research project that focuses on Indigenous over-incarceration, as well a discussion about the work I do for my Indigenous community.

Schwalbe and Wolkomir (2001) outline potential challenges of conducting interviews with male research participants when the interviewer is female. Male research participants may see interviews as situations where their autonomy, rationality, control, or sexual desirability is challenged and therefore exert hegemonic contentions of masculinity as means to protect a perceived threat to masculinity. Various situations where 'doing gender' may become a challenge is if there is a perceived struggle for the exertion of control, sexualization,

minimization or nondisclosure of feelings and thoughts as a means to protect masculinity. As a female researcher interviewing men, I felt that it was important to be aware of how male research participants may present themselves within the interview and how this may impact on the interview process and the data that is subsequently discovered. However, I did not find evidence of hyper-masculinity during the interviews. In fact, there were instances when men were brought to tears talking about their lived experiences, and I believe that these men felt comfortable enough to cry in front of me because of the relationship we developed before and during the interviews. I also believe that differing gender tended to not be an issue because I was both an insider as an Indigenous person as well as an outsider as a female researcher. Because of this outsider role, throughout each interview I empowered the participants to be the expert, and by doing this I conveyed to each research participant that they were teaching me about their experiences. Instances when I think that gender may have played a part in how answers were provided are when I asked participants about pride in being Indigenous. I believe that the answers I received were genuine, however it is possible that men did not want to indicate anything less than pride in being Indigenous to another Indigenous person, as well as to a woman.

Data analysis: Interpretative phenomenological data analysis

The method of analyzing data for this research project was interpretative phenomenological analysis. Interpretative phenomenological data analysis focuses on and searches for the meaning and understanding of a particular phenomenon as it relates to the individual that has experienced it. Interpretative phenomenological data analysis therefore aims to extrapolate how an individual makes sense of their personal and social world (Giorgi &

Giorgi, 2008; Larkin, Watts & Clifton, 2006; Moustakas, 1994; Smith, 2004; Smith 2007; Smith & Eatough, 2007). There is a two-stage interpretation process when using this data analysis method. The first consists of examining how the research participant makes sense of their own world; the second involves the researcher attempting to make sense of how the participant makes sense of their own world (Finlay, 2014; Larkin, Watts & Clifton, 2006). Despite a researcher's interpretation, the objective of this method is to provide a textual reading that is closely tied to the research participant's account.

To analyze data using this method, I followed the steps outlined by Smith (2007). I first transcribed the audio recording of the interviews verbatim, I then read the transcripts multiple times and made notes in the left-hand margin of annotations of immediate interest, then returned to the beginning of the transcript and used the right margin to take note of emerging themes. These themes moved from initial annotations to higher levels of abstraction, whereby particular theoretical concepts began to emerge. Themes that emerged were then inputted into a spreadsheet and connections were grouped amongst these themes. Final themes were then chosen for focus. It is at this point where narratives are presented in the data analysis chapter, which was done through the presentation of themes that emerged and supported through the use of long direct quotations. I therefore provided little interpretation of my own within the data analysis chapter, but mainly left this for the discussion chapter when I engaged with my theoretical lens. What I felt was important for this research project was the presentation of data that stayed true to what the research participants provided, in the words of the research participants, based on their own understanding and interpretation.

Bracketing

An important component of interpretative phenomenological data analysis is bracketing (Harper and Thompson, 2012; Hycner, 1985; Larkin, Watts & Clifton, 2006). Bracketing requires a researcher to bracket or put aside their own meanings and taken-for granted or theoretically informed understanding of the particular research topic. The purpose is to approach the data for analysis with a suspended world-view so that data can be analyzed based on what research participants have said, rather than what the researcher is expecting. What grounds this idea of bracketing is the ontological assumptions of interpretative phenomenological data analysis, which is that the phenomenon of focus does not exist in the world, there is no truth to it, but it is a phenomenon within the individual that is experiencing it (Giorgi & Giorgi, 2008; Harper & Thompson, 2012; Larkin, Watts & Clifton, 2006). Suspending psychological, ideological and political biases or motivations is valuable within any data analysis method, but this is particularly important within the present research project. Given that this project is motivated by my own advocacy, I needed to remind myself to remove my own political ideals and motivations to ensure genuine openness to the data. This also ensures greater reliability and validity within data analysis, thereby causing further legitimatization and allowing for the data and personal narratives to be powerful enough to speak for themselves. I believe that my own biases have been suspended and bracketing has been accomplished within this research project due to how data has been presented, which consists of narrative and direct quotations. By presenting data in this manner there is no room for my own opinions as a researcher to come forward as the only voice present is that of the research participants.

Challenges of Interpretative Phenomenological Data Analysis

Criticisms and challenges of engaging with an interpretative phenomenological data analysis are generally associated with notions of labour intensity and the significant time investment in analyzing each individual interview transcript. The extensive time investment with each set of data is mainly attributed to dwelling, which requires for full immersion into the data to find layered meanings. While this data analysis method may be time intensive, the time consumption can be thought of as valuable as it allows for full engagement with the data that has been gathered. Despite the time requirement this method for data analysis was chosen for this research project because of the genuine lived experiences that are able to be captured and presented.

Ethical Considerations

As a researcher, as well as an Indigenous person, my primary concern with this research project was to ensure that the research participants that have entrusted me with their deeply personal stories were protected and safe. To ensure safety and protection of the research participants, I obtained Research Ethics Board (REB) clearance,⁴¹ which ensured that certain ethical protocols were followed, including: protection of anonymity and confidentiality, as well as security of the research data. The process of receiving REB clearance was relatively seamless. The REB reviewed my application for ethics approval, my literature review, as well as my methodology, and asked for minor clarifications regarding my application. These clarifications included ensuring that I will accept verbal consent for interview participation, that I will retain audio recordings from interviews for a minimum of five years, that recruitment material states

⁴¹ See appendix B for the Research Ethics Board certificate.

that I will accept participants based on first come first served basis, and that my consent form is reflective of these clarifications. The REB also asked me to clarify if offering tobacco is appropriate for all research participants. My response to this was that it follows cultural protocol when making a request to Indigenous people, as well as representing a gesture of both appreciation and promise that the information being received will be used in a good way. I also outlined that presentation of tobacco is an offering and not compulsory to accept, therefore no research participant is obligated to accept my offering if they do not wish to receive it. After these clarifications, REB clearance was given.

To accomplish informed consent, research participants were informed at the outset of the interview of the purpose of the research project, as well my own promise that the information they share will be used in a good way. Research participants were also provided with a consent form and informed that they could stop the interview at any point, and in light of doing research with Indigenous people I accepted oral consent for participation. Due to the sensitive subject matter and possibility that interview questions about experiences within prison and personal feelings about Indigenous identity may trigger unpleasant memories, contact information for community-counseling services was provided to all participants. In addition to this, interviews concluded with a debriefing so that research participants could discuss any anxiety or emotional distress that had surfaced, if they felt comfortable to share this with me. Steps to ensure anonymity and confidentiality were taken to protect the identity of research participants. Safeguards to ensure anonymity and confidentiality included the use of pseudonyms and the removal of any identifiable names or places that were discussed during the interview. Lastly, safeguards to ensure the security of data included password protecting electronic data as well as securing all paper and electronic data in a separate and locked location.

Chapter 4: Data Analysis

The following chapter presents an overview of the data collected for my thesis involving a series of qualitative semi-structured interviews with Indigenous men who participated in Indigenous-specific programming while incarcerated, through the lens of interpretative phenomenological data analysis. Through these qualitative semi-structured interviews, Indigenous men were asked to subjectively reflect on their experiences having participated in Indigenous-specific programming while incarcerated. They were also asked to share their thoughts about identity conceptualization, as they have come to understand it. The following analysis is divided into two sections. First is the presentation of data pertaining to the research participant's experiences while participating in Indigenous-specific prison programming, including men's reasons for participation and their emotional connection to traditional Indigenous practices, ideas about pan-Indigenous programming, experiences regarding access to Indigenous-specific programming and the emotional outcomes of being disconnected from Indigenous culture and spirituality while in prison, and lastly, how they felt about the need for Indigenous-specific programming in Canadian prisons. Second is the presentation of data regarding Indigenous identity and how the research participants understand it. This includes in what way the research participants identify themselves, how they understand what it means to be Indigenous, and how colonialism has affected the pride they feel in being Indigenous. I also provide a narrative from them regarding Indigenous identity that has been directly disrupted by colonial projects, including the residential school system, the sixties scoop, and the child welfare system. Lastly, I examine the challenges that all of the research participants face in being Indigenous, including dislocation from traditional territories and language loss.

Indigenous-Specific Prison Programming

All of the men interviewed for the present research project have participated in Indigenous-specific programming while incarcerated. The programming the men participated in while incarcerated fell into two categories, as it either involved programming facilitated by Elders or prison staff (such as Healing Circles, Healing Lodges, and Sweat Lodge ceremonies), or services or ceremonies without Elder guidance (such as Smudging organized independently amongst inmates and services provided by a Native Inmate Liaison Officer). Most of the research participants interviewed participated in prison programming at the provincial level, and as outlined in the first chapter, there are differences that exist in the availability of Indigenous-specific programming when comparing federal institutions to provincial, as well as in the content. It should also be noted at the outset that during the interviews the efficacy or outcome of the programs in which the men participated was not explored as the purpose of the present research project is not evaluative in nature, but rather, to ascertain how the research participants experience Indigenous-specific programming.

Program Participation: Emotional Connection

Unlike the findings of Waldram (1997) and Zellerer (2003), which point out that Indigenous men often first learn about their Indigenous culture and spirituality upon entering prison, all of the Indigenous men interviewed in the present research project practiced Indigenous traditions before entering prison. While prison was not the place where the men first learned about their Indigenous culture and spirituality, there were however varying and deeply personal degrees to which the participants practiced their own Indigenous traditions.⁴²

⁴² This idea will be later explored when discussing the concept of identity.

All of the men had various and multiple reasons for participating in Indigenous-specific prison programming; most men had participated in such programming because they had a deep emotional connection to traditional Indigenous culture and spirituality, and for some it was to also pass their time while incarcerated. For example, Brian, Jason, and Keith, all mentioned participating in programming because they needed to pass the time, while also wanting to do something they felt was positive, in an Indigenous way:

I attended as much as I could. I mean it was another way to get out of the unit, to get away from the little area we were at, but I was going for my own reasons too. Like going through my own trials and errors of my life, so at that time it was helping me out and I'm thankful that they had the Elders there helping us out and talking to us on a one on one basis in a group (Brian, Nuu-chah-nulth).

I chose [to participate in] the Healing Lodge because in prison you don't learn anything. It's just anger, it's just a lot of anger inside, at least outside you're doing something for yourself (Jason, Mi'kmaq).

It was something I really needed to do because I was never incarcerated before and I had to do something to kill time. So I participated in the Healing Circle with Aboriginal and Inuit people. Not just killing time, but we also talked about our traditional way of life (Keith, Inuit).

