

Tracking the Paradigmatic and Discursive Shifts of the MCP

**Colonial Roots Exposed: Tracking the Paradigmatic and Discursive Shifts of the Canadian
Institutional Mother-Child Program**

Alyssa Grégoire

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Thesis supervisor: Dr. Sylvie Frigon

Department of Criminology
Faculty of Social Sciences
University of Ottawa

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Abstract

Despite the increasing numbers of criminalized women in Canada, the use of the Institutional Mother-Child Program (MCP) remains low (Brennan, 2014). It is well known in fields of Criminology, Criminal Justice, and Indigenous Studies, that Indigenous Peoples are overrepresented in Canadian prisons; they represent about five percent of the overall Canadian population, however Indigenous women make up forty percent of all incarcerated women (Miller, 2017). Incarcerated Indigenous women are often mothers of young children, come from poor backgrounds, have little education, and suffered abuse at some point during their lives (Monchalin, 2016). In this thesis, using Indigenous Feminisms (IF) (Suzack, 2010, 2015) and Penal Moderation (Loader, 2010; Snacken, 2015), I address the following research questions: How has the MCP policy evolved over time? How have the policy changes represented a (de)colonial approach to criminal justice policy? To answer these questions, I conducted a feminist critical discourse analysis (FCDA) of all the final versions of the Correctional Service of Canada's MCP policy (CD 768).

Key words: Mother-Child Program, prison nurseries, incarcerated mothers, children in prison, mothering in prison, colonialism, Indigenous Feminisms, Penal Moderation, Feminist Critical Discourse Analysis

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Important Abbreviations & Definitions

BIPOC: Black, Indigenous, People of colour.

CJS: Criminal justice system, the many organizations, agencies, and services that make up the entire system from police services and officers, to lawyers, and court judges, and prison guards/primary workers.

CSC: Correctional Service of Canada/Corrections Canada, the “owner” of the MCP.

CWS/CWA/CFS: Child welfare system/Child welfare agencies/Child and Family Services, agencies and services that foster children who have been deemed to be in need of assistance; specifically used in the history to remove Indigenous children from their families and communities to assimilate them and make them more like the white children in attempts to eradicate Indigenous cultures, languages, and ways of life. CSC’s MCP policy involves the active participation of the appropriate provincial child welfare agencies to ensure the safety of children in the program and in the institution more generally.

ESH: Enhanced Support House, a voluntary short-term supportive mainstream environment for inmates classified as minimum or medium security who require additional staff support and/or greater access to interventions. As the Enhanced Support House is considered a mainstream accommodation option, there is no change in the conditions of confinement (CSC, 2020: 19).

FCDA: Feminist Critical Discourse Analysis, a feminist version of critical discourse analysis that researchers can use to critically analyze texts and other forms of media with gender, race, class, and colonialism in mind. The method is intended to detect sexist, racist, class-based discrimination, and colonial discourses in text. The method I employed was popularized by Lazar (2007).

FSW: Federally sentenced women, another term to describe women offenders/federally incarcerated women.

IF: Indigenous Feminisms, an umbrella term that signifies the theoretical camp of feminisms that address issues around colonialism and stereotypes about Indigenous peoples that strive for equality and justice for colonized people and their lands. It is a theoretical perspective that critically analyzes media, images, texts, stories, and more for its sexist and racist/colonial undertones and problematizes the assumed neutrality of texts and language. I specifically rely on Cheryl Suzack’s (2010) conceptualization of the theory.

IT: Intergenerational trauma, the “lessons learned” through the residential school system and the 60’s Scoop stay with those who experienced the abuse, and get passed down to future generations; “So even after the schools were closed, the after-effects echoed through the lives of following generations... The lessons learned in childhood are often repeated in adulthood with the result that many survivors of the residential school system often inflict abuse on their own children. These children in turn use the same tools on their children” (Monchalin, 2016: 138-139).

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MCP: Mother-Child Program, specifically referring to Correctional Service of Canada's program.

MMIWG: Missing and Murdered Indigenous Women and Girls.

OCI: Office of the Correctional Investigator, agency that stands up for the rights of incarcerated people by making recommendations to CSC. I used many annual reports from the OCI to highlight their recommendations about "women offenders" and "Indigenous offenders" when creating the visual timeline for the MCP.

OOHL: Okimaw Ochi Healing Lodge, an institution for Indigenous women or non-Indigenous women who wish to follow Indigenous spiritual guidance, lodges minimum and medium security women offenders (CSC, 2020).

PM: Penal Moderation, a theoretical perspective that critiques and challenges the use of prisons and incarceration as the normalized default for punishment and rehabilitation where minimal use is preferred. Penal moderates advocate for minimal criminal justice involvement and push for resources to be streamlined into communities instead (Loader, 2010).

P4W: Prison for Women, the only federal institution for women in Canada from 1934-2000. It was a maximum-security prison, but it held women of all security classifications.

RSS: Residential school system, a government-run and funded assimilation project, where Indigenous children were "[snatched] from their communities to attend school" where they "[were] being taught to reject their Elder's way of life" (McCallum, 2010: 247). Many children experienced abuse and maltreatment while attending these schools and disease and sickness were also common. The school system operated in Canada for over 100 years; the last residential school closed in 1996.

SIU: Structured Intervention Unit, provides an alternative institutional living environment in circumstances where an inmate cannot be maintained in a mainstream inmate population for institutional security or safety reasons pursuant to subsection 34(1) of the CCRA (CSC, 2020: 20).

SLE: Structured Living Environment, a living unit within the perimeter of a women offender institution that provides intermediate mental health care for minimum and medium security inmates with mental health concerns (CSC, 2020: 20).

TRC: Truth and Reconciliation Commission, report produced in 2015 that allowed students of residential schools and their families to share their experiences. The report also contained 94 recommendations to better the relationship between settler Canadians and the Indigenous Peoples (Government of Canada; Crown-Indigenous Relations and Northern Affairs Canada, 2021).

WOS: The Women Offender Sector, a specific unit at Corrections Canada that deals with women offenders in the federal correctional system.

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*“Officer Wolf told me that if I took Charles back when he got out of jail, child protection workers would apprehend my kids because he was a danger to them and me. That sobered me straight up and I thought to myself, ‘F*ck that! No one is taking my kids from me!’”*

(Cardinal, 2018: 111).

Chapter One: Introduction

Introduction

In this thesis, I explore the Canadian Institutional Mother-Child Program (MCP), a prison program for incarcerated women with children that allows some of them to live with their children inside the institution, on a full time or part time basis. In this introduction, I outline the key contextual background information the reader would need to know about my topic, including a brief history of women’s corrections in Canada and the birth of the MCP. Since the focus of this thesis is decolonial in nature, I also outline the typical profile of incarcerated Indigenous women to demonstrate the many intersecting factors specific to them. I explain the relevance and importance of this project in today’s political climate and outline my guiding research questions and goals. Lastly, I explain the structure for the entire thesis and how each section builds on one another to attain my research goals.

Research Context: Incarcerated Women in Canada

Women have been historically ignored by criminological research and correctional program and policy development, due to their small numbers in the federal system compared to incarcerated men (Moffat, 1991: 184). From 1934-2000, the Prison for Women (P4W) in Kingston, Ontario, was the only federal institution under the Correctional Service of Canada

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(CSC) to house women in Canada (CSC, 2020: para. 1). It was a maximum-security facility, however it housed women of all security classifications inside. The conditions of the P4W were less than ideal, as many women did not have access to meaningful programming opportunities (including Indigenous-specific programs), did not have access to services in their primary language (French or English), many were far removed from their families and support systems in the community, and many were overclassified because of the nature and structure of the building (Mofatt, 1991: 190). During the 1950s, there were many task forces and investigations that looked into the running of P4W, and most reports called for the closure of the prison (CSC, 2020: para. 2).

Creating Choices

The prison environment remained much the same until another task force in 1989, commissioned by the federal government, released its influential report a year later (CSC, 2020: para. 3). This report, *Creating Choices* (1990), outlined a new course for how federally sentenced women in Canada were treated during their incarceration (Mofatt, 1991: 193; CSC, 2020: para. 3). *Creating Choices* outlined five principles to drive women's corrections and all decisions regarding federally incarcerated women from then on. These principles included: empowerment, meaningful and responsible choices, respect and dignity, supportive environment, and shared responsibility (CSC, 2020: para. 4).

Briefly, the principle of empowerment recognizes that women are systemically disadvantaged for a number of reasons in Canadian society, including because of sexism and racism (CSC, 2015: para. 10). Due to this discrimination, many women, especially incarcerated women, lack confidence and knowledge of their self-worth. The principle of meaningful and responsible choices refers to the need for women to have options that relate to their culture,

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spirituality, and life goals, to make good choices (CSC, 2015: para. 22). The principles respect and dignity assert that mutual respect between incarcerated women, staff, and self-respect are necessary for the women to take responsibility for their futures (CSC, 2015: para. 29). Respect also encompasses respecting incarcerated women's cultural and spiritual/religious backgrounds and values (CSC, 2015: para. 29). The supportive environment principle involves all types of environments including physical space, financial, spiritual, and emotional environments (CSC, 2015: para. 33). It means that positive lifestyles and changes in the lives of incarcerated women can only occur in the proper conducive environments (CSC, 2015: para. 33). Lastly, the shared responsibility principle entails a holistic approach to women's "corrections" which requires all actors in the CJS to work together in harmony to "foster the independence and self-reliance among federally sentenced women which will allow them to take responsibility for their past, present and future actions" (CSC, 2015: para. 37).