In addition to the above reasons for participating in Indigenous-specific prison programming, many men identified deeply personal and emotional connections to programming that centered in traditional Indigenous culture and spirituality. For example, Charles, a Swampee Cree and Plains Cree man, identified that Smudging while incarcerated made him feel connected to the Creator, and for James, a Mi'kmaq man, Smudging ceremonies while in prison allowed him to continue to feel connected to being Indigenous:

That's where I connect with who I am and people I identify with, and that's part of something that I'm able to do for myself. It's a positive experience for that one moment, hopefully it happened every day, but it happened at least three times a week. I looked forward that half an hour out of being confined inside, and even something I identify with on the outside. So it keeps me connected to myself and it gives me a bit of hope, and I know I'm a part of something bigger than the jail, and that's what I needed.

It was making the best out of a terrible situation; it was something that just brightened your day up, because you can talk our style and joke around our way. It was different from everyone else in there, so you feel connected still even though your disconnected from the outside, so it's like having the pride you still have left inside you (James).

Similarly, Brian also shared how participating in Indigenous ceremonies while incarcerated allowed him to feel connected to his Indigenous identity as well as being connected to others:

I was able to cry in some of those sharing circles and groups and in the sweat lodge. I would cry and it did help me out, [it gave me] a sense of relief that I wasn't the only one feeling that way because there was a whole sweat full of guys that were feeling the same way probably. I mean I'm not sure of what they were feeling, but I know that we all had some sense of feeling of belonging, we were there and we were doing our time of course, but it did help me.

I was going through [a] big depression; I mean a lot of people go through that depression stage when they're in jail. I actually weaned myself off of the depression medication that was being prescribed to me. So talking to the Elder a lot about my late father, my late grandfather, they were big inspiration on my life and once they passed away my inspiration left so it was helpful talking to the Elder about my grandparents, as well as my grandfather and my father. Having that Elder around just knowing that there was somebody there listening to me, hearing what I had to say and this guy didn't even know me from a hole in the ground.

Lastly, Martin an Inuit man and a prison guard before his incarceration, also shared that he participated because of his connection to his own people, as well as his culture and spirituality:

I participated mainly because of the Elders, and I was related to them anyway. And they told me look, you have to take care of problems you have, because they care about me. That's where I would say I was re-born. What I liked the most is the respect. I learned a lot about what I was missing in my life, spiritually, culturally. The Elders did a lot of healing for me, which I needed. Ever since then, I've never been incarcerated.

Pan-Indigenous Prison Programming: Respect and Inclusivity

As far as the programming itself, the findings from this study were similar to Waldram (1997) and Martel and Brassard (2008) in that most Indigenous men only had access to pan-Indigenous programming that is not specific to their Nation. In fact, only two Inuit men in the present research project had access to programming that was specific to their Inuit Nation. For

example, Martin was incarcerated in a provincial prison in Northern Canada and he was able to participate in programming that was specific to his being Inuit, which included an Inuit Healing Circle with guidance from Inuit Elders in his Inuit language, as well as programming that allowed him to go hunting and gathering on traditional Inuit territory. Martin shared that if the programming had not been Inuit specific then it would not have worked as well as it did for him:

The circles were specific to my culture and spirituality otherwise it wouldn't work. I kind of laugh of that, but its very Inuit oriented. Before the Caucasian justice system interrupted our culture, we used to have our own circles and the leaders and the Elders would decide on what the outcome of each case was, being it severe or not so severe, depending on what was being discussed or decided.

Martin also believed that the programming was effective because it allowed him to be connected to the land while also allowing him to speak his Inuit language: “I believe we have one of the strongest programs because we get back to nature, we go hunting and gathering, we speak our language too, so that helps.”

The rest of the men interviewed participated in programming that was pan-Indigenous, and was not specific to their Nation, which essentially conveys the message that Indigenous people consist of one homogenous group without specific and unique cultural practices or protocol. Pan-Indigenous programming can be problematic due to potential conflicts amongst the different Nations of inmates in how ceremonies are carried out (such as the direction of ceremonies or the language used). However, in Waldram's study as well as the present research project, none of the men found pan-Indigenous programming to be problematic. The men in the present research project discussed the respect and inclusivity inherent in Indigenous culture – Jason explained this with the following, “like they said, when you look at the circle, at the Medicine Wheel, everyone meets in the middle and that means we're all equal.” Similarly, James also found pan-Indigenous to be a positive experience because he felt a sense of coming together

and pride:

It was good because there were people from all over. I don't speak my language either, but some other guys are fluent in their language and know prayer, they kind of took charge, and I was proud of that. So we just talked about stuff, and some people are cousins with other people and this was our time to just mingle with each other and say hi to buddies that we see all the time; it's like a little family.

Three of the men also similarly felt that pan-Indigenous programming was not problematic because everyone in the Circle was coming together and participating for the right purposes, which was to talk to the Creator and thank him for their breath of life, and to be proud of being Indigenous. Because of this, Brian shared that Smudge ceremonies tended to be very inclusive because of the healing power in the circle, as well as the respectful nature inherent in the process:

If you wanted to come then you could come. There were a couple white guys that would be in our circle too and we didn't discriminate against anybody. But if the guards felt that you weren't going outside [to smudge] for the right purpose then they weren't letting you go out and smudge with the other guys because there was black guys and white guys that would come out and smudge with us, so it was different seeing that. But we didn't say that you cannot come and smudge with us, we welcomed them, we said yeah come out and join, sign up if you want to sign up, like if it works for you then it works for you, but not going to force it on you, you know, it's also a learning process of yourself.

All of the men further explained that rather than finding it problematic that programming was not specific to their Nations, they chose to be respectful of the cultural protocol for the individual opening and closing the ceremony, as stated which followed the specific culture of the group leader. This meant that the ceremonies would follow the traditional practices of the individual who was leading the ceremonies on that particular day. In addition to this, many of the men did not find such programming to be problematic because many had a sense of gratitude in being provided with the opportunity to practice their Indigenous traditions while in prison.

Systemic Challenges: Lack of Access

While all of the men did not find pan-Indigenous programming or the programming

content itself to be problematic, the challenges with programming that the men did have were due to systemic barriers within the prison system itself. These barriers included a lack of available programming and a lack of access to programming due to security measures within provincial prison facilities. Four participants shared their experiences and challenges regarding a lack of access to Indigenous-specific services in provincial facilities, which included lack of yard-time for Smudging, lack of access to a Native Inmate Liaison Officer (NILO), and challenges with access due to language barriers.

Four of the men interviewed were incarcerated in the same provincial facility and discussed their very limited access to NILO workers, as well as limited yard-time to Smudge amongst themselves. The NILO worker in provincial facilities is often a case manager and advocate who should act as link for incarcerated men to the Indigenous community, while also assisting with reintegration through the delivery of culturally-specific programs and services as well as assistance with discharge planning upon release. For Smudging ceremonies in this provincial facility, men are not afforded access to an Elder but are under prison guard supervision and provided with medicines and thirty minutes in the prison yard to Smudge and pray amongst themselves. Access to Elders in provincial facilities is not universal across Canada as some facilities provide access while others do not. None of the men expressed discontent with the lack of Elder in conducting Smudges, and all of the men were satisfied with being able to do the Smudges amongst themselves. The problem was that these types of programming and services were offered very infrequently. The challenges that the men had with accessing the NILO worker were similar amongst the four men, as the men were discussing the same worker, and they all attributed their inability to participate in Indigenous-specific programming to be due to the NILO worker's unwillingness to help them:

I only did smudging, that's it, because the liaison worker would never come around the jail to help the Aboriginals in jail. He wouldn't come around, like he wasn't a really good worker. There are a lot of us that needed help with our problems and he wouldn't really show up all the time, and we put in a request all the time to see him and there were never any answers or he would never show up... Because it's so full, because how the jail was running was so full in there, you couldn't move around much anyways, so we didn't really talk to him much. When he was really supposed to go and talk to us, you know. A lot of people would see him walking by and he wouldn't stop, so that's what was going on (Steve).

This jail here has a bad reputation for being one of the worst ones in Canada, it's a shit hole really, they don't provide anything there it's just like you're in a cage (James).

The NILO worker, he selects who he wants to help out and if you're not that then he won't help you. He's not there to help anyone; it seems messed up (Charles).

In addition to the lack of access to this particular NILO worker, many of the incarcerated men in the same provincial facility shared that they were frequently unable to Smudge due to security measures within the facility, such as short-staffing and frequent lockdowns. Charles stated:

Like this one time, we were locked up for four days. I'm not lying to you, they didn't give us showers, we were locked up for four days, we couldn't shower, no phone calls, like to call your lawyer or whatever. Nothing for four days we were locked up, and that's how it is in there too. It's going to get worse because they're going to be on strike.

Frequent lockdowns were especially problematic for Charles as it prevented him from receiving treatment for his long-standing twenty-one-year alcohol addiction. Charles shared that in eight months he was only able to attend Alcoholics Anonymous twice and able to Smudge about a dozen times.

Interestingly, Brian was able to compare his experiences while being incarcerated in provincial facilities in the Prairies and Central Canada, and how that related to Indigenous-specific programming. For example, due to a over-representation of Indigenous persons in Prairie prisons, this meant that he had daily access to Indigenous-specific programming:

They tried to get us out there every day to smudge, at least once a day. We were allowed to go to Sweat Lodge once or twice a month, depending on how big the list was. But that was the only good thing about being incarcerated at Manitoba, was they offered that kind

of stuff, and they had an Elder there that was coming in every day and talking to us and seeing us.

Whereas while being incarcerated in Central Canada, in Ontario he was only able to Smudge twice a week (if he was lucky), and in Quebec there was a complete lack of Indigenous-specific programming for an English speaking Indigenous man:

Quebec doesn't have English programs period. There was absolutely nothing I could do there. I had asked to go outside and smudge and they said no I can't do that. The only kind of programming, I don't even call it programming because it's a workforce, is you get on and you go into the workforce, and that's it.

Lack of Access: Emotional Outcomes

Some of the men shared feelings of frustration, resentment, and hopelessness due to their lack of access to Indigenous-specific programming and being disconnected from their Indigenous culture. Two men discussed their resentment towards the ways that Muslims are afforded accommodation to practice their religion while they were unable to Smudge:

You're not guaranteed to go out and Smudge, but the Muslims are guaranteed to get a carpet, they're guaranteed to be able to do their prayer stuff, but being Aboriginal we were sometimes only out twice a week to go and smudge. Before, I guess they had it every day here but then I guess as the years went on that they just kind of started not really letting us smudge so we had to keep on asking them and asking. We asked to talk to the Sargent, can we go out and smudge, we asked to talk to the deputy warden, can we go and smudge, they said no (Brian).

I was in for about eight months, and I think I got to Smudge about twelve times the whole time, and do you know the Muslims and how they pray and stuff? – They were taken a lot better care of than us Aboriginals, which is pretty disappointing (Charles).

Steve, a young Inuit man, has spent most of his life incarcerated and suffers from mental health challenges, believed he had many negative emotional experiences due to a lack of access to Indigenous-specific services. Steve waited two months to access the NILO worker to get help with reaching his family and to have access to services when he left prison, and his inability to gain assistance left him with feelings of hopelessness:

They just see us as bad people, they see us as criminals, and they think that we don't need help but we really do, for treatment or to fix our life up some how, but they don't come around. You're not going to get help in there. There is some help, but you're not going to find the right help that you need, because when you're in there you're going to be doing programming and when you're done with programming you totally forget about it because you're so depressed and in jail. You want to be with your family, you want to be outside, you want to walk out the door and you can't, so you forget about the program sometimes. I guess it did help me realize that jail was not a place for me. It was hard to live in there, and I grew up in there for half of my life.