Based on the recommendations in the Task Force using the principles outlined, CSC opened five regional facilities for women and one Healing Lodge, spread across different provinces and regions across the country (CSC, 2020: para. 5). The regional facilities alleviated one of the major concerns with the Prison for Women- the distance from women's families and communities.

Introducing the MCP

Even though women were closer to their families than before the opening of the regional facilities, incarcerated women still expressed missing their families, especially their children (Brennan, 2014: 12). Around 67% of incarcerated women in Canada are mothers and/or the sole caregivers of their children (Miller, 2017: 1). Many mothers feel guilt/shame, stress, anxiety, and depression as a result of the separation from their children (Miller, 2017: 5). Research has also

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demonstrated that children experience negative results when they are separated from their mothers at a young age, including developmental problems and behavioural issues (Miller, 2017: 1).

Prison nurseries and mother-baby programs in prisons have been in operation around the world for hundreds of years, including, but not limited to, the United States, Germany, France, and the UK (Warner, 2015: 76-82; Miller, 2017: 2). The oldest prison nursery in the United States is at the Bedford Hills Correctional Facility for Women in New York, which has been open and accepting children since 1901 (Warner, 2015: 68). Incarcerated women at Bedford Hills can keep their babies with them for a year. Although the details involving eligibility criteria for mothers, the maximum age a child can be for participation, and the length of time a child can stay in the institution, differ around the world, the main focus of these initiatives is to keep mothers and their children together despite incarceration in order to solidify their bonds and mutually benefit both parties.

To negate these negative outcomes for both mothers and their children, and follow the international trends, the MCP was created and introduced slowly into the regional institutions starting in the late 1990s (Miller, 2017: 2). The program began as a pilot project in 1996-1997 at the Healing Lodge with infants, who stayed there for a few weeks to bond with their mothers. After the program went well, it was slowly introduced to the other institutions, capacity dependent.

Despite the expressed desire to be with their children, the MCP has seen little participation from incarcerated mothers (Brennan, 2014: 16). The highest number of mothers participating in the program at once across Canada was twelve, which occurred in 2001 (Brennan, 2014: 16). Despite the large number of incarcerated women who are mothers, program participation has

been low. This is especially problematic for Indigenous mothers, whom have had governmental attacks on their motherhood roles and family structures in the past, in attempts to eradicate their peoples and cultures (Miller, 2017: 11).

The Overrepresentation of Indigenous Women in Federal Custody in Canada

Indigenous women are the fastest growing prison population in Canada, although they represent a small proportion of the Canadian population. The Office of the Correctional Investigator (OCI) has continually called out the rapidly growing incarcerated Indigenous population in Canada as well as the overrepresentation of these populations in federal custody over the years. It should be noted that my employment of the word “overrepresentation” does not mean to suggest that there should be a specific, set number of Indigenous peoples incarcerated in Canada; the way I use the term is to demonstrate how compared to their populations, there are very high numbers of criminalized and incarcerated Indigenous Peoples in colonial institutions in so-called Canada. Although Indigenous women comprise of only 3% of the Canadian adult population, they make up about 40% of all incarcerated women in the country (CSC, 2019: para. 2). Although still very much overrepresented, in 2017, Indigenous women represented 25% of incarcerated women, now, in 2021, they represent 40% of incarcerated women in Canada (Miller, 2017: 11). This is a massive increase in a very short amount of time, which indicates that the “correctional system” is not “correcting” the issues that bring Indigenous peoples into contact with the system in the first place (Monchalin, 2016: 143). I discuss issues around colonialism and systemic racism in greater detail in the literature review chapter.

Incarcerated Indigenous women are typically mothers of small children, have experienced abuse (sexual, physical, emotional, and financial), have mental health problems including addictions to substances, have little education, and are unemployed (Miller, 2017: 11;

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CSC, 2019: para. 3). It should be noted that in addition to the over policing of Indigenous, and other racialized communities, Indigenous peoples have been personally or impersonally victimized by the Canadian government and other agencies in attempts to assimilate them, eradicate their cultures and languages, and even eliminate them as peoples (Monchalin, 2016: 143). Many of the real crimes committed by Indigenous peoples, can be explained, in part, by the crimes committed against them historically and the lasting trauma that arose from those experiences (Monchalin, 2016: 143-145).

Research Relevance and Importance

As mentioned above, despite the rising numbers of incarcerated women in Canada, the MCP continues to see very minimal use (Brennan, 2014: 17). Brennan's analysis stopped in 2012, where there was only one full-time participant in the program in all of Canada (Brennan, 2014: 18). Unfortunately, this downward trend continued beyond 2012; in 2019, there were eight participants in the program, and this represented both full-time and part-time residency (Allen, 2019). It has been well documented that being separated from their children is one of the 'pains of imprisonment' for incarcerated mothers (Booker Loper, Carlson, Levitt & Schaefer, 2009; Enos, 2001; Gentry, 2003; Hairston, 1991; Brennan, 2014). Despite this pain and the increasing numbers of incarcerated women who are mothers, participation in the MCP remains close to none. There is a clear disconnection between the needs expressed by the mothers and the accessibility of the program. In 2008, mothers expressed the strict changes to the program made them ineligible to apply which caused a "60% reduction in the number of participants" (OCI, 2014: para. 8). It is especially concerning for Indigenous women who make up 40% of all federally incarcerated women in Canada and who have had traumatic histories related to parenting and child rearing.

Project's Unique Approach

Most research on prison nurseries and the MCP are quantitative in nature, positivist, and are based on an old theory (Attachment Theory) that is not applicable to Indigenous women for cultural reasons. My approach to this project is different because my theoretical framework is Indigenous-specific and is critical of the CJS as a system that upholds oppression, white supremacy, and colonialism. As a white researcher who experiences many privileges based on my whiteness, throughout this thesis, I highlight many Indigenous scholars, theorists, activists, and storytellers to demonstrate my allyship and to acknowledge that I am not the expert about Indigeneity, the residential school system (RSS), the overrepresentation of Indigenous peoples in prison, or Indigenous strategies of resistance to victimization and criminalization. In addition to the anticolonial theory, my project highlights changes to the program over time and connects them to events in the media and the world of criminal justice policy to ground them.

Research Questions and Research Goals

This project arose from the mystery of why so few mothers participated in the program. This project sought to understand how the MCP policy changed over time, specifically focusing on the language used in the CDs and how these eligibility changes discriminate against Indigenous mothers or make the program more accessible and decolonial in nature. This project also sought to connect policy changes to real life events in order to track the narratives and influential discourses that led to policy changes. My research questions for this thesis were: How has the MCP policy evolved over time? How have the policy changes represented a (de)colonial approach to criminal justice policy? These questions, grounded in my theoretical framework, allowed me to explore the program while analyzing the language to determine whether the changes to the program represented a step toward decolonization by the government or not.

Overview of the Thesis Structure

This thesis begins with a two-part literature review where I highlighted Canada's colonial history and the relationships between colonization and the overrepresentation of incarcerated Indigenous peoples in Canada. In the second part of the literature review, I outlined studies that focused on prison nurseries and mother-baby prison programs, specifically their benefits for mothers and children, success rates at lowering recidivism, and accessibility issues with the MCP. The next chapter outlined my theoretical framework which consisted of Indigenous Feminisms (IF) as defined by Suzack (2015) and Penal moderation (Loader, 2010). These theories allowed me to narrow my focus to address my research questions and goals as well as my methodological approach. The fourth chapter outlined this project's methodological approach, where I discussed how the research was conducted including data collection, sampling, and the method of inquiry- Feminist critical discourse analysis (FCDA). In this chapter, I also acknowledged the colonial history and nature of research, whereby many Indigenous epistemologies and methodologies are systemically ignored by Western universities. In the fifth chapter, I outlined my research results and discussed their associations to my research questions. Lastly, I concluded my thesis by explaining my personal interest in the research topic, including the reason for focusing on whether the various versions of the program reinforced colonialism or challenged it. Additionally, I highlighted the significance of the research and what it means for criminal justice policy. Lastly, I offered possible solutions for overcoming the colonial barriers of the program for Indigenous mothers as well as directions for future research on the MCP.

Chapter Two: Literature Review

Introduction

Due to this project's decolonial commitment, this literature review will be two-fold. The first sections in the literature review will address the historical and contextual realities the Indigenous Peoples of Canada face. This section starts with defining colonialism as a structure and system, which is necessary to understand when discussing governmental policies and actions, including residential schools and the 60's Scoop. I highlight Colleen Cardinal's story, a 60's Scoop adoptee, to demonstrate the lasting negative effects from the government and child welfare's interruptions of Indigenous families and cultures (Cardinal, 2018). Her story calls attention to the many struggles, obstacles, and violence she and her sisters faced starting in childhood which continued into adulthood. Despite the suffering and pain, Colleen learned that her struggles with self-worth, alcohol, and abusive men were not her fault; blockades were purposefully put on her path, while the roads for others were completely clear. The second half of the literature review discussed the topical literature in terms of studies that examined prison nursery programs and its effects for incarcerated mothers and their children.

Part 1: Colonial Context

Canada's Shame: Settler Colonialism and the Continued Maltreatment of Indigenous Peoples

Although this part of Canadian history is often swept under the rug, downplayed, or even excluded from many textbooks, Canada is a settler colonial country with high tensions between the Indigenous Peoples and the settlers. Colonialism goes beyond simply a moment in history when "explorers" arrived and "discovered" Canada; colonialism is understood as a complex system that seeps into all aspects of life that systemically disadvantages Indigenous people and upholds whiteness (Absolon, 2011: 109). This system devalues Indigenous ways of life,

traditions, spiritualities, cultures, languages, and knowledges, and even attempts to assimilate or eliminate them (Absolon, 2011: 109). These histories and realities for Indigenous peoples are not easy to talk about or write down on the page, however, they need to be addressed in order to move forward, heal, unlearn colonial ways, and relearn loving ways of acceptance (Absolon, 2011: 141).

The Importance of Women and Children in Indigenous Cultures

Respect for women in Indigenous cultures and spiritualities runs deep, as the Earth itself is conceptualized as a woman who keeps all living things alive (Udel, 2001: 44). Mother Earth herself provides food and water, as well as the materials to keep humans warm, such as for housing and clothing (Monture-Angus, 2004: 21). The Earth also provides natural medicines to heal and cure people's bodies and minds. In this way, the Earth is to be treated well and humans should be grateful for the things the Earth provides. Interestingly, women and young girls are taught to think of themselves as the Earth because of their important roles in society and their ability to have children (Udel, 2001: 44).

Indigenous women play important roles in their communities in relation to overall government and passing down their cultures to the children (Anderson, 2007: 771). It should be noted again that there are many Indigenous communities around the world and Canada, therefore I can only pull from what I have read from Indigenous scholars about the differences in family structures, ideologies, parenting strategies, and child-rearing (Anderson, 2010).

Women in general, regardless of their mother/parent status, generally are respected more by Indigenous cultures than in patriarchal societies (Anderson, 2010: 83). Prior to colonization, many Indigenous cultures were matrilineal in nature whereby the women/mothers were

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considered the heads of the household as well as their communities (Anderson, 2010: 83). However, after contact was made, colonizers forced their patriarchal systems onto Indigenous communities, thereby stripping Indigenous women of their titles and power (Anderson, 2010: 83-84). Indigenous communities respected and valued women for their life-giving abilities as well as their teaching abilities to the young (Anderson, 2010: 82). Many communities considered women's ability to bear and rear children as sacred (Dhaliwal, 2019: 33). Indigenous communities see elderly women as intrinsically valuable for their life lessons they can teach children, passing along traditions, language, and culture (Anderson, 2010: 86). Rather than one mother and one father raising children together, Anderson's Indigenous community traditionally raised children together; parenting was a communal practice rather than an individual one (Anderson, 2010: 83).

In contrast, in patriarchal societies, due to the very patriarchal nature and structure, women are expected to do all the childrearing work, and most of the time, are not appreciated for their significant contributions to the family and home (Anderson, 2010: 83). Anderson (2010) explained that she found IF during her first pregnancy when she was struggling with her new reality of being a mother (82-83). She noticed that her efforts to care for her child were not validated or recognized by the rest of society (Anderson, 2010: 83). Additionally, parenting and motherhood is conceptualized as an individual and private affair rather than a communal arrangement which benefits everyone.

Children are extremely valuable and valued in Indigenous cultures because they keep traditions alive. They are also thought to be gifts from the spirit world and must be treated gently, or else they will return back to the spirit world (Shangreaux & Blackstock, 2004: 5). Children offer unique and pure perspectives on the world, which inspire Elders and other

community members. They also all possess gifts and talents which develop over time for the community to see as they become “teachers, mothers, hunters, councillors, artisans and visionaries” (Shangreux & Blackstock, 2004: 5). Children in Indigenous cultures thus bring joy, inspiration, strength, and hope to their communities as they uphold traditional ways of life while also advocating for equality and overall better treatment for their people by the government and its service agencies.

Forced Sterilization of Indigenous Women: The Attempted Eradication of a Peoples

The involuntary sterilization of Indigenous women, as well as other minority women, is a well-known fact and action among those communities, however its historical and contemporary existence remains invisible to the majority of the non-Indigenous Canadian population (Udel, 2001: 46). Sterilization is defined as a sexist and racist practice which consists of cutting or tying the fallopian tubes of women of colour in order to prohibit them from having children (Dhaliwal, 2019: 30). Sterilization can be done in a coercive manner if the,

“language [is] not understood by the patient, not provid[ed] an interpreter, being pressured to make a decision while under duress or while in active labor and being told their newborn child would be kept away from them unless they agreed to sterilization” (Clarke, 2021: 145).

As a colonial practice of eugenics and population control, forced sterilization of Indigenous women occurs because they are not the “right” race and they produce children who are not the “right” race either, since policies were set on eliminating these children (Dhaliwal, 2019: 31). A researcher,

“Doctor Pinkerton-Uri, proved that between 1970 and 1976 at least 25% of Indian women aged between 15 and 44 years old had been sterilized. In some reserves, according to Doctor Uri’s research, the sterilization rate had hit even 80% of women” (Pegoraro, 2014: 167).

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In addition to sterilizing Indigenous women in hospitals to prevent future births, the government also strongly pushed birth control and contraceptives into Indigenous communities, more than other communities, to keep their numbers small, due to their high birth rates (Stote, 2017: 17; Clarke, 2021: 147). Women in many Indigenous communities were also pressured into having abortions to reduce their numbers (Stote, 2017: 18; Shawana, Ryan, & Ali, 2021: 277). The Canadian Government was set on curbing the Indigenous population's numbers by reducing birth rates of Indigenous babies instead of bettering the conditions these children were born into, thereby highlighting the colonial roots of Indigenous distrust in the Western healthcare system (Stote, 2017: 18). It is important to note here that these conditions of poverty, housing instability, and lack of nutritious food, are all conditions which were created by colonialism which still are perpetuated in Indigenous communities in Canada today.

The Sexual Sterilization Act in 1928 targeted Indigenous women for sterilization, where between 1969 and 1972, Indigenous women represented about three percent of the overall Canadian population, however they represented “more than 25 percent of all sterilized patients” (Stote, 2017: 17; Rule, 2018: 749). Most shockingly, about 77% of these sterilizations were done without consent from the patients (Rule: 2018: 749). Specifically, the Sexual Sterilization Act of British Columbia, allowed a Residential School principal to permit the sterilization of any Indigenous person in his school (Dhaliwal, 2019: 31).

Racist policies in different provinces, such as the Sexual Sterilization Act of 1928, allowed for the sterilization of Indigenous women without requiring their consent, because they were deemed unfit mothers who were labelled “mentally unfit” to provide their consent to such a drastic and permanent procedure (Rule, 2018: 749; Collier, 2017: 1081). By labelling Indigenous women and other women of colour as “mentally unfit”, consent is not required by law for the

procedure to take place (Rule, 2018: 749; Clarke, 2021: 145). Forced or sterilizations without consent often occurred to Indigenous women when they went to the hospital for unrelated procedures, such as tonsillectomy or appendectomy (Udel, 2001: 46; Collier, 2017: 1081). When conscious, some Indigenous women were pressured by hospital staff to get their tubes tied or cut during childbirth, which is not the appropriate time to be making such a decision (Dhaliwal, 2019: 32; Collier, 2017: 1080).

Government Apologies and Inaction: Contemporary Cases of Sterilization of Indigenous Women in Canada

The Alberta Government issued a formal apology to Indigenous women and their communities in 1999 for the eugenics practices performed on them without their consent (Dhaliwal, 2019: 30). Despite this apology, legislation is lacking to make coerced sterilization illegal in Canada (Dhaliwal, 2019: 30). An external review in Alberta found that the health care system was explicitly racist against Indigenous peoples, where many Indigenous women came forward and shared their experiences with forced sterilization (Dhaliwal, 2019: 30). After the publication of this report, the Saskatoon Health Region issued an apology for their role in these racist and sexist practices and the harm they caused (Dhaliwal, 2019: 30; Clarke, 2021: 146; Collier, 2017: 1080; Stote, 2017: 17). Unfortunately, a year after the Saskatoon Health Region issued this apology to Indigenous communities, no changes in policy were made and Indigenous women continued to be targeted for coerced sterilization (Dhaliwal, 2019: 30). Between 2015-2019, over one hundred Indigenous women across Canada came forward to say they had been pressured into having their tubes tied or having the procedure done without their knowledge (Shawana et al., 2021: 275; Dhaliwal, 2019: 31; Clarke, 2021: 146).