In addition to this, Steve was in a provincial facility that only offered Smudging, which is not an Inuit practice. Therefore, while Steve was struggling with depression in prison, he was also without access to a NILO worker, as well as without any meaningful Inuit-specific programming. Additionally, Steve also shared how important Indigenous-specific programming was to him, but also how depression severely limits his ability to participate in it:

I was depressed and I couldn't focus on doing those programs, because I was so depressed, doing time is very hard. You don't think about the things you want to learn, you just do your time in there it's so hard. Serving time screws your life up, even when you're trying to get help it screws your life up. Your attitude changes, your mood changes, you get lost. You get out of jail and you don't know where to go, you got no place to go, what you're going to do. There's nothing out there, that's what happened to me, I don't know what happened to everyone else, but that happened to me.

Indigenous-Specific Prison Programming: An Identified Need

The themes that emerged from the interviews when discussing men's experiences with Indigenous-specific prison programming is that there is a strong need for such programming to be available for incarcerated Indigenous men. For the men who were able to have access to Indigenous-specific programming, they shared stories of deep emotional connections to Indigenous traditions and how these practices aided in their healing, and for some, helped keep them out of prison. For instance, Martin explained how traditional Inuit practices of hunting and gathering on traditional Inuit territory as well as guidance by Inuit Elders helped him when his loss of spirituality and connection to the land lead him to crime:

I didn't have that spirituality and that strong connection to earth or to the land, so there's repercussions. Because of that, I could say, 80% of that I could say was because I was searching for myself, and I found it where in a place that you wouldn't expect. When you first go in there, 90% of the time you're angry or you're lost, and that's the place, as weird as it sounds, that you can find yourself again. It's very hopeful in a dark place like that, because not only are you ostracized by society, you have to re-gain everyone's trust, not only the people that work there, but with your people, like my Inuit people.

Some of the other men that were not able to have access to programming shared stories and feelings of hopelessness and resentment, and how this exacerbated feelings of depression. James and Steve, who both had very limited access to Indigenous programming, shared why they felt that there is a great need for programming that specifically helps Indigenous people:

They think that we don't need help but we really do, for treatment or to fix our life up some how, but they don't come around. But you know, what would be really awesome is if there would be more workers in jails for Aboriginal people, because if there was then maybe it can help people to calm down on doing crime in the city, because living in the city is different than living on the reserve or back home (Steve).

I think it would change a lot of attitudes with the Aboriginal population in there because at least you're getting positive input in a negative environment, and that means a lot sometimes. People are a lot more receptive when they're in a situation where they don't want to be again, at a certain point, unless there's something really wrong with you, I mean you start to listen after awhile, but I mean if it's not there then you don't hear it (James).

Indigenous Identity: *Being Indigenous*

All of the men in the present research project were not only 'status Indians,' but also identified as having an Indigenous identity. Two First Nations men identified themselves as 'Canadian Native' or 'Aboriginal Canadian,' while one Inuit man and one First Nations man identified as being distinct from being Canadian:

I identify myself as Inuit, before I'm a Canadian. A Canadian to me is a Federal term, where the colonization impacted my people, it's a sad part of the history, but it was inevitable like my grandfather knew was going to happen (Martin, Inuit).

I don't see myself as a Canadian citizen because Canada came to us, we didn't go to Canada, they were the ones who named this place Canada. White man named this place

Canada, we didn't (Brian, Nuu-chah-nulth).

Most of the men found it challenging to answer what it means to be Indigenous. Indigenous identity is a deeply contentious issue that has been criminalized, stigmatized, and politicized, therefore it is to be expected that Indigenous men might find it difficult to express what it means to be Indigenous. Many of the men felt that being Indigenous is associated with practicing Indigenous cultural and spiritual practices and knowing their language, while some men felt that it was more related to being a strong people. Two Inuit men shared that being Indigenous is deeply tied to living off of the land, and one First Nations man additionally shared that being Indigenous also involves practicing traditional ceremonies:

Living off of the land is a big part of being Inuit. I eat country food, I can live off land, you can take me over there and leave me and I would survive (Keith).

Being Inuit means to know my language, to speak, even to think it, and live it. That's what Inuit is, connected to the land. What my Elders always tell me is when I first wake up, the first thing I must do is look up in the sky and see what the weather is. We're very connected to the land, and what we take from the land we use everything. We don't use it for sport, we use it to consume the animal we have taken and give thanks and, a lot of humility and humbleness comes from that, and a lot of gratitude (Martin).

I guess being Aboriginal to me is, I am from here, long before white man was here and, I don't know really, that's a tricky question. But fishing is a strong part of being Aboriginal. We fish and hunt, we have ceremonies and coming of age parties for the girls. Being able to go and participate in ceremonies like that made me feel like we were all united as one, we were all Aboriginal people there and we were showing and bringing the spirit of being Aboriginal out (Brian).

John, a Dene man and Charles, a Swampee Cree and Plains Cree man did not mention cultural or spiritual practices, but rather located being Indigenous as being part of a strong people:

It means a lot different today then it did before. But today it means you have to be a living example, you have to be honorable and respectful and carry yourself in a certain way, and to be graceful, kind, and pleasant, charming, funny, Native people are funny. That's what I like about Native people, they can laugh in the hardest of times. And I think that saved us in a lot of times. But I do feel like I have to be an example, and I have to be a leader. I don't know where it's going to go, but I'm not going to worry about that, I'm just going to act, and I'm going to put my effort into positive things and I'm going to

engage in positive opportunities, and I'm going to build something greater than I ever thought could be possible (John).

For me it means, I'm strong, I'm spiritual. I look at myself, and I'm a strong person because I've been through a lot. Sometimes I'm weak because I drink, but I'm a strong person because I've been through a lot and I'm still here. I haven't given up and I will not give up, and that's how I see us Native, that's how I see our people, as strong people, because we've been through a lot and we're still going through a lot too (Charles).

For James, a Mi'kmaq man and Steve an Inuit man, being Indigenous is associated with being connected to other Indigenous people throughout their life:

It means being connected to things I grew up around, things that I understand, and people. Aboriginal people that I know have a sense of humor, you know the way you don't have to ask for things all the time, like when people know you don't ask just 'stop that' you know, just things like that. I just identify with that and I know lots of white people, but 95% of my friends and people I associate with are either Inuit or Aboriginal, so its just like the crowd I hang around with and the people that I talk to or the people that say hi to me all the time, you know, the people that know me, I identify with them, you know, for better or for worse (James).

That's a really good question actually; I'm not too sure. I think it's having a strong connection to my family. I grew up in the city pretty much; I was always in and out of jail. I don't think about that kind of stuff, what you just asked (Steve).

Pride in Being Indigenous: Indirect Outcomes of Colonialism

All of the men shared that they are proud to be Indigenous, and having an Indigenous identity and practicing Indigenous traditions was personally important to them. The men also shared instances in their lives, however, when the opposite was true. In both cases it appeared that the indirect outcomes of colonialism was often at the root of these feelings. Indirect outcomes of colonization are often experienced by Indigenous people that did not personally attend residential schools, but suffer the effects of living within a Canadian society where they have historically been, and continue to be, socially marginalized. Therefore, some of the research participants felt pride because they have not succumbed to the imposed marginalization due to colonialism, at the same time some participants also lack of pride in being Indigenous because

they live in this marginalization.

For example, John's pride in being an Indigenous man is based in part on the fact that his people survived colonialism: "by no means do I feel ashamed to be Aboriginal. I feel proud to be a living entity of what people once wanted gone. We're remnants of what was once hoped to be wiped away." Somewhat similar to the theme of surviving colonialism, James is also proud to be Indigenous because his single mother did not give him up for adoption:

I'm proud my mother never gave me and my brother up and I'm proud of my grandfathers and my great-grandfather, I'm proud of who they were and I'm proud of my aunts and uncles, the ones that are still alive. I'm proud of it.

Further entrenched in the outcomes of colonialism, James and Brian both shared feelings of pride in being Indigenous as being associated with a lack of family dysfunction and alcohol addiction:

Being around family violence when I was visiting a friend's place and everything just went all fucking out of control. I'm not proud of that. I feel like, why does [sic] things like this always have to happen? Stuff I used to see in Winnipeg when I was growing up, a lot of bad things. A lot of good friends that are my age but their parents weren't home for a week and go on binges. My buddy has to take care of his two sisters and all the parents would do is send a taxi with two pizzas. I just kind of remember that where I always felt fortunate that I didn't grow up that way because my mom wasn't a drinker. I'm so lucky not to grow up in that environment (James).

Before I moved out here I was out and going to the friendship centre and I was in with the drum group I was actually going to AA programs at that time too. I was being sober and I was living a proper life, and I felt like I was actually being a First Nation. I was being sober and I was doing everything that was expected of me from myself because I had put some expectations on myself and it was working out for a while (Brian).

Also discussing family dysfunction, Steve and Keith both shared that challenges with their family are instances in their lives when they did not feel pride in being Inuit, as well as their experiences in prison:

When you're in jail, trying to connect with the NILO and you're left out, so there's no pride there. Sometimes here too, especially when your family, when you're sober and they're drunk (Keith).

I get sick of my life sometimes because I missed out on so many things while I was in

jail. I kind of screwed that up by myself, that wasn't anyone's fault, I didn't know what to do. Everyday sometimes I don't know what to do. Sometimes it feels like I would rather go be in jail than being outside. It's hard out there. People can say that but they don't know. That's why I sometimes feel like going back up North; being with my family, fix my life. Right now its kind of hard, I can't buy my plane ticket (Steve).

Lastly, Jason shared that he was not proud of being Indigenous while growing up on his reserve, and it took leaving his reserve to find that pride in being Mi'kmaq. For him, the reserve system, colonialism and identify confusion were all part of it:

When I was younger, I didn't know the difference. I had to leave my reserve to find out that I was Native. It was a bad experience, I didn't know who I was. I didn't know who I was or what was going to happen, and I found my way here. And stuck to that way ever since. I grew up in a racial area, and it was very violent when I was growing up. It was always the French against the Indians, the Natives against the French. I thought that was the norm growing up, I didn't know any different. I left the reserve finding out that it was different. The spirituality was more than on reserve, so I started growing as an Aboriginal right here.

Direct Outcomes of Colonialism on Being Indigenous:

“They tried to paint me white, but it didn't work”

Three participants also shared some experiences that reflected the direct outcomes of colonialism. Martin a residential school survivor, Charles a sixties-scoop survivor, and Brian who was raised in the child welfare system,⁴³ spoke about how colonial policies and projects have directly affected their Indigenous identity and how this continues to affect them today. The men also shared instances in their lives when they felt shame in being Indigenous and how colonialism had a direct impact on their ability to be proud to be Indigenous men. However, each of them also were able somehow, to reconnect with their Indigenous culture and spirituality after years of colonization.