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A class action lawsuit against the “Government of Canada, the Saskatchewan Health Authority, and other government bodies and agencies [that] forced Indigenous women to undergo sterilization” is being conducted; these women are being represented by Alisa Lombard, a Saskatchewanian lawyer, and her team (Clarke, 2021: 146). Many women shared their stories from being pressured to tie their tubes right after giving birth and waking up after a surgery to find out sterilization was done because it was “necessary” for the patient’s health (Clarke, 2021: 146). Many women experienced significant life changes after forced sterilization, like losing romantic partners after they learned they could no longer bear children (Collier 2017: 1080); many also suffered from depression, and one Indigenous woman ended her life 10 months after the procedure (Clarke, 2021: 146).

The coerced sterilization of Indigenous women is not only a violation of human rights but it also “violates their rights to equality, nondiscrimination, physical integrity, health, and security, and constitutes an act of genocide, violence, and torture against women” (Shawana, et al., 2021: 276). In order to stop these acts of torture and genocide, the Canadian government must take responsibility for what has happened in the past and work to change the discourses that allow the maltreatment of Indigenous women in all systems, including the health system, to occur (Clarke, 2021: 146). Health and hospital staff also need to be trained in how to give culturally appropriate care, in addition to learning about past trauma which often leads to distrust in the healthcare system overall (Dhaliwal, 2019: 32). Clarke argued that “involving Indigenous leaders, Elders, Knowledge Keepers, and select allies on policy development will help to break down these barriers and decolonize medical care” (Clarke, 2021: 147). However, some scholars are more skeptical. Due to the deeply embedded colonial views and practices in the medical/healthcare system in Canada, perhaps reformist strategies like training and hiring more

Indigenous nurses and doctors would not make enough of an impact, and a radical re-imagining of the system as a whole should take place (Dhaliwal, 2019: 37).

The Forced Removal of Indigenous Children and the Role of Child Welfare Agencies: Residential Schools and the 60's Scoop

Briefly, the Indian Act is a racist and sexist Canadian act of parliament that regulates how the government interacts with Canada's Indigenous communities (Anderson, 2007: 771). The Canadian government, along with Christian churches, intended residential schools to be the ultimate tool of assimilation for Indigenous children (Chartrand, Logan, & Daniels, 2006: 2). These "education systems" were built on racist and colonial ideas around who is civilized, proper, and worthy of participating in society (Chartrand et al., 2006: 2). An amendment to the Indian Act in 1894 made attendance mandatory for Indigenous children. The schools were purposefully built far away from Indigenous communities in order to avoid family visits; these visits would apparently undermine the government's mission of removing the Indigenous identities of the children. Families were told that their children would have better opportunities and futures if they attended these schools and that it was an honour to attend. When families were not consulted, officers of the law arrived in remote communities and pulled children from their parents' arms and took them away. There were over 130 residential schools across Canada which operated during the mid-1800s to the late 1990s.

The underlying goal of these schools was to strip the children of their Indigeneity by not allowing them to speak their native language, giving them English names, dressing them in Western clothing, cutting their hair, and many other methods (Tuhiwai Smith, 2012: 134). It is important to note that although these schools tried to take the "Indian" out of the children in

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order for them to be more like the white children, they never intended for the “converted” Indigenous children to become equals in white society (Chartrand et al., 2006: 2).

The administrators of the school, who were religious personnel, believed the children were lesser than other children (white children) which often led to maltreatment and abuse (Tuhiwai Smith, 2012: 134). Many of the children suffered greatly at the hands of the administrators and staff by experiencing verbal, physical, sexual abuse, and neglect (Tuhiwai Smith, 2012: 134). Harsh forms of discipline and punishment were supported by racist policies and were accepted by residential school staff and the Canadian Government as necessary to transform these “Indians” into citizens (Tuhiwai Smith, 2012: 134).

The last residential school to close in Canada was the Marieval Indian Residential School in Saskatchewan, which closed its doors in 1996 (Blackstock, 2007: 71). The forced removal of Indigenous children, the separation of families, the denial of language, culture, and identity lasted for over one hundred years. Throughout the school system’s long existence, hundreds or more children went missing or died due to the terrible conditions of the buildings, diseases, malnourishment, suicide, and from injuries staff gave as forms of discipline. The number of children who died is still unknown due to unkept records, showing how little staff, the government, and Canadians at large, cared about these children. This year, in 2021, 215 unmarked graves were found at an old residential school site, Kamloops Indian Residential School in British Columbia, and investigations for more children’s remains at different sites are ongoing (Newton, 2021).

Survivors of residential schools often suffer from post-traumatic stress disorder (PTSD), alcoholism, substance abuse, other addictions, poverty, high drop-out rates, and some even commit suicide (Cardinal, 2018). Their experiences cannot be generalized, however those who

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have spoken out in acts of bravery in hopes of justice expressed the need to acknowledge the harm done in the past in order to heal. After the largest class-action lawsuit in Canadian history, the Canadian Government implemented the Truth and Reconciliation Commission (TRC) to allow students of residential schools, their families, and communities to heal (Government of Canada; Crown-Indigenous Relations and Northern Affairs Canada, 2021). This report gave Indigenous peoples the opportunity to share their experiences at the residential schools and/or how Canada's colonial legacy has impacted their daily lives. The final report outlined 94 calls to action/recommendations in various areas (child welfare, education, language & culture, health, etc.) to better the relationship between settler Canadians and Indigenous Peoples (Government of Canada; Crown-Indigenous Relations and Northern Affairs Canada, 2021). As part of the settlement agreement, Prime Minister Justin Trudeau accepted the Commission's final report on behalf of all Canadians. Everyone is encouraged to read the report or the summary to understand the atrocities of the residential school system and its lasting legacy on Indigenous Peoples and so-called Canada. Findings from the TRC focus on the history and legacy of residential schools, barriers to reconciliation, and opportunities for collaborative action to move forward (TRC, 2015: 4).

The Sixties Scoop

During the same time, the mass removal of Indigenous children adopted into white families, called the Sixties (60's) Scoop occurred. Starting in the late 1950s, with most "adoptions" taking place during the 1960s-70s, thousands of Indigenous children were removed from their families, homes, and communities in order to be adopted into white families (Cardinal & Sinclair, 2018: 1). The rationales behind this, much like the residential schools, were that Indigenous families and parents were not raising their children properly, and in order to eradicate

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Indigenous cultures, children needed to be removed from those environments immediately. Unfortunately, adoptee families were not properly screened for suitability or safety of these children (Cardinal & Sinclair, 2018: 1). Although never the same as their own families, some children found loving homes with their new white parents, but others experienced neglect and abuse for years fueled by racism (Cardinal & Sinclair, 2018: 1). In this way, the child welfare system was the “biggest contributor to child abuse” at the time (Cardinal & Sinclair, 2018: 1).

In order to highlight the negative effects of the 60’s Scoop and the child welfare system at the time, I rely on Colleen Cardinal’s story purposefully to demonstrate the importance of Indigenous voices and expertise as people who experienced these traumatic events. According to Colleen, “the 60s Scoop was an aggressive tool for assimilation and cultural genocide through the Canadian child welfare system” (Cardinal, 2018: 5). Colleen is an Indigenous woman from the Saddle Lake Cree Nation who was adopted as a baby by the White family along with her two sisters during the 60’s Scoop (Cardinal, 2018: 11). Colleen and her sisters, Gina and Dakota, were treated like second class citizens, suffered from physical and sexual abuse at the hands of their adoptive father, and were not told about their Indigenous identities, families, or traditions during their time in the White home (Cardinal, 2018). From the lack of affection and constant sexual advances from her father, as an adult, Colleen did not know how to show love or affection toward her own children, and she believed all men were violent and abusive. She writes, “I believe our years in the White house left us unable to cope, seeking abusive partners, and using drugs and alcohol to forget the pain and suffering we had endured” (Cardinal, 2018: 38). Colleen became pregnant at sixteen, had dropped out of school, and was in an abusive relationship; she stayed with him during her pregnancy because she thought she needed him. Colleen is also a survivor of sexual assault from past partners. Over the years, Colleen had very unstable home

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situations and even experienced homelessness as a result of extreme poverty (Cardinal, 2018: 37, 68). When Colleen reunited with her biological family as an adult, she did not understand why her mother could not simply stop drinking, however she did not know at the time that her mother spent years at a residential school during her preteen years (Cardinal, 2018: 90). Colleen's sister was brutally murdered in a park, which caused her great distress and trauma, especially seeing her corpse at the funeral (Cardinal, 2018: 63).

Colleen experienced racism as a result of her Indigenous identity and a lack of understanding from white people in mainstream society. Colleen even internalized this racism against herself and believed stereotypes about other Indigenous people by being surrounded and submerged in this culture of misinformation and hatred. When discussing how she had to do everything, including entertain her children, since she could not afford cable television, Colleen explained, "I thought this was how my life was meant to be: a broke-ass Indian living on welfare, just like the stereotype. I didn't want better for myself. I figured I deserved my life for the choices I had made" (Cardinal, 2018: 98). Due to a racist system and an abusive non-Indigenous partner, Colleen struggled with child welfare to regain custody of her daughter, Naomi, where the agency believed his lies, that she was an unfit Native mother (Cardinal, 2018: 135). Even though they were not "adopted" into white families, Colleen's children felt the pain and suffering as well due to intergenerational trauma (IT). They often lashed out and got into fights and suffered with substance abuse when they were older (Cardinal, 2018).

Colleen went back to school, left her abusive relationships, got a job she loved, went to therapy, and started learning about her culture. Through therapy, Colleen learned and realized that the behaviours which started in childhood and continued into adulthood, like the head banging, hypervigilance, sexual promiscuity, and skin picking were "coping mechanisms to deal

with stress, anxiety, trauma, and loneliness” (Cardinal, 2018: 169). Colleen is now an activist who stands up for Indigenous people’s rights using her story and her voice,

“I speak to people who want to learn about how colonial child welfare policies have impacted and interrupted Indigenous peoples’ lives, and about the work that needs to be done to make it right, to help us heal and to never allow it to happen again” (Cardinal, 2018: 187).

The Child Welfare System’s Colonial Legacy: Present Day Struggles

With the historical governmental policies that called for the removal of Indigenous children from their families and communities, it is no wonder that many Indigenous parents are weary of the child welfare system even today (Blackstock, 2007). Blackstock (2007) argued that although residential schools have closed, the same colonial ideologies remain in the child welfare system, which account for the overrepresentation of Indigenous children in the custody of the State (74). One would think that the Canadian government, in hopes of reconciliation, would take the overrepresentation of Indigenous children in the government’s charge more seriously, however, in 2007, there were three times more Indigenous children in child welfare care than during the height of residential schools (Blackstock, 2007: 74). Unfortunately, this trend has not changed very much, since in the 2016 Canadian Census; Indigenous children accounted for only 8% of the population, while making up 52% of all children in foster care (Alberton, Angell, Gorey, & Grenier, 2020: 2).

A national study conducted between 1998-2003 called the Canadian Incidence Study on Reported Child Abuse and Neglect, was the first to focus on Indigenous children to understand their overrepresentation at all levels of the child welfare system (Blackstock, 2007: 75). This study revealed that the reasons for why Indigenous children come into contact with child welfare services are drastically different from non-Indigenous children and families. The study concluded that Indigenous children were less likely to be reported for abuse (physical, sexual, &

emotional) and domestic violence, however Indigenous children were twice as likely to be reported to authorities for neglect (Blackstock, 2007: 75). When researchers looked at neglect closer as a category, they determined that the only factors which contributed to Indigenous children's overrepresentation were "caregiver poverty, poor housing, and substance misuse" (Blackstock, 2007: 75). Blackstock (2007) argued that poverty and housing are difficult factors to change quickly, therefore Indigenous children were not being removed from their families because they are at greater risk of harm; they are being removed "because their families are at greater risk due to social exclusion, poverty, and poor housing" (Blackstock, 2007: 76). In this way, Indigenous children and families are being separated for factors that they cannot control, which society allows for.

Collective Failures: The Overrepresentation of Indigenous Women in Prison in Canada

In addition to experiencing extreme poverty, racism, and the overrepresentation of children in the care of child welfare agencies, Indigenous peoples are also overrepresented in Canadian prisons (Monchalin, 2016: 143). Although Indigenous peoples account for only about 5% of the total Canadian population, Indigenous women make up about 40% of all incarcerated women in Canada (CSC, 2019). Incarcerated Indigenous women are typically mothers, suffer from poverty and substance abuse, have experienced physical and/or sexual violence, and experience overt racism as a result of their Indigenous identities (Monchalin, 2016: 143).

Violence against Indigenous women has been an unfortunate reality for many centuries, since colonizers came to now colonized lands (Ficklin, Tehee, Killgore, Isaacs, Mack, & Ellington, 2021: 9). Colonization brought violence and destruction to Indigenous communities that set a standard for their treatment in the future, extending into the present. The violence colonizers put Indigenous Peoples through was "justified" by the colonial, racist, and sexist

notion that Indigenous people are not human (Ficklin et al., 2021: 9). A report from the RCMP in 2014 showed that since 1980, 1200 Indigenous women have gone missing, however Indigenous activist groups say many more women and girls in their communities have gone missing, almost 4 times higher (4232) than what the RCMP reported (Walsh, 2017: 6). Indigenous women are 4.5 times more likely to be victims of violence compared to non-Indigenous women (Ficklin et al., 2021: 2). Indigenous women are also more likely to be victims of homicide compared to other women in Canada. On Highway 16, in British Columbia, also known as the “Highway of Tears”, many women have disappeared or have been found murdered on the side of the road since the 1980s, many of them have been Indigenous women (Walsh, 2017: 6). There is a sign by the highway warning women not to hitchhike with pictures of missing women and murder victims (MMIWG, 2018: 32).

Oftentimes when Indigenous families reported a female family member was missing, police put very little effort into the investigation or even ignored missing persons reports based on colonial stereotypes that the victim was “a hooker” or they were out on a “binge drinking episode” (Walsh, 2017: 7). Without the support of local police, many grassroots organizations took the lead and conducted interviews and statistical analyses to prove that Indigenous women and girls were going missing and murdered at much higher rates than other women (Walsh, 2017: 7). Research, political activism, and media attention made Canadians learn about this terrible reality happening in our country and led to a national inquiry after Trudeau became Prime Minister.

In 2016, an independent national inquiry into missing and murdered Indigenous women and girls started. Over a period of two years, the team spoke to families of victims, mapped how this violence was systemic in nature, and came up with calls for action that demand Indigenous

women and girls live in dignity like all other Canadians do (MMIWG, 2018: 54). The National Inquiry highlighted calls for justice for human and Indigenous rights and governmental obligation, culture, health and wellness, human security, justice, calls for justice about fair and equal treatment in all industries including healthcare, education, social workers, child welfare workers, and police services, calls for justice for all Canadians that include condemning violence against Indigenous women and girls, taking a decolonial approach to education, and reading the Final Report (MMIWG, 2018: 53-104). The findings of the inquiry detail that the thousands of disappearances and murders of Indigenous women and girls is based in systemic sexism, racism, and colonial legacies that resulted in a continuing genocide (MMIWG, 2018: 60). Secondly, the inquiry found that although Canada has protections for people under the Charter of Rights and Freedoms and others, Indigenous women and girls have not been properly protected and their rights have not been upheld by the State (MMIWG, 2018: 60). Thirdly, the inquiry recognized that colonization has disrupted Indigenous forms of governance and Indigenous governments, and bands mandated by the Indian Act do not necessarily represent the interests of Indigenous women and peoples (MMIWG, 2018: 61). Lastly, the inquiry highlighted the importance of self-determination and self-governance, which are fundamental elements for human rights. They recognize that Indigenous women and girls often face significant barriers when attempting to be self-determining, and short-term fixes do not solve the problem nor do they represent a decolonial approach to governance (MMIWG, 2018: 61).

Addictions, poverty, and systemic racism from police services, often increase Indigenous peoples' encounters with police, which lead to increased incarceration rates (Monchalín, 2016: 144). In addition to these worrisome statistics and contexts, once Indigenous people are in the system, they continue to face discrimination by having to serve longer sentences, spend more

time in segregation, classified as maximum security, are less likely to be granted parole and they are more likely to have parole revoked for minor infractions compared to non-Indigenous people (Monchalin, 2016: 145). In this way, these are instances of systemic/structural discrimination and violence perpetuated against Indigenous peoples which is “frozen” in the Canadian CJS, “legitimized by the dominant colonizing culture” (Monchalin, 2016: 145).

Part 2: The Dominant Theoretical Frame on Prison Nurseries: An Overview of Attachment Theory

Prison nurseries, and institutional parenting programs alike, were developed based on early child development research and Western gender roles for childrearing, whereby the bonds between mothers and their infants were deemed essential to the child’s development (Bowlby, 1988). Briefly, Attachment Theory is a psychological theory that suggests the manner and timeliness in which babies and small children are cared for by their caregivers (i.e., fed, diaper changed, burped, etc.) results in children adopting different attachment styles to their caregivers, typically their mothers (Bowlby, 1988). This theory was innovative at the time because unlike psychoanalytic theories which came before it, Attachment Theory focused on the lived relational experiences between mothers and their children rather than simply the biological and unconscious internal processes. Attachment was originally conceived as a child’s (or infant’s) natural bond with their mother formed for survival and protection reinforced by accessibility, attentiveness, and proximity of the mother (Bowlby, 1988). Importantly, it was also theorized that mothers have attachment styles to their babies as well which influence their child’s attachment style, however, attachment styles can change across the life span (Bowlby, 1988).