Martin attended one of the last residential schools to be closed in Canada, and believed

⁴³ The apprehension of Indigenous children into the child welfare system is not recognized as an official government policy of assimilation or colonialism; however, Indigenous children have historically been and continue to be grossly over-represented in a system that forcibly removes children from their families.

that experience affected his Indigenous identity greatly:

I lost a lot, a lot of my culture for one thing, even though I re-learned how to speak my language, but I lost a lot in being with the land and connecting with the land.

I lost a lot of my culture because I had to learn how to live the “white way,” the so-called the Caucasian way. So that was formally educated and that took a lot away from my culture, even though I stayed at the residence, even though we did go hunting and stuff like that, and went with the Elders. I still had to go to school, and that took a lot away from my culture.

Charles, a sixties-scoop survivor, shared how the colonial project that forcibly removed him from his mother and allowed him to be adopted into a white family had an impact on his Indigenous identity and how the abuses he experienced as a child growing up in a white adoptive family continue to impact him today and cause him to struggle with twenty years of alcoholism and reoccurring incarceration:

I got molested when I was a child, by my older brother, my adoptive brother. I was part of the sixties scoop. I was two, I got adopted when I was four, I was taken from my mother when I was two, but I don’t know the whole story because my mother has passed on. My mother told me, because they went and got me from Winnipeg, and I was raised in a white family, in a white society.

I don’t speak Cree. I wish I did. My dad spoke a lot of Cree and so did my mother, but the dialect was different, same words and stuff but the dialect was different. I wasn’t around my parents, I first met my mother in 2009, I was one of the lucky ones because I got to meet my parents, I was the only product between them, I guess my dad tried to kill her when I was inside of her.

I never got the opportunity to learn my language. It was culture loss. We lost our identity, grew up in a white family, had to go through abuse. And I’m still struggling with it.

Briann, a Nuu-chah-nulth man, was adopted by his grandparents at the age of two and then later became a ward of court and grew up in the child welfare system and various foster homes, shared how growing up in foster homes prevented him from being Indigenous and being able to engage in his traditional Indigenous cultural and spiritual practices:

I was a ward of the court so I had to go live in foster homes, and there were some challenges in being in a foster home. I wasn’t allowed to go and attend certain things just

because the foster parents deemed that it was on the weekend and they think that I'm just going there to go drink and abuse drugs and stuff. I did ask to go to big ceremonies and stuff like that from my social worker, I would ask, but she would say no because it was, the reserve that I came off of it was a high risk reserve for alcohol and drug use so they didn't want me to go back into that because I was 13 or 14 years.

Direct Outcomes of Colonialism on Being Indigenous: Shame in Being Indigenous

In addition to the men's identities being impacted by colonial projects, all three of the men also shared experiences when they felt ashamed at being Indigenous. Many of these experiences are parallel to those of the other participants that described instances when they lacked pride in being Indigenous, however I think it is important to separate the direct and indirect outcomes of colonialism in relation to pride in being Indigenous. Martin directly spoke of the times when he felt shame in being Inuit due to a residential school system that tried to erase his Indigenous identity:

When I was lost, that's when I shunned my culture. During my dark periods of my life, especially going to a white school, a so-called white way of education. A formal education was the way to go, well it's still the way to go, but nothing replaces cultural heritage, or something cultural, nothing can replace that. I lost spiritually, physically, everything. They tried to paint me white, but it didn't work.

Brian also shared his experiences of feeling ashamed at being Indigenous, and how he turned to Christianity because he hated himself for being Indigenous:

There was challenges growing up, and I would say for a better part of a year or two I was really hating myself for being Aboriginal. I don't know what it was about, maybe that was just a stage in my life when I was younger. When I was incarcerated as a teenager I used to be on the white kid's side rather than on the Native kid's side, picking on the other Natives when I'm Native myself.

I fell really deeply into the Christian life and then I finally started realizing that I'm not a Christian, that's not my ways, all those ways were being forced on me. So I had to go to church and I didn't like church, but I did have some struggles growing up as to accepting being Native.

In addition to hating himself for being Indigenous, Brian also described a point in his life when

he rejected being Indigenous, and for him this was because he was disconnected from the land:

I became an Urban Indian, I was living in the city, a small city, but I was an Urban Indian. I wanted to fit in and I wanted to be cool and I wanted most of my friends to be white, and a lot of them were, but then eventually I was 'oh what am I doing,' I'm pushing my own family and friends away from me, my childhood friends. It was scary, I didn't think I would get some of their friendships back but I did and we all knew that it was just a phase in my life.

Charles also shared that during his childhood and white upbringing that he felt ashamed to be Indigenous: "when I was young and in high school because I was the only Native. I felt ashamed, I really did, I felt ashamed to be Native because I was different from everyone else."

Direct Outcomes of Colonialism on Being Indigenous: (Re)connection with Being Indigenous

All three of the men had very unique and personal stories as to how they came to be reconnected with their Indigenous culture and spirituality after painful experiences with colonialism. For Martin and Brian, they became reconnected with their Indigenous traditions because of family, whereas for Charles who was without family, he became connected to his Indigenous culture through urban Native friendship centres.

Martin described how he reconnected with his Inuit culture and spirituality from learning from his grandfather as well as programming while in prison:

In the later part of my grandfathers years I was re-connecting with him, because I would only go home for the summer and Christmas during those years of residential school, and not long after that he died. But before that, I was learning as much as I can from him. When I was incarcerated I learned a bit more, but by that time I was an adult so I was able to learn a lot quicker than a teenager or a child would.

Being incarcerated was an awakening. When you first go in there, 90% of the time you're angry or you're lost, and that's the place, as weird as it sounds, that you can find yourself again, in a place like that. It's very hopeful in a dark place like that, because not only are you ostracized by society, you have to re-gain everyone's trust, not only the people that work there, but with your people, like my Inuit people. I learned a lot about what I was missing in my life, spiritually, culturally. The Elders did a lot of healing for me, which I needed.

Somewhat similar, Brian also became reconnected with his culture and spirituality due to family connections:

It wasn't until I was about 24 I think, maybe 25, I had bumped into one of my cousins that I hadn't seen in a very long time and that's when I had gotten back on into the AA program and NA, started going to the friendship centre and stuff. He had actually got the ball rolling for me and encouraging me to come out and go to powwows with him, so I would go to powwows with him and do things. I started checking out other people's culture in the Vancouver area because they have longhouses out there and stuff like that, so I went to go check out some of those and it was interesting

Charles did not have family to help him reconnect with his Indigenous identity because his adoptive family is Euro-Canadian, but he described how he began to practice Indigenous traditions in his adulthood when he visited a local Native friendship centre. I asked Charles what made him want to learn about his Indigenous culture and spirituality and he stated that it is because it is who he is:

I learned about it and I fell in love with right it away because that's who I am, I'm Native. And I love smudging because it's a cleansing; I love it. Crying is a release, but smudging feels so much better.

Charles also described that the abuse that he faced as a child while growing up in his white adoptive family has caused him to continue to struggle with alcoholism into adulthood, and this continues to impact his ability to practice his Indigenous cultural and spiritual practices:

When I'm not drinking I pray a lot, I give thanks every morning for my breath of life with Creator, every day. So I guess my only challenge is if I've been drinking, because I don't want to disrespect, I try not to. I love being close to Creator that way, you know, but I'm not close these days because I'm drinking too much, I have to work on that, I really do. If I don't then I'm just another stereotype, just another drunk Native. That's not what I was put here for; I want to do good things with my life.

Challenges in Being Indigenous: Dislocation and Language Loss

All of the men shared their challenges in being Indigenous as well as the challenges they face in expressing their Indigenous identity. The challenges were largely attributed to being

dislocated from traditional territories, being disconnected from traditional cultural and spiritual practices, and not being able to speak their language. Martin explained that being dislocated from his traditional land is challenging for him as an Inuit person and this dislocation has made him feel a loss:

Trying to keep in touch with my Inuit people, speak my language; learn a bit more as I go on. The big challenge is that I'm not in the land where I want to be. In the ways of this fast technology, I still keep in contact with my people through telephone or internet, and see what's going on up there and see how much change has gone on. When you go back up North it's like going back in time, we're isolated, we don't have a highway. Last time I went back was to bury my dad and I didn't realize how much I had lost. Like I lost a lot more because I was living down here, but when I did go back, it was like going back twenty years because everything is relaxed and calm and no one's in a rat race, nobody's looking at time. Everyone just has time to go hunting or to go to work, and that's it.

Keith also described how it is challenging for him as an Inuit person to be dislocated from his Inuit land, while also watching as his grandchildren grow and not know their Inuit language:

It's kind of a challenge because we're down here and we can't really practice our traditional way of life in some kind of areas like in the public. But the challenge is that my grandkids will not speak my language, I know I'm not going to lose my language, but that's the challenge, because I guess it's because we're down here. But we had to move down here because I didn't want my kids to experience what I went through in Nunavut. Up there everyone is together in a small community, there's no escape if you have problems with other people you have to face them, it's not like here. If I have a problem here I can go somewhere over there and get out of the situation. That's probably why there are a lot of suicides because they're trapped, they got nowhere to go and they have to face it.

Whereas for James, he felt challenged in expressing his pride in his Indigenous identity and being able to find the motivation to engage in cultural practices while struggling with depression:

Maybe for me it's about trying to be proud about who I am. Sometimes I feel like I should be doing more than I have been. That's when I start to think too much when I analyze it too much. Maybe I need to be more connected because lately I've sort of dropped out of lots of the things I used to do, but I've been going through a lot of emotional things in the past year and now when I get fed up with stuff I just don't go anywhere. Sometimes I wish I could drum like other people can, or do carvings. Its like I never really applied myself in that direction, so its not like I can't do it, its something I have to work at. I think its being motivated to try to achieve a bit more on a personal level, and it has to do with my motivation factor sometimes.

Many of the men could not speak their Indigenous language, and this was a very sensitive topic for them as it served as a reminder that part of their Indigenous identity is missing. Some of the men were brought to tears talking about not knowing their language, while one of the Inuit men was deeply upset that his family is losing their language. James and Brian expressed how important language is and how they wish they knew how to speak their language:

That's something I would like to learn before I pass away, that would be a personal achievement. I would just be so proud of myself to learn it in my lifetime. Just on a personal level, for my own self, it would be a big achievement for me. Because I know a lot of people that do know their language, and I respect that. To me it's a personal thing about being Mi'kmaq so I would like to learn my own language, so then maybe at one point I could share with someone else (James).

Because I was adapting to the times of today, the language, my first language is English, that's my only language, and it's really shitty that it's like that for a lot of First Nations across Canada. You know it would be nice to be able to speak my language, because then I would have more of an opportunity to be able to listen to my Elders when they're talking in the language, I don't understand our language (Brian).

Conclusion: Being Indigenous Today

Despite histories of colonialism and marginalization, most of the men continue to practice Indigenous cultural and spiritual traditions today. For some this is daily praying or Smudging, for others it is going to community gatherings to do cultural practices. Five of the men expressed that they are strongly connected to the Indigenous community of the city they currently live in, despite it not being the traditional territory for many of the men. For many of them, this connection to the Indigenous community is due to participating in cultural and spiritual practices that are offered by the local Native friendship centres. Keith and Martin explained that they are strongly connected to the Inuit community despite being dislocated from their traditional territory, and that they have adapted to this while in an urban environment:

The Inuit community could be stronger, but there still is [...]. We still manage to penetrate our culture into the white man's way, or whatever way. There's a gathering

once a month and we have a feast, sometimes there's special gatherings like trade shows. There's usually a trade show at the convention center and they bring a lot of our culture there, singers, songwriters, drummers, artists, carvers, people who draw or make prints. And of course there's always festivities that go on, whatever the time of the year, usually my people gather and it's an urban way of life. I've had to get used to that (Martin).

Once a month there's a feast and we get together and be connected. We eat Country food, although it's not that much but at least it's Country food, because they have to go get it, go hunt and ship it down here, it just doesn't come like in a grocery store. We also get together and pray, there're also a carving program (Keith).

Whereas Brian shared that he is not strongly connected to the Indigenous community because he is dislocated from his traditional Nuuchah-nulth territory and traditional practices:

Not as much as I was out West because out West was more or less of the culture that I had already known. Out here is just a bit different for myself, I'm not going out there trying to find it, it's kind of just a spontaneous thing here. If it's there and depending on what kind of situation I'm in, then I'll go out and look for it. But, I really I think that's only really when I'm desperate for something or that I need it, then I'll go. But lately I haven't really been trying to do anything, I think its been 4 or 5 months, I kind of just drifted away from my culture and pushing it aside.

Beyond these varying degrees of connection to Indigenous communities, all of the research participants demonstrated the inherent resilience of Indigenous people to maintain *being* Indigenous despite decades of colonization and marginalization. This includes the participant's deeply personal and emotional connection to traditional Indigenous culture and spirituality, as well as the pride that all of the men felt in being Indigenous. However, these interviews also elucidate the necessity for space to be made in the Canadian prison system for Indigenous men to heal from colonial projects, in their own Indigenous way. This need is demonstrated in both the negative emotional outcomes due to a lack of access to Indigenous-specific programming while in prison, as well as positive emotional outcomes of (re)claiming an Indigenous identity.

Chapter 5: Discussion

The central task of this research project was to explore how Indigenous men understand Indigenous identity, to examine how they experience Indigenous-specific programming while in prison, and how these experiences intersect. As a result, several themes have emerged, and the following discussion will address each theme in a separate section. First to be discussed are the themes related to the research participant's experiences while participating in Indigenous-specific prison programming, including the identified need for Indigenous culture and spirituality in Canadian prisons, and the challenges some participants faced due to a lack of access to such programming. Secondly are themes that emerged when the research participants discussed how they understand Indigenous identity. Lastly is a discussion about how the criminal justice system and Indigenous-specific programming affects the identity of Indigenous men in the present research project. The following discussion does not question the legitimacy of Indigenous approaches to prison programming, but rather, critically questions the ways in which the criminal justice system makes space (or the lack thereof) for such programming for Indigenous men. The following discussion also examines the ways in which the criminal justice system operates within the Canadian settler state in delivering Indigenous-specific programming to incarcerated men. Using a theoretical framework of post-colonialism as well as settler colonialism, the main contention of the following discussion is that while Canada is attempting to appear post-colonial in light of talks of renewed relationships and reconciliation, colonization of Indigenous men continues within the Canadian prison system.

Waldram (1997) and Zellerer's (2003) examination of Indigenous-specific prison programming significantly drew attention to the need to recognize and promote Indigenous culture and spirituality within Canadian prisons and the potential for Indigenous traditions to

heal Indigenous men. The present research project has further contributed to this area by finding that Indigenous culture and spirituality are important for Indigenous men in Canadian prisons. The participants in this project all shared the desire to participate in Indigenous-specific programming while in prison, and were frustrated when such programming was unavailable. What was different for these men, however, when compared to the experiences of the participants in studies by Waldram (1997) and Zellerer (2003) is that they had all practiced Indigenous cultural traditions *before* entering prison. Whereas for Waldram (1997) and Zellerer (2003), their research participants had only been introduced to Indigenous spirituality once entering the institutions. Therefore, the men in the present research project faced identity challenges that were truly unique to the present research project, including attempts to remain grounded in being Indigenous while also experiencing direct and indirect outcomes of colonialism, and at times losing touch with their Indigenous culture and spirituality. However, prior to discussing these identity challenges, it is important to first discuss why healing is important for Indigenous men incarcerated in Canadian prisons.

Tradition as Healing: An Identified Need

“...Notions of tradition and healing are central to contemporary efforts by Aboriginal peoples to confront the legacy of injustices and suffering brought on by the history of colonization. Through individual and community-based initiatives as well as larger political and cultural processes, Aboriginal people in Canada are involved in healing their traditions, repairing the ruptures and discontinuities in the transmission of traditional knowledge and values, and asserting their collective identity and power” (Kirmayer, Brass, Valaskakis, 2009, pg 440).

A number of Aboriginal justice inquiries and responses outlined in previous chapters of this thesis (such as the *Aboriginal Justice Inquiry*, the *Royal Commission on Aboriginal Peoples*, and the *Truth and Reconciliation Commission of Canada*) have detailed the deleterious outcomes

of a Canadian history of assimilationist policies and the compounding effects of the residential school system. The results of such overarching policies have also been reiterated by the research participants and have included experiences of marginalization, alcoholism and substance abuse, incarceration, unemployment, mental health challenges, and histories of physical and sexual abuse. A notable outcome of these lived experiences has been a fragmented sense of Indigenous identity. Further compounding the effect of colonialism is the challenges that Indigenous men face while incarcerated within the Canadian prison system that often ignores their cultural and spiritual needs, as well as mental health needs. In a powerful statement, a young Inuit man that spent most of his life in prison shared the effects of incarceration for Indigenous men and how difficult it is to be incarcerated while feeling hopeless and depressed:

Serving time screws your life up, even when you're trying to get help it screws your life up. Your attitude changes, your mood changes, you get lost. You get out of jail and you don't know where to go, you got no place to go, what you're going to do, there's nothing out there. That's what happened to me, I don't know what happened to everyone else, but that happened to me.

I get sick of my life sometimes because I missed out on so many things while I was in jail. I kind of screwed that up by myself, that wasn't anyone's fault. I didn't know what to do; everyday sometimes I don't know what to do. Sometimes it feels like I would rather go be in jail than being outside. It's hard out there, people can say that but they don't know. That's why I sometimes feel like going back up North; being with my family, fix my life.

In addition to the challenges of incarceration, some participants with existing mental health difficulties found these to be exacerbated by the lack of adequate programming. For instance, Charles, a sixties-scoop survivor who had been sexually abused by his adoptive family and now suffering from a long-standing twenty-one-year alcohol addiction, found that a lack of access to both Indigenous-specific programming as well as mainstream programming was extremely challenging for him. In fact, he even found himself feeling resentment towards the ways that other groups, such as Muslims were afforded time and space to pray. The crux of these

experiences, as well as the experiences of many of the participants in the present research project, is that the effects that the criminal justice system has on the lives and identities of Indigenous men, as well as the very real identified need for incarcerated Indigenous men to have access to culturally-specific and culturally-relevant programming while in Canadian prisons to allow for healing.

For those research participants who were able to have access to Indigenous-specific programming while incarcerated, many shared stories of deep emotional connection to Indigenous traditions and how these practices helped in their healing. In fact, for one individual found that programming helped him to resolve identity confusion that arose from his experiences in the residential school system. For Martin, following his experiences in the residential school system he had shunned his culture and had temporarily lost his language, and it was when he was in prison that he re-captured his traditional Inuit culture and spirituality. While Martin was incarcerated he participated in traditional Inuit practices of hunting and gathering on traditional Inuit territory while also receiving guidance from Inuit Elders, which allowed him to re-claim his Inuit identity and heal from his experiences in the residential school system. In his words: “I learned a lot about what I was missing in my life, spiritually, culturally. The Elders did a lot of healing for me, which I needed.”

In addition, Brian, a Nuu-chah-nulth man who grew up in the child welfare system, found that participating in traditional Indigenous ceremonies while in prison facilitated his healing and the guidance he received from Elders helped him during his challenges with depression. Brian discussed how he felt deep emotional connections to the Sharing Circles and Sweat Lodge ceremonies that he participated in while incarcerated, and he believed that his ability to cry during these ceremonies while being surrounded by other Indigenous men that were going

through similar experiences helped in his healing. In his own words, Brian found that receiving guidance from Elders while he was in prison helped him to be on a healing path and realize the force behind his criminal actions: “we were talking about deep pain and stuff, the kind of things that had put us there and led us to the life that we were living... [I was feeling] anger and pain towards myself for the lifestyle and choices I was making and having my family worry about me, not contacting them for quite a few months and not letting them know where I was, so [Sharing Circles] helped me.” For many of the other men that had access to Indigenous-specific programming, participation allowed them to continue to feel connected to *being* Indigenous and being connected to others despite incarceration. However, the stories of healing that Brian and Martin shared differed from the stories of many of the other men that were not afforded access to the spiritual guidance of Elders.

The potential for healing while in prison can be due to the realization of the strength, pride, and purpose an Indigenous person has for themselves as well as their culture and spirituality and living in accordance with traditional values. The *Royal Commission on Aboriginal Peoples* (1991) asserted that through traditional Indigenous culture and spirituality, there is a “revitalization of [Aboriginal people’s] confidence in themselves, their communities and cultures, confidence that must be grounded in their daily lives” (volume 5, pg 4). Alfred (2005) similarly echoed this as he found that traditional culture provides Indigenous people with “psychological wholeness,” creating strength among individuals and communities, which exists as a basic human need and basis for a way of life. Therefore, while Indigenous men come to realize the strength and guiding lessons of traditional Indigenous values, they also begin to heal from the spiritual sickness left behind from colonialism.

In Waldram’s (1997) study, he found that Indigenous Elders and spiritual leaders were

instrumental to the healing of incarcerated Indigenous men. Waldrum explained that it is Elders who teach inmates what healing is and the necessity for such, and even persuade or encourage individuals to understand that healing is possible for them. This in turn provides a foundation of strength, which allows individuals to see criminality as a result of spiritual imbalance due to the forces of colonization rather than as a personal failing and for the necessity for a reconnection with cultural identity and spiritual practices. Elders themselves also embody traditional Indigenous cultural values and this serves to teach Indigenous men how to live according to traditional values, which can include desistance from drugs, alcohol, and criminality, as well as living in a traditional way. Furthermore, Waldrum also contended that Elders can themselves be symbols of healing and transformation as they may be survivors who have overcome histories of trauma, and therefore are able to show Indigenous prisoners that they too can heal and live in a positive and healthy way. Also important, Elders are integral to teaching Indigenous inmates about Indigenous spirituality since healing is not separate from spirituality, but rather part of the process of healing. Elders are able to share wisdom, lessons, and Creation stories, which may be affirming for Indigenous inmates in their identity, connection to Indigenous spirituality, or their direction and purpose of their life. To situate this in the context of the present research project, the participants attested to the need for healing and Indigenous cultural and spiritual practices within prison, with Indigenous Elders as instrumental to this process. However, many participants experienced challenges in gaining access to Indigenous-specific programming and services, and these experiences are outlined in the next section.