Bowlby (1988) outlined four different attachment styles for children: secure, insecure-avoidant, insecure-ambivalent, and disorganized, which result in varying degrees of

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unproblematic or problematic behaviour in children. Secure attachments with caregivers are formed when the needs of the child are satisfactorily met, so that the child trusts this adult to provide for and protect them (Bowlby, 1988). Children who form secure attachments appear distressed when their mother leaves them, are happy when they return, and seek out their mothers for comfort when they are scared. As an adult, people who formed secure attachments often have good (high) self-esteem, have trusting, lasting, and healthy relationships, are able to talk about their feelings with people they feel close with, and ask for help when they need it.

Insecure-avoidant attachments are made when adults are inconsistently responsive to the needs of the children, making full trust more difficult for dependent children (Bowlby, 1988). Children with insecure-avoidant attachment styles do not appear distressed when their mother leaves the room, do not seem to notice when they return, and do not seek any contact with the mother. As adults, people who developed insecure-avoidant attachment styles may struggle with intimacy in relationships, may not be able to express their emotions to others, and be unwilling to share their thoughts and feelings with loved ones.

Children with insecure-ambivalent attachment styles appear to be distressed when their mother leaves, but are not comforted by their return due to their inconsistency. If this attachment style does not change for adults, they will often struggle building relationships with others, have low self-esteem and trust issues, and become very distraught when a relationship ends (Bowlby, 1988).

Lastly, disorganized attachment styles are said to be formed when adult caregivers respond to children's needs but in sporadic, confused, or even fearful manners which evoke similar emotions in the children themselves (Bowlby, 1988). Children with this attachment style display no attachment behaviours to their mother and they often look confused or apprehensive

when their mother is near them. Bowlby (1988) argued that disorganized attachments are the most damaging for children because they experience unrest rather than ease, they are at risk of developing developmental disorders, and they may have been or may be at risk for maltreatment (Bowlby, 1988).

A key concept from Attachment Theory for my project is the Maternal Deprivation Hypothesis, which Bowlby described as a result of broken attachment- separation of the baby from the mother within the first two years of life (Bowlby, 1988). For Bowlby, maternal deprivation had many negative effects for the children and their mothers. Mothers and babies would feel separation anxiety and children would not feel worthy of love. Additionally, there would be detrimental effects to the child's mental health, including lack of guilt or worry about the consequences of their actions. This is what Bowlby referred to as "affectionless psychopathy" which is a condition where people cannot form relationships, show emotion or affection like others do, and experience little guilt. Bowlby (1988) also argued that maternal deprivation can lead to children having lower intelligence, higher rates of depression, and delinquency.

Attachment Perspectives on Incarcerated Mothers and Prison-Baby Programs

Due to the many lasting negative effects experienced by both children and their mothers as a result of separation (or deprivation) and the rising rates of incarceration of women, prison nurseries and programs like it, were created (Carlson, 1998: 73). The goal of these jail and prison programs was to keep mothers and babies together in order to nurture and solidify their bond for secure attachments to form (Carlson, 1998: 75). Although controversial, attachment theorists and early child psychologists have argued that separation from their mother is more detrimental to the child and to their development than living in a "correctional" environment (Carlson, 1998;

Sandifer, 2008; Carlson, 2009; Henriques & Gladwin, 2013; Sholnsky & Rose, 2016). Many studies compared the attachments of mothers and their children who participated in prison nurseries against those who did not participate and found that participation in such programs allows for bonding, more specifically, secure attachment to occur (Carlson, 1998; Baradon et al., 2008; Carlson, 2009; Byrne, Goshin & Joestl, 2010).

Prison nurseries and such programs have been around in Europe before they were introduced in Canada, however what distinguishes the Canadian program is the age limit of the children; in Europe, infants up to eighteen months participate in the program, however in Canada, children up to the age of four can participate in the full-time program (Warner, 2015: 76). In Germany, for example, motherhood is “recognized as a bona fide job” where high and low security women have access to prison nurseries and their children (Warner, 2015: 76). Even when children are too old to participate in the program, a unique policy exists that allows mothers to visit their children to wake them up in the morning before school and take care of the house (Warner, 2015: 77). After cooking dinner and helping the children with their homework, another adult caregiver comes to care for the children and the mother returns to prison (Warner, 2015: 77). Although this may be considered off or extreme to some, Germany’s prison nursery structures demonstrate the power and necessity of mothers properly bonding with their children despite their incarceration.

Infusing Attachment Principles in the MCP: Critiques of Attachment Theory

Here, I would like to address that I do not advocate for the cancellation of prison nurseries, live-in parenting programs, or the MCP, despite the many downfalls of Attachment Theory itself. The point I would like to make in this section is that programs and policies involving incarcerated mothers and their children should be based on theories and academic

works that are inclusive, rigorous, and reflexive in nature so that as many mothers are not separated from their children due to incarceration as possible (Goshin & Byrne, 2009: 288).

Feminist Critiques of Attachment Theory

Attachment Theory has been critiqued by feminist psychologists due to its sexist nature, Western understandings of the family, familial responsibilities, and traditional gender roles (Hays, 1998; Birns, 1999; Franzblau, 1999, Cleary, 1999; Vicedo, 2011; Smith, Cameron, & Reimer, 2017). Bowlby's theory advocated for mothers to properly bond with their children by caring for them; naturalizing the societal expectations placed upon women as care providers with a nurturing nature (Birns, 1999: 12). The focus on mothers, instead of fathers or other family members, reinforced essentialism- the notion that men and women are completely different based in biology and anatomy (Franzblau, 1999: 24). Bowlby asserted that children need their mothers love in order to survive and thrive and that fathers are needed in the sense that they provide monetarily for the family (Vicedo, 2011: 405).

During and after the Second World War, at the time Bowlby was writing, there was growing concern around the structure of families and emotional communication and development in returning soldiers and children (Vicedo, 2011: 406). During the war, many women worked outside the home while the men fought, making childcare for small children more necessary than it had ever been in the Western world. When the war was over, some men returned, and women reluctantly went back to working in the home. Bowlby's theory came at a perfect time in history because it gave "evidence" that women need to stay in the home to care for their children or else they will suffer severe developmental and emotional problems (Vicedo, 2011: 425).

In addition to upholding the nuclear family structure with strict gender roles, feminists have critiqued this theory in terms of its middle-class worldview (Birns, 1999; Franzblau, 1999). Bowlby's observations of British children and families led him to claim that children in upper and middle-class families are more likely to experience secure attachments to their mothers than children from lower-class families (Birns, 1999: 13). Not surprisingly, women who had to work along with their husbands to provide enough for their families, had less time to care for their children or respond to their needs right away, compared to stay-at-home mothers who did not personally experience financial stress (Birns, 1999: 14). Especially at the time of Bowlby's writings, many families of colour experienced poverty at much higher and more frequent rates than white families (Birns, 1999: 14). Henceforth, Bowlby's theory reinforced his own middle-class perspective, whereby he did not account for racial identity or poverty in a critical way that challenged the status quo (Franzblau, 1999: 26).

Racial and Indigenous Critiques of Attachment Theory

Lastly, Bowlby's theory has been challenged by feminists, anthropologists, cultural scholars, and Indigenous scholars for its white and ethnocentric orientations (Yeo, 2003; Ryan, 2011; Fitton, 2012; Choate, Kohler, Cloete, CrazyBull, Lindstrom, & Tatoulis, 2019). White, educated, and middle-class families have almost exclusively been studied for attachment research, making cross-cultural generalizations difficult (Fitton, 2012: 132).

Unlike in Western society, rather than responding to cries of distress, caregivers in other cultures attempt to predict the needs of children before they cry out (Yeo, 2003: 298). Another cultural difference related to parenting and Attachment Theory is that childrearing is not only done by the child's mother, but also other community members (Yeo, 2003: 298). For example, in many Indigenous cultures, children will form many attachments with many adult caregivers

(Yeo, 2003: 299). In this way, Western attachment theorists would argue that secure attachments have not been made, where indiscriminate attachments have been made instead, therefore misinterpreting important communal bonds between children and adults (Ryan, 2011: 186).

Similarly, in many Indigenous cultures, interactions between parents and children, or adults and children, more generally, may not resemble the dynamics expected based on Western understandings (Yeo, 2003). Sometimes Indigenous caregivers may respond or interact with children in other ways rather than simply verbal communication. These non-verbal forms of communication, interaction, and care may not be noticed or recognized as parenting by non-Indigenous observers, where they would therefore label the adult caregiver as having poor attachment with the child (Ryan, 2011: 196).

Beyond the number of caregivers a child has, scholars have argued that the signs of different attachment styles themselves are not applicable to all cultures. For instance, self-expression and emotional openness are characteristics that are highly valued in children in Western society; when children express themselves and their emotions, this is viewed as secure attachment (Yeo, 2003: 301). However, in many collectivist societies where communal harmony is highly valued, children expressing negative emotions to elders in the community may be seen as rude or disrespectful. In this way, children hiding their emotions would be labeled as avoidant attachment by Bowlby and other attachment theorists, without acknowledging that this practice may be appropriate in that context in that culture (Yeo, 2003: 301).