Lack of Access to Indigenous Programming while Incarcerated

A significant issue for half (four) of the research participants was the lack of access to

Indigenous-specific programming in provincial facilities due to systemic barriers, such as security issues as a result of under-staffing and frequent lockdowns, as well as a general lack of available programming and services. Based on the interviews with Indigenous men incarcerated in these provincial facilities, it can be argued that from within a settler colonial theoretical framework, the Canadian prison system is acting as a colonized space, a space that has neither found room for Indigenous people nor for reconciliation from colonial projects. By failing to ensure that Indigenous men have access to culturally specific programming and services, it can be argued that they become further disconnected from being Indigenous. Furthermore, it must also be problematized that Indigenous men are not afforded access to measures that can assist in healing from the Canadian state policies that often contribute to them ending up in prison facilities. Not so long ago, the *Aboriginal Justice Inquiry* found that Indigenous people are over-represented in Canadian prisons as a result of multiple failures in the criminal justice system, including being more likely to be denied bail, spending more time in pre-trial detention, being more likely to be charged with multiple offences, or more likely to have poor legal representation, and more likely to receive prison sentences; these realities are also true today to a greater or lesser degree.

The lack of access to Indigenous-specific programming while in prison for the Indigenous men can be understood as an example of how the Canadian prison system is acting as a contemporary colonial project. Given that settler colonialism contends that the Canadian state is set up as a colonial structure, the prison system can be viewed as a mechanism of this structure. By denying access to culture and spirituality the prison itself may further disconnect Indigenous people from being Indigenous and foster the erasure of Indigenous identity from the Canadian settler state as a means of continuing the ‘civilizing’ project. In addition, a lack of

access to Indigenous-specific programming in some Canadian prisons also illustrates that a significant recommendation from many of the Aboriginal justice inquiries continues to be ignored. More skeptically, it raises questions as to whether in fact Canada is in an era of reconciliation and Nation-to-Nation relationship building with Indigenous people. Most recently, for instance, by failing to ensure that Indigenous men have access to Indigenous-specific prison programming, the Canadian prison system is ignoring one of the very important calls to action made by the *Truth and Reconciliation Commission of Canada* in 2015, as recommendation 36 states:

“Work with Aboriginal communities to provide culturally relevant services to inmates on issues such as substance abuse, family and domestic violence, and overcoming the experience of having been sexually abused.”

This “call to action” is not a new one, however, and the *Royal Commission on Aboriginal Peoples* from over two decades ago pointed out how the criminal justice system at that time ignored the unique worldviews of Indigenous people and failed to make space for Indigenous culture and spirituality in Canadian prisons. The *Aboriginal Justice Inquiry* (AJI) of 1991 also called for the rights of Indigenous people to no longer be ignored within the “insensitive and inaccessible” criminal justice system. When directly speaking of the necessity for Indigenous culture and spirituality in Canadian prisons (and Manitoba specifically), the AJI argued that:

We cannot continue to ignore the cultures of Aboriginal people and the laws, customs and values they generate. We cannot keep denying their very existence. To do so would be to compound past mistakes that have precipitated horrific consequences for Aboriginal people. If the justice system in Manitoba is to earn the respect of Aboriginal people, it must first recognize and respect their cultures, their values and their laws (chapter 2).

Based on this contention, the AJI further argued that Canadian prison systems should no longer be ignoring the cultural and spiritual needs of Indigenous people, and not only should Indigenous people have access to culturally specific programming as well as to Elders, but this should be the

responsibility of prison institutions:

Correctional policy should include a clear and unambiguous principle that Aboriginal inmates, like other inmates, are entitled to the unhindered practice of their religions. Moreover, institutions should accept the responsibility for making the necessary spiritual services available. Aboriginal elders and Aboriginal traditional people should be allowed unhindered access to provincial institutions to provide spiritual services to Aboriginal inmates. Religious articles should be handled with respect (chapter 2).

However, the present research project highlights that the cultural and spiritual needs of the research participants are being unmet and ignored despite the calls to action of the many previous inquires and the recent *Truth and Reconciliation Commission of Canada*.

Some of the participants also shared how systemic barriers and systemic discrimination still exist in Canadian prisons, and according to these participants, security measures act as a barrier in allowing them to gain access to practice their own culture and spirituality. These security barriers include limited opportunities to Smudge due to understaffing within the prison, which required that inmates remain locked in their cells. There was also one participant (Brian) who felt he was over-classified as higher need and/or higher risk and because of this security classification and thus he was unable to participate in any kind of programming for a period of time. Both of these instances exemplify the systemic barriers and discrimination that the *Royal Commission on Aboriginal Peoples (RCAP)* and *Aboriginal Justice Inquiry (AJI)* were calling for the Canadian government to end as these barriers in Canadian prison facilities are systematically causing the spiritual needs of Indigenous people to be ignored. In fact, the RCAP of 1996 made a recommendation directly addressing how a greater concern with security often unnecessarily affects the lives of Indigenous prisoners:

We have seen that far too much emphasis is placed on security, even though security is not an issue for 80% or more of the Aboriginal offenders who are incarcerated. Many opportunities exist to provide meaningful cultural, educational and training programs. These programs should become the focus of our institutions, not bars, head-counts and constant surveillance (chapter 2).

Additionally, the problem of a greater concern with security needs rather than treatment and spirituality for Indigenous prisoners has been echoed by Sapers (2013) in his report *Spirit Matters: Aboriginal People and the Corrections and Conditional Release Act*, as well as the ruling in *Ewert v. Canada*.⁴⁴ Both the report and the Federal Court ruling found that correctional policies discriminate against Indigenous people and limit their access to culturally-relevant programming, which in turn has an adverse affect on the prison experience for Indigenous inmates.

Indigenous Identity: What does it mean?

One of the central tasks of the present research project was to understand how Indigenous identity is understood within the context of decades of colonization and assimilationist Indian policy. However, while I am still unable to answer the question of who is Indigenous, I am able to show what being Indigenous means for the men in the present research project and intersect this with the similarities and differences found from the literature examined in this thesis. Whether expressed explicitly or implicitly, colonial projects and policies within the Canadian state as well as within the criminal justice system have affected the Indigenous identities of many of the research participants. All of the men identified as having an Indigenous identity, however many identified themselves as ‘Aboriginal’ or ‘Aboriginal Canadian,’ which Alfred and Corntassel (2005) contend is an identity based on a political-legal relationship with the Canadian state and not based on *being* Indigenous due to cultural or spiritual ties. Interestingly however, Inuit men solely identified themselves based on their Nation rather than a political-legal relationship with Canada. Many of the men also had difficulty expressing what it means to be

⁴⁴ *Ewert v. Canada*, 2015 FC 1093 [*Ewert*].

Indigenous and found this to be a challenging question to answer, and many shared that they had not thought about it before. As outlined in the literature review and Canadian history of colonial law and Indian policy, Indigenous people have never held the power to define their own identity and thus it is understandable that the research participants would have difficulty in expressing what it means to be Indigenous.

In discussing what is Indigenous identity with the research participants, many of the men highlighted what Coates (1999), Restoule (2000) and Tripathy (2006), have found in that there is no standardized definition or measurement of Indigenousness, but rather, being Indigenous is simply to identify as Indigenous and to have lived experiences as an Indigenous person. For instance, some men defined their own Indigenous identity based on being a strong people, or being connected to other Indigenous people. Some of the research participants further exemplified what Alfred (2009) contends of as Indigenous identity, which is comprised of living within a traditional way, since for Albert, “pure self-identification and acting the part” does not constitute being Indigenous (pg 109). In this regard, some of the research participants defined their Indigenous identity as being based on speaking their Indigenous language, living off of their traditional territories and being connected to the land, as well as practicing traditional cultural and spiritual practices. Lastly, using Berry’s (1999) conceptualization of Indigenous cultural and behavioral identity, all of the participants exemplified what Berry calls a “positive Aboriginal cultural identity” (pg. 5). This positive cultural identity is based on Berry’s framework of answering affirmative to questions about perception, importance, esteem, and maintenance of Indigenous identity. All of the participants expressed positive feelings towards these themes, however there was some varying degree. For instance, when discussions surrounding colonialism arose some men shared challenges with self-esteem towards their

Indigenous identity. However these challenges aside, a positive Indigenous identity should be based on current self-perception, and all of the participants shared that they are proud to be Indigenous. Berry's framework combined much of the previously outlined literature regarding definitions of Indigenous identity, such as Indigenous identity as being rooted in self-perception, based on Indigenous lived experiences. Therefore, this framework is not only valuable and workable, but also still relevant to furthering discussions of Indigenous identity.

Indigenous Identity: The Outcome of Colonialism

It is clear from the literature that colonialism has many long term and lasting effects on the lives of Indigenous people, and this is true for some of the research participants. As discussed earlier, such effects include high rates of suicide, marginalization, alcoholism, low self-esteem, breakdown of the family, loss of parenting skills, and dependency (Proulx, 2003), as well as culture and language loss (Alfred, 2009). These effects were evident within the present project as some of the research participants themselves spoke about culture and language loss as a direct result of colonization (the residential school system and the sixties-scoop), while for others, a post-colonialism theoretical framework is used to interpret their experiences as an indirect outcome of colonialism. For instance, one research participant who is a residential school survivor shared that he lost his culture and language for a period of his life because he had to learn to live the "white way," while another research participant who is a sixties-scoop survivor shared that he was never able to learn his Swampee Cree and Plains Cree culture or language because he grew up in a white adoptive household. Furthermore, only half (four) of the research participants could speak their Indigenous language, and three of those individuals were Inuit and had grown up in the North. This may be significant as the 2011 National Household Survey

(NHS) reported that the Inuit language is the strongest amongst the Indigenous languages in Canada and it has been identified as the Indigenous language that is unlikely to be lost. The NHS also reported that 63% of the Inuit population is able to have a conversation in their Inuit language, compared to 22% of First Nations and 2.5% of Métis.

Alfred (2009) also argues that Indigenous people have internalized the oppressive power of the State in his discussion of the colonial mentality, and how Indigenous people have come to define themselves based on colonial conceptualizations of Indigenous identity, leading to a diminished self-worth. In this project, some participants define their Indigenous identity based on colonial stereotypes, while others shared instances when they felt shame in their Indigenous identity because of these stereotypes. For instance, Charles, a sixties-scoop survivor, explicitly spoke about not wanting to have the identity of another “drunk Native,” whereas another participant shared that he found pride in being Indigenous because his family did not conform to stereotypical family dysfunction and that his single mother did not give him up for adoption. Conversely, others shared that they felt shame in being Indigenous because their family did suffer with family dysfunction and generations of alcoholism.

Also entrenched in the outcomes of colonialism is the way in which communities themselves have adopted colonial-informed laws as the basis for requiring Indigenous people to prove their Indigenous identity. As found in legislation of the *Enfranchisement Acts* and the eventual *Indian Act*, colonial law has long determined Indigenous identity is based on proving “Indianess” through a quantifiable measurement of blood relation or marriage. The present research project found that Indigenous communities are questioning the legitimacy of defining an individual’s Indigeneity that way, leading to a notion of competitiveness within some communities. For example, James discussed his feelings of his own Indigeneity being challenged

by others because he is fair skinned and often is mistaken for Caucasian, as well as being questioned about his commitment to being Indigenous due to a failure to attend community events. He spoke about how he feels that this competitiveness amongst the Indigenous community forces some individuals to attempt to prove that they are more Indigenous than others and this is often based on attending more community events than other individuals. Therefore, within a settler colonial theoretical framework, while the Canadian government decides to only recognize Indigenous people based on an arbitrary determination with an underlying goal of limiting those that are entitled to Canada's resources and government entitlements, this colonial tool of arbitrariness has been adopted by some Indigenous communities and further extends the colonial process. While it is promising that contemporary Indigenous people have pride in their Indigeneity, at the same time, a notion of competitiveness means that people like James will feel excluded from his Indigenousness and questions his belonging to the Indigenous community.

Indigenous Identity and the Criminal Justice System: A Contemporary Colonial Project

The following section highlights what is at the crux of the present research project, which is critically examining the effects that Indigenous-specific programming within the criminal justice system has on the identities of Indigenous men. This includes how Indigenous men conceptualize their own Indigenous identity through their experiences in the criminal justice system and their participation in Indigenous-specific programming while incarcerated, as well as critically examining the ways in which the criminal justice system operates within the Canadian settler state, arguably as mechanism to further erase Indigenous identity.

Two of the research participants explicitly spoke about the effects that the criminal justice system had on their Indigenous identity, and how this was tied to pride they felt in being

Indigenous. For instance, one Mi'kmaq man that could not speak his own Indigenous language described how he was proud to be around other Indigenous men while incarcerated as they could speak their own language and lead prayers. Similarly, one Nuu-chah-nulth man felt a sense of pride in being around many Indigenous people while incarcerated, but also realizing how problematic that was:

I'm [from] British Columbia so I went into a place and I did not know a soul in there, but eventually I got to know people and they got to know who I was, and we found out each other's stories and it was actually great being in a jail with that much Native people in there. I've been to jail, Quebec, here, it's mixed black, white, everything, and so it was great having to see my own people, but it was shitty that I was seeing them in that condition, like we're both in jail.

These stories underscore the damage left behind from colonialism for the research participants, not only in the reality of over-incarceration of Indigenous people, but also in how many Indigenous people have lost their Indigenous languages, as well as the confusing positive feelings experienced in being surrounded by so many incarcerated Indigenous men.

Based on the historical context and literature that has been outlined in this research project thus far my own interpretation of these two stories represents two possible realities. First, Indigenous men in Canadian prisons may be in need of positive role models in their communities of origin so that they can better understand that being surrounded by other Indigenous men in prison should not necessarily hold a positive association, and secondly that incarcerated Indigenous men may benefit from learning their own Indigenous language. Proulx (2003) and Waldram (1997) both contend that Indigenous prisoners greatly benefit from having Indigenous Elders as role models, and in fact, these prisoners can come to emulate and internalize the positive qualities that Elders have. In their studies, Proulx and Waldram find that when Indigenous inmates have Elders as role models it can lead to the development of a healthy basis for a new identity based on personal agency rather than an identity of criminality. In addition to

this, these two stories may underscore that Indigenous men in Canadian prisons may also require assistance both in prison and upon release with learning their Indigenous language. From an Indigenous worldview, Indigenous language is extremely important to some as it is deeply tied to Indigenous culture and Indigenous identity. In affirming the importance of language for Indigenous people, the *Royal Commission on Aboriginal Peoples* stated:

The language is the cement and the bonds. It provides the moral communion, if you will, of the community. And when we begin to take that language away from the people, when we replace it with this other language called English, we tear the people away from the very rudiments of that language in terms of the relationships of people to each other, the relationship to their universe, their relationships to the animals and the plants. We take away their interconnectedness and we leave them empty, lost and alone. This is a tremendous loss that people feel... (volume 3).

Alfred (2005) similarly contends that Indigenous languages are imperative to Indigenous people, as he asserts that “our languages *are* our culture” and this is based on the fact that Indigenous culture is tied to language and transmitted through Indigenous language (pg 244). Alfred also argues that it is impossible to translate the deep meaning of cultural concepts, teachings, ceremonies, and stories into a different language, and this exemplifies how strongly language is an integral component of Indigenous culture and identity. Therefore, by assisting incarcerated Indigenous men with learning their Indigenous languages, they may come to have a better understanding and connection with the traditional teachings of their culture, reaffirming their Indigenous identity, and this may result in healing for some. Additionally, language may serve as a means for Indigenous men to begin to live in accordance with the teachings that are inherent in their languages, such as following a path of kindness, generosity, self-control and self-discipline, and being grounded in teachings of traditional ceremonies. Lastly, helping incarcerated Indigenous men learn their language may also assist them in seeing that their language, culture and traditional values have not disappeared, but rather, they remain vibrant and exist

outside of the prison system.

Pan-Indigenous Programming and Indigenous Identity

“[We] reject pan-Aboriginalism, because we believe that the uniqueness and diversity of our cultural teachings and ways of knowing, rather than some manufactured hegemonic ‘Aboriginal’ culture, hold the answers to the questions facing Indigenous Nations in contemporary times. We cherish the diversity of Indigenous cultures and believe that is necessary to protect and promote that diversity” (Leanne Simpson, 2008, page 16).

As Waldram (1997) and Martel and Brassard (2008) have noted in their studies, the Indigenous-specific programming that the prisoner research participants had access to was mainly pan-Indigenous and not specific to their Nation. Examples of pan-Indigenous programming include focusing on the symbolism of the Medicine Wheel and the Creator, Sweat Lodge ceremonies, and use of traditional plant medicines such as sage, sweet grass, and tobacco offerings, which are traditions mainly found within the Plains Cree Nation. In this particular research study, pan-Indigenous programming was evident but not found to be problematic for any of the research participants. In fact, some were happy that the programming was inclusive to everyone. It is interesting from a research perspective that the Indigenous men in this study did not find pan-Indigenous programming to be problematic. It is promising because these Indigenous men are ensuring that their connection to being Indigenous continues despite incarceration, and this further highlights the pride that the men in the research project felt in being Indigenous. However, it could also be considered problematic that the only programming on offer to them represents a single encompassing approach to Indigenous programming that does not recognize the uniqueness, lessons, and legitimacy of any individual Nation’s traditional practices. It is also problematic that Indigenous men have come to accept the Canadian state’s conceptualization of a single ‘Aboriginal’ identity. It is not my intention to pass judgment on

how Indigenous men choose to practice their Indigenous culture and spirituality while they are in prison, but rather, to conceptualize this acceptance of ‘Aboriginal’ programming within the framework of settler colonialism.

Alfred (2005) and Alfred and Cornthassel (2005) contend that through the construction of ‘Aboriginalism’ the Canadian state is working towards a conceptualization of Indigenous identity that is premised within in a social-political-legal relationship with Indigenous people, with an underlying goal of creating one homogenous group of ‘Aboriginal’ peoples. Alfred (2005) further argues that this state-sponsored construction of ‘Aboriginal’ is underpinned with the goal of erasing Indigenous identity and ultimately assimilation into the Canadian mainstream. He is very critical, asserting that Indigenous people are complicit in this:

The lost people who accept the Aboriginal status created for them by the colonizer can assume various postures; lacking an identity rooted in an Onkwehonwe culture, they find it necessary to select identities and cultural choices from the menu presented to them by the Settler society and the machinery of the state (pg 130).

Lastly, Lowman and Barker (2015) point out that the purposefulness of this type of silent surrender of Indigenous identity is to control who is entitled to Canada’s land and resources, and by conceptualizing Indigenous people as ‘Aboriginal’ causes a “conceptual forgetting” of what Indigenous people are in fact entitled to (pg 30).

The present research project contributes to the body of literature of settler colonialism by extending this theoretical framework to understanding how the Canadian prison system is operating as a settler mechanism within society. It could be argued that the prison system’s use of pan-Aboriginal programming is working to assist the Canadian state in their settler goals of a unified ‘Aboriginal’ identity. Through pan-Aboriginal programming that is not specific to the unique Nations of the people incarcerated, it could be construed that the correctional system is furthering the work of the Canadian state to legitimize and pursue an ‘Aboriginal’ identity.

Moreover, the Canadian prison system could also be viewed as a modern residential school that is assimilating Indigenous people, causing them to lose their Indigenous identity, which in turn results in a disconnect from their unique cultures and traditions. At the same time, I do not however completely adopt Alfred's highly critical contention of Indigenous people being complacent in adopting 'Aboriginalism' for the context of this research project. The participants in this study could not necessarily be described as complicit, as many shared a great sense of gratitude in being afforded access to *some* Indigenous programming while in prison. This is not to say that Indigenous men should not advocate for the right to have access to their own unique cultural and spiritual practices, but rather, that it is understandable that they were grateful to have any chance to connect to Indigenous culture and spirituality during a time of need.

Lastly, extending this use of the settler colonial theoretical framework, which underscores that colonialism is a structure that primarily benefits the interests of the Canadian government, and applying it within the broader context of this thesis, the incarceration of Indigenous men has the possibility to be instrumental in furthering government interests and therefore furthering the Canadian state as a settler space. For instance, with the over-incarceration of Indigenous men, fewer Indigenous bodies are free to contest Canada's claims of ownership to unsurrendered Indigenous traditional territories – an obvious example of this is if there were to be another situation similar to the Oka crisis/standoff. With the over-incarceration of Indigenous men, the Canadian state has fewer bodies to physically oppose its claims while at the same time, the state continues to reap the economic and political benefits of uncontested territories and resources, further delegitimizing Indigenous claims. Lowman and Barker (2015) directly underscore this very point in asserting that the Canadian state, historically and within the present context, operates to ensure that Indigenous people's claim to land ownership is

unsubstantiated so that Canada is the only nation holding the benefits of land ownership: “Indigenous relationships to the land cannot be allowed to pre-empt and undermine colonial claims to the land” (pg 30). Lowman and Barker also use the residential school system as an example of how the removal of Indigenous bodies from the Canadian landscape was instrumental to the interests of the Canadian state, they argue: “...a key function of [residential] schools was to clear the land of Indigenous peoples, setting the basis for Canadian prosperity” (pg. 33). This argument can easily be conceptualized to apply to prison system in that with the incarceration of Indigenous people, the Canadian state is able to easier control Indigenous people while also removing those that challenge Canada’s claims to land ownership. While historically we have moved far ahead of blatant government policy aimed at eliminating the “Indian problem,” the very basis of a Canadian settler state, with institutions such as the residential school system and the prison system operating as an extension of the colonizing project is that: “Indigenous peoples pose a “problem” to Canada, one to be managed, accounted for, and ultimately dealt with so that Canadians can get on with the business of being Canadian” (Lowman and Barker, 2015, pg. 6).