Additionally, in Western cultures, small children are encouraged to be curious and to explore the environments around them. In Bowlby's terms, children who have secure attachments to their mothers will be more likely to explore than children with insecure attachments (Yeo, 2003). Interestingly, many Indigenous children are dissuaded from exploring

their environments by their parents or other community members for their own safety, therefore resulting in an insecure attachment label by attachment theorists and white observers (Yeo, 2003: 300).

Bowlby's theory also stated that children with secure attachments will become socially competent adults (Yeo, 2003; Ryan, 2011). Western attachment theorists defined competency as someone who is autonomous, ego-resilient, and has good problem-solving skills (Yeo, 2003; Ryan, 2011). Of course, competency or successful adulthood is not defined in the same ways in all cultures. In fact, Indigenous peoples in Yeo's study prioritized group cohesion, community, harmony, connection to the land, and spiritual connectedness over individualism (Yeo, 2003: 301).

Despite these meaningful critiques of Attachment Theory, the theory has been used in many court cases whereby Indigenous children were "adopted" into white homes (Choate et al., 2019: 59). In this way, Attachment Theory has been used by white judges to argue that bonds between adopted Indigenous children and their white family members are more important and relevant than race, culture, and spirituality (Choate et al., 2019: 60). These narratives expose racist and colonial perspectives on Indigeneity, childrearing, family structures, and child safety. When Western theories, tools, and practices are considered the norm, marginalized communities are further marginalized due to the tools' failure to acknowledge cultural differences, racial biases, and communal resiliency.

Surveilling the Literature on Attachment: Methodological Concerns and Weaknesses

It is important to note that long-term effects on children who lived in prison nurseries have not been thoroughly explored and more rigorous research needs to be conducted in this area, although one study suggests children perform better when connected to their mothers

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(Goshin et al., 2014: 142). In addition to requiring more studies to evaluate the long-term effects of living in prison nurseries for children as older children, adolescents, and even adults, there are some methodological weaknesses with the studies that measure bonding and attachment between children and mothers (Goshin & Byrne, 2009; Burgess & Flynn, 2013; Sholnsky & Rose, 2016). For example, many studies evaluating the effectiveness of prison nurseries and parenting programs for mothers and their children rely on self-reporting measures, which may not accurately represent the parenting behaviours of the mothers (Burgess & Flynn, 2013: 75). Additionally, one study set out to do a survey of all prison nursery programs in the US, however the methodology section including sampling, data collection, and results of the statistical analyses were not supplied in the final research report (Johnston, 2003). Finally, many studies rely upon Attachment Theory, however they do not explain how they operationalize and measure levels of attachment and attachment styles for mothers and their children, leaving the reader guessing or assuming the method of measurement was the same as other studies that explore this topic (Sholnsky & Rose, 2016).

Part 3: Topical Literature: Live-in Parenting Prison Programs, Prison Nurseries, and the MCP

Problematization 1: Separation/Attachment and Bonding

Most of the research on prison nurseries, the MCP, and parenting programs in prisons alike, measured levels of attachment and bonding between incarcerated mothers and their children (Carlson, 2009, Powell, Ciclitira, & Marzano, 2017; Harris, 2017). Studies categorized in this problematization are divided by attachment and separation for mothers and children. Although this is an extremely important and large part of the literature on this topic, as these programs were based on Attachment Theory (Bowlby, 1988), I chose to go against the dominant avenues for my thesis because I would like to explore and emphasize critical perspectives about

these programs that could prove beneficial for the most marginalized individuals in society (Maxwell, 1996).

Here, I acknowledge that this entire literature review could be written about studies in these categories, as the literature prioritizes these perspectives and methodologies. Due to the fact that these kinds of research questions about the relationship between attachment/separation, incarceration for mothers and children, and prison nursery participation have been asked many times, I felt that these kinds of correlational, positivist questions have been answered, and that I would therefore not be contributing anything meaningful to the literature if I asked a similar question.

Prison Nurseries, Live-in Parenting Programs, and the MCP: Increasing Levels of Attachment and Bonding between Incarcerated Mothers and their Children

One of the primary goals of prison nurseries and the MCP is to nurture the bond between mothers and their children by keeping them together after birth during incarceration (Carlson, 2009; CSC, 2020). Many studies focus on comparing bonds, attachment levels/styles, and abilities to parent between mothers who participate in prison nurseries or parenting programs with those who did not participate (Sandifer, 2008; Carlson, 2009; Henriques & Gladwin, 2013; Sholnsky & Rose, 2016).

In a study that evaluated the effectiveness of a US prison nursery, Carlson compared bonds between incarcerated mothers who participated in the program with incarcerated mothers who had their children taken away (2009). As expected, his analysis concluded that 95% of mothers who participated in the prison nursery program reported stronger bonds with their child(ren) (Carlson, 2009: 17).

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An experience-based program in a women's institution, called New Beginnings, allowed mothers and their babies to bond and learn how to communicate in the prison (Baradon, Fonagy, Bland, Lénárd, & Slead, 2008). Like many other studies, they found that mothers who participated in the New Beginnings Program/Course had a more secure attachment with their babies than mothers who did not participate (Baradon et al., 2008: 251). Others furthered this finding when they found that,

“mothers [who] have multiple risk factors threatening the transmission of secure attachment to their infants can, nevertheless, be nurtured toward security in a prison nursery environment with deliberate parenting supports” (Byrne, Goshin & Blanchard-Lewis, 2012: 79).

The fact that mothers with risk factors, including a low economic status and abusing substances, could still achieve secure attachment with their child with support from parenting programs and prison nurseries, suggests these programs are effective at maintaining and solidifying bonds between mothers and their young children.

Attachment and Separation for Children: Children Living in Prison Nurseries

Research has shown that children who are separated from their mothers experience many developmental, social and behavioural problems (Pollock, 2003: 138). Children who are separated from their mothers at a young age due to incarceration, and many other reasons, are more likely than children who have properly bonded with their mothers to cry excessively, exhibit violent/aggressive behaviours, experience symptoms of anxiety and depression, and experience delays in verbal skills and cognitive development (Pollock, 2003: 148). Children who enter the foster care system, due to their biological mother's incarceration, often struggle with these same personal and interpersonal issues, which could lead to behavioural problems at school (Morash & Schram, 2002: 77). These kinds of issues in children of incarcerated mothers have been well documented in older studies as well when,

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“Children of incarcerated mothers experience internalizing (fear, withdrawal, depression, emotional disturbance) and externalizing (anger, fighting, stealing, substance abuse) problems, as well as heightened rates of school failure and eventual criminal activity and incarceration” (Myers, Smarsh, Amlund-Hagen & Kennon, 1999: 11).

To limit the negative effects of maternal incarceration for mothers and children, prison nurseries were created. It should be noted that placing children of incarcerated individuals inside prisons with their parents was, and still is, a controversial topic and strategy (Beckerman, 1991; Pojman, 2002; Morash & Schram, 2002; Matsika, Muridzo, Nyanguru, & Dzingirai, 2013). Scholars, child advocates, concerned citizens, and parents alike, have argued that housing innocent children in prison for their parents’ crimes is not a fair or ethical practice (Matsika et al., 2013). They argue that children should be raised in safe and normal environments whereby normal socialization is possible (Pojman, 2002).

There is significantly less academic literature that focuses on the experiences or effects on children who participate in prison nurseries compared to research which focuses on the mothers. There is some research that suggests that children who grew up in prison nurseries were measured to have a greater attachment to their mothers, compared to those who did not (Byrne, Goshin & Joestl, 2010: 382). There is very little research measuring attachment of babies who participate in prison nurseries, but one study found that most babies were present emotionally, calm, curious, healthy, and smiled often (Condon, 2017: 13). However, in another study, children who spent time with their mothers in prison nurseries did not have significantly lower withdrawn behaviour problem scores than children who were separated from their mothers (Goshin, Byrne, & Blanchard-Lewis, 2014: 149).

Despite the moral arguments and concerns mentioned above about housing children in prisons to bond with their mothers, based on meta-analyses, there has been no evidence to

suggest that children who live in prison nurseries experience adverse effects (Sholnsky & Rose, 2016; Tremblay & Sutherland, 2017).

Problematization 2: Prison Nurseries Reduce Recidivism Rates?

Another large focus for research in this area is whether or not mothers' participation in prison nurseries lowers their recidivism rates (Carlson, 2009; Goshin et al., 2014; Fritz & Whiteacre, 2016; Sholnsky & Rose, 2016; Carlson, 2018; Dodson, Cabage, & Mcmillan, 2019). Recidivism is typically defined as the rate of reconviction within two years of release from custody (CSC, 2019: para. 3). Like the studies that focused on attachment and bonding, many studies compared groups of formerly incarcerated women who participated in prison nursery programs with those who did not to determine whether the program impacted recidivism for the mothers (Carlson, 2009; Carlson, 2018). Results indicated that prison nurseries and in-person parenting programs in prisons reduce recidivism rates for mothers who participate (Carlson, 2009; Goshin et al., 2014; Fritz & Whiteacre, 2016; Sholnsky & Rose, 2016; Carlson, 2018; Dodson et al., 2019).