Conclusion

This discussion focused on the lived realities and many challenges that Indigenous men face while incarcerated in Canadian prisons, as well as how the research participants understand their Indigenous identity. Within this discussion, it was integral to situate both of these lived experiences and understandings within the historical context of colonialism and the contemporary reality that exists as an outcome of colonial policy. Many of the findings of this research project are not new. These findings underscore what many justice inquiries and

responses, calls to action, and academic literature has emphasized in that the operation of the current Euro-Canadian criminal justice system is not suitable for Indigenous people and does not meet their needs, nor is it resolving the longstanding problem of Indigenous over-incarceration. Past inquiries and research studies have also highlighted how the current situation for many Indigenous peoples is in part due to the longstanding and intergenerational outcomes and effects of colonialism and assimilationist policy, for which this research project also found evidence. The compounding effects, including marginalization, incarceration, unemployment, substance and alcohol abuse, and mental health challenges all contribute to fragmented identities. The findings of this research project did however contribute to the body of literature regarding Indigenous-specific programming in Canadian prisons by finding that these programs effect the identities of Indigenous men, both in negative and positive ways. While I do not think that these findings themselves are new, at the same time Indigenous voices regarding these issues and experiences have not been sufficiently heard in academic literature or in the prison system itself. Based on the findings of this thesis where Indigenous voices are paramount and ground the study, this discussion chapter highlighted that colonization of Indigenous men continues within the Canadian prison system. Perhaps most importantly, this discussion chapter emphasized that decolonization of the Canadian prison system is paramount so that Indigenous men have greater opportunities to heal from the harms of the past, and do so in an Indigenous way.

Conclusion

This thesis has sought to examine Indigenous identity and Indigenous-specific programming available to Indigenous men in Canadian prisons. Through qualitative semi-structured interviews, this thesis has explored how Indigenous men experience Indigenous-specific prison programming, how they understand Indigenous identity, and how the criminal justice system as well as Indigenous-specific prison programming affects their identities. As an outcome of these interviews, this research project has also critically examined how the prison system operates within the Canadian settler state. By theorizing the research participants' experiences, using both a settler colonialism and post-colonialism theoretical framework while also situating the participants' contemporary reality within the historical context of colonialism and assimilation policy, I contend that the colonization of Indigenous men continues within the Canadian prison system and there is a need for decolonization. The purpose of this thesis was not to determine 'what works' in regards to prison programming, or attempt to measure the successes or failures of Indigenous-specific programming, but rather, to further assert the need for Indigenous people to be empowered to address criminal behaviour in their own way and in accordance with their own traditions and belief systems. This conclusion chapter highlights the key findings of this research project, reasons for why decolonization of the Canadian prison system is necessary, and lastly, considerations for future research.

Key Findings

Many of the key findings of this research project reaffirm the existing work done on this subject matter (such as the findings of the *Aboriginal Justice Inquiry*, the *Royal Commission on Aboriginal Peoples*, the *Truth and Reconciliation Commission of Canada*, as well as the higher

court decisions of *Ewert*⁴⁵, *Gladue*⁴⁶ and *Ipeelee*⁴⁷), while also echoing the many Indigenous voices that have raised concerns about how the criminal justice system responds to Indigenous people. These findings indicate that Indigenous people continue to face marginalization, as well as challenges with alcoholism and substance abuse, incarceration, unemployment, mental health challenges, histories of physical and sexual abuse, all of which have also resulted in fragmented identities. However most importantly, the key findings of this thesis reaffirm the importance for Indigenous perspectives to be present within the Canadian prison system, in addition to the positive effects that Indigenous-specific programming has on the lives of Indigenous men and the negative effects that occur when such programming is absent.

All of the Indigenous men interviewed in the present research project participated in Indigenous-specific programming while in prison, and did so because they had a deep emotional connection to their Indigenous traditions and felt the need to maintain this connection despite incarceration. Most of the participants only had access to pan-Indigenous programming – only two Inuit men had access to programming that was specific to their Inuit Nation – however none of the participants found pan-Indigenous programming to be problematic, but rather they appreciated the inclusiveness of such programming. However, a significant challenge for half of the research participants was a lack of access to Indigenous-specific programming. Due to this lack of access, some of the men shared feelings of frustration, resentment, and hopelessness.

As far as the key findings in regards to identity, most of the men found it challenging to define what it means to be Indigenous. Many of the men felt that being Indigenous is associated with practicing Indigenous cultural and spiritual practices and knowing their language, while

⁴⁵ *Ewert v. Canada*, 2015 FC 1093.

⁴⁶ *R. v. Gladue*, [1999] 1 S.C.R. 688.

⁴⁷ *R. v. Ipeelee*, 2012 SCC 13, [2012] 1 S.C.R. 433.

some men felt that it was more related to being a strong people, and two Inuit men shared that being Indigenous is deeply tied to living off of the land. All of the men shared that they are proud in being Indigenous, but there were instances when the opposite was true, and this appeared to be due to the indirect and direct outcomes of colonialism. For instance, one participant who is a residential school survivor shared that he had shunned his Indigenous identity at one point in his life because he was forced to live the ‘white way,’ while another participant shared that he rejected being Indigenous because he was disconnected from the land while he was growing up in the child welfare system. However, despite these histories of colonialism, most of the men interviewed continue to practice traditional Indigenous cultural and spiritual practices today. For some this is daily praying or Smudging, for others it is going to community gatherings.

Lastly, key findings that relate to how the criminal justice system and Indigenous-specific programming affect the lives and identities of Indigenous men in the research project are perhaps the most important findings. Specifically these findings focus on the ways in which traditional Indigenous cultural and spiritual practices in prison heal incarcerated Indigenous men. For some, this included learning how colonialism and trauma is the force behind criminal behaviour, and for others, traditional practices helped them to re-claim an Indigenous identity that had been fragmented due to colonialism and even helped to keep them out of prison. The findings of this thesis also highlight the systemic barriers that continue to exist in Canadian prisons and how they prevent Indigenous men from having access to Indigenous-specific programming while incarcerated. In fact, this lack of access impacted negatively for some participants. Lastly, from an Indigenous worldview, the findings of this research project affirm the important role that Indigenous Elders play in healing and the need for Elders to be accessible both inside and out of Canadian prisons as spiritual leaders as well as role models.

The Need for Decolonization

The findings of this research project attest to the necessity for decolonization of the prison systems that operates within the Canadian settler state. As previously discussed, decolonization is the disengagement from Western imperialism and the dismantling of colonial structures so that Indigenous people are able to live in accordance with their own cultural, legal, and social worldviews. To accomplish this, the paternalistic relationship that Canada has with Indigenous people must end and the Canadian government must no longer attempt to control the lives and destiny of Indigenous people. To do this, the Canadian state must see the legitimacy in the epistemology and worldviews that are not Euro-Canadian, and most importantly, the Canadian state must work collaboratively and in consultation with Indigenous communities when setting priorities and creating policies that ultimately affect the lives of Indigenous people.

This research project asserts the need for decolonization of Canadian prisons firstly because Indigenous people must be able to live in accordance with their own cultural and spiritual practices and beliefs, and this includes their own approaches to addressing criminal behaviour and healing after a crime has been committed. This need for decolonization is also apparent when considering the healing that is required in order for incarcerated Indigenous men to overcome the sickness left behind from colonialism, and the necessity for Indigenous men to have the freedom to choose if they want this healing to be done in an Indigenous way. Decolonization is also needed given that the Canadian prison system continues to operate as a colonized space where only a Euro-Canadian perspective is present while the cultural and spiritual needs of Indigenous men are often unmet due to systemic barriers within this settler prison system. A settler colonial theoretical framework critically questions if this limited access is because the Canadian state does not see the legitimacy in alternative approaches to responding

to criminal behaviour that are not laden with Euro-Canadian values. Decolonizing the prison system in this context could mean: “the mutual sharing of place, maintenance of social-spatial organizations commensurate with their respective cultures, and mediated through respectful protocols designed to maintain alliances across, rather than in spite of, difference” (Lowman and Barker, 2015, pg 111). Lastly, one wonders if the problem of Indigenous over-incarceration would no longer be so persistent if Indigenous men were given greater access to healing while in Canadian prisons. Or perhaps, the Canadian prison system itself is an inappropriate space that is not conducive to healing of Indigenous men within a traditional way.

Future Research and Future Considerations

In conducting this thesis, I have discovered that there are other avenues for research that could be conducted in this area. For instance, this thesis often addressed the importance of healing within an Indigenous perspective, however future research could explore how incarcerated Indigenous men, their communities, as well as Elders, feel that healing should occur in the prison system. Based on these possible findings and priorities set by Indigenous people and communities themselves, it may also be valuable to examine the ways in which these approaches can be addressed in the prison system in light of Canada’s promise of reconciliation and renewed relationships. Perhaps most importantly, future research needs to examine how access to Indigenous-specific programming in Canadian prisons can be improved so that the prison system does not continue to operate as a colonized space that is inaccessible for too many Indigenous men. Regardless of the direction of future research, Indigenous communities and individuals themselves must be part of establishing these research priorities.

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Appendix A: Interview Guide

Participant Profile:

- How old are you?
- Do you work? If not, how do you survive?
- Are you a member of a First Nation? Which one? Do you have status?
- Where did you grow up?

Indigenous-Specific Programming while Incarcerated:

- Which Indigenous-specific programming did you participate in while in prison?
- Can you tell me about your experience while participating in the programming?
- What made you want to participate in this programming?
 - What knowledge did you have about your Indigenous culture before participating in programming while in prison?
- Did you face any obstacles in participating in programming?
- Was programming specific to your First Nation Band/Tribe?
- Upon your release, do you continue to practice any of the cultural practices you learned while in prison?

Indigenous Identity:

(1) Knowledge aspect: one's perception or belief that one is Indigenous

- How do you see yourself/ identify? (As an Indigenous person? - A Canadian? - Other?)

What does *being* Indigenous mean to you?

- Probe: What is the biggest challenge associated with this?
- How is being Indigenous an important reflection of who you are?

(2) Sense of importance or attachment that one has to an Indigenous group or groups

- How important is it to be an Indigenous Person? - How important are traditional practices, language and spirituality to you?
- How important is Indigenous culture to your life? - Wellbeing?

(3) Positive or negative feelings about being Indigenous:

- How do you feel about being an Indigenous person? - Do you feel pride in being Indigenous?

(4) The degree of identity maintenance that a person desires:

- Do you want to remain to be an Indigenous Person? - Practicing traditional values, culture and teaching, language
- Do you feel strongly connected with to other members of the Indigenous community

(5) Behavioural Expression:

- How do you express your Indigenous identity? - Do you engage in cultural practices, speak a Native language? Etc
 - What is the biggest challenge in expressing your Indigenous identity?

Appendix B: Ethics Certificate

File Number: 06-15-11

Date (mm/dd/yyyy): 08/13/2015



Université d'Ottawa
Bureau d'éthique et d'intégrité de la recherche

University of Ottawa
Office of Research Ethics and Integrity

Ethics Approval Notice

Social Sciences and Humanities REB

Principal Investigator / Supervisor / Co-investigator(s) / Student(s)

<u>First Name</u>	<u>Last Name</u>	<u>Affiliation</u>	<u>Role</u>
Kathryn M.	Campbell	Social Sciences / Criminology	Supervisor
Stephanie	Wellman	Social Sciences / Criminology	Student Researcher

File Number: 06-15-11

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Title: Re(claiming) Aboriginal Identity withing Canada's penal setting

Approval Date (mm/dd/yyyy)	Expiry Date (mm/dd/yyyy)	Approval Type
08/13/2015	08/12/2016	Ia

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