Methodological Issues and Uncertainty: Recidivism Rates and Participation in Prison Nurseries

Despite the seemingly positive results of these studies, some scholars have questioned the legitimacy of these findings based on the studies' weak methodological designs (Fritz & Whiteacre, 2016; Sholnsky & Rose, 2016; Dodson et al., 2019). Many of them lack appropriate control groups and follow-up times are inconsistent between participants (Fritz & Whiteacre, 2016: 3). In many cases, control groups were not comparable among important and relevant categories like age, race, and previous crimes (Dodson et al., 2019: 581). Additionally, many of the quantitative studies have small sample sizes, which makes findings seem more statistically

significant than they would be with a larger sample size that is actually representative of the population of interest (Sholnsky & Rose, 2016: 5).

Another concern that arises- especially when control groups were not properly matched with participants in the treatment groups- is that one cannot be sure it was the participation in the prison nursery program that kept the mothers' recidivism rate low (Dodson et al., 2019: 582). Participants in prison nurseries and mother-child programs have low and medium security classifications, indicating that their chances for recidivism are already quite low according to the security classification measuring tools used (Dodson et al., 2019: 586).

In addition to some scholars critiquing the studies of prison nurseries and their ability to lower recidivism rates of "women offenders", other scholars have argued that the use of recidivism rates as measurements or as signs of the effectiveness of prisons is problematic (Taylor, 2008; Heidemann, Cederbaum, & Martinez, 2015; Hale, 2020).

Problems with Recidivism for Measuring Post-Prison Release Success

Many feminists, critical race scholars, Indigenous scholars, and activists have argued that recidivism rates are not appropriate or accurate in terms of measuring the effectiveness of prison's rehabilitative abilities (Pollack, 2004; Cullen, Jonson, & Nagin, 2011; Bamarki, 2016; Ganapathy, 2018; Kerig, 2018; Koegler, Preble, Cimino, Stevens, & Diehl, 2019). CSC has found that women returning to the community after serving their sentences often struggle with financial stability and housing (Lutfy & Thompson, 2014: para. 1). When adequate support services are not offered to women upon release, they may feel like they need to turn to criminalized activities in order to survive; this is especially true for mothers who do not only need to provide for themselves, but also their children (Koegler et al., 2019: 233). In most circumstances, justice involved women who become imprisoned again upon release are not

convicted of new crimes, rather, they are imprisoned once again for breaching terms of probation (Kerig, 2018: 795). It should be noted that women have very low recidivism rates compared to men; criminalized women in Canada have a recidivism rate of 12%, whereas the recidivism rate for men is 24.2% (CSC, 2019).

Critical scholars have argued that recidivism rates should not be used as indicators of prisons' success because they do not take into account the roots of incarceration that may have led to the imprisonment of these women, for example, racism, sexism, colonialism, transphobia, homophobia etc. (Bamarki, 2016: 2). In other words, low recidivism rates do not symbolize prisons' reshaping and improving the lives of the imprisoned people; they reflect privilege in terms of identity and material/monetary goods a person has upon release (Sudbury, 2005: 32; Koegler et al., 2019: 243).

Critical scholars also claim that marginalized community members often find themselves in the system again because of the over-policing of marginalized and racialized communities based on the racist assumptions that they are more "criminal" than white people, and are therefore more dangerous (Sudbury, 2005). Substance abuse has been cited as a factor contributing to higher recidivism rates in formerly incarcerated populations for men and women (Taylor, 2008). Indigenous and feminist scholars call for colonialism and its lasting and continuing effects upon Indigenous Peoples to be recognized, whereby some Indigenous Peoples use substances to cope with personal, intergenerational, or communal trauma (Bamarki, 2016: 2). Recidivism rates do not account for the systemic racism and trauma brought on by colonization.

Instead of relying on recidivism rates that do not accurately represent the agency and resiliency of formerly incarcerated people, scholars argue that people with lived experiences should be asked what "successful reintegration" looks like (Heidemann et al., 2015). Women

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interviewed claimed that success after release from prison should focus on “having their own place, helping family members and others, living free from criminal justice surveillance, persevering through challenges, and living a ‘normal life’” (Heidemann et al., 2015: 36). Many women in the study who were parents argued that their role as mothers was important to them, as it allowed them to focus on caring for their children and themselves, rather than on surveillance and penal control as prisoners (Heidemann et al., 2015: 32).

In this section, I described how scholars argue that prisons and recidivism rates do not account for systemic and structural discrimination in society that disadvantages the most marginalized, making them at risk for victimization and incarceration. By not accounting for systemic discrimination, the lack of services after release from prison, and the stigma attached to being formerly incarcerated or a “criminal”, recidivism rates are not appropriate or accurate measures of crime rates or post-release success rates. In the next section, I discussed literature on prison nurseries and the MCP categorized into feminist and colonial concerns.

Problematization 3: The MCP’s Feminist, Discriminatory, and Colonial Issues

Literature categorized into this problematization view the MCP and prison nurseries as inherently problematic due to their founding values and structure that replicates traditional gender roles, excludes incarcerated fathers from childrearing, and the strict eligibility criteria that makes it difficult or even impossible for certain parents to apply (Elmalak, 2015; Miller, 2017).

On the most basic level, some scholars argue that institutional residential programs for mothers and their children are sexist in nature and practice because they reinforce the patriarchal notion that women must do all the work related to childrearing and the home (Enos, 2001).

Other scholars take this argument further by acknowledging that most incarcerated fathers do not have these same opportunities to bond with their children like mothers do (Elmalak, 2015). Like mothers who are separated from their children due to incarceration, many incarcerated fathers also experience pain, sadness, and guilt for being away from their children (Ugelvik, 2014: 153). However, unlike incarcerated mothers who have access to prison nurseries, institutional parenting programs with live-in components, and the MCP, incarcerated fathers' options for remaining connected with their families and children is through phone calls and visitation (Arditti, Smock, & Parkman, 2005: 268). Unfortunately, due to financial constraints and the oftentimes remote locations of prisons, many fathers do not receive family visits (Arditti et al., 2005). When families make the journey to the prison, the visitation experience is often difficult and emotional for all involved parties (Arditti et al., 2005: 268). Young children cry and scream for their fathers when their timeslot for visitation is up; they do not understand why their fathers cannot leave and go home with them and their mothers.

Fathers expressed difficulties parenting/fathering from prison where many of them did not feel like they were fathering their children at all, because all they could tell their children over the phone was "Listen to your mother" (Arditti et al., 2005: 274). With these father-specific pains of imprisonment in mind, some incarcerated fathers in the United States have argued that the Equal Protection Clause of the Fourteenth Amendment was not being upheld, since prison nurseries are not available to fathers in any men's institution in the US (Elmalak, 2015: 1096). In these cases, legal action was not successful in expanding prison nurseries or in-person parent-child programs to men's institutions because prison officials claimed it would be a safety issue and that there is not enough money in the budget to open and maintain prison nurseries for incarcerated fathers and their children (Elmalak, 2015: 1096). In contrast, many women's

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institutions in the US and Canada were built with the knowledge that children may reside inside (Allen, 2019). Even though incarcerated mothers or incarcerated pregnant women do not need to participate in these programs, they are given the option if they meet the eligibility criteria, when fathers do not have these opportunities at all.

Eligibility criteria are different from prison nursery to prison nursery in the United States and they differ from the Canadian MCP as well. Despite the different eligibility criteria, these programs share the feature that they severely limit participation for many incarcerated mothers (Goshin & Byrne, 2009). For example, in US prison nurseries, “Participation is generally limited to women who enter prison pregnant, were convicted of a non-violent crime, and were sentenced to a term of less than 18 to 24 months after the birth of their infant” (Goshin & Byrne, 2009: 281). As demonstrated by these strict eligibility criteria, it becomes clear that many mothers who find themselves incarcerated in the United States are not permitted to participate in prison nurseries because they already gave birth to their child, the offense was too serious, or they had to serve longer sentences (Goshin & Byrne, 2009: 281). These eligibility criteria clearly demonstrate the original goal of the program, based on Attachment Theory, which is to support the mother-child bond between mothers and their infant(s). In Canada, the eligibility criteria are slightly different.

In Canada, to be eligible for the Institutional MCP, a federally incarcerated woman must be a mother who is classified as minimum or medium security/being considered for medium security, screened against the appropriate provincial child welfare agencies, the child welfare agency is supportive of the mothers’ participation in the program, the mother’s mental health is stable, mothers have not been convicted of a crime against a child or another offense that would endanger the child, and they must not have a court order prohibiting them from being with/seeing

their child (CSC, 2020). There are also eligibility criteria for children to meet, which include: they cannot be older than four years old for full-time residency in a live-in unit in the institution, they cannot be older than six for part-time residency (i.e., weekends) and lastly, they have to be under the age of majority to visit in the family visiting unit (CSC, 2020).

One study found that the MCP has not been used very much since its full implementation in 2001, where the highest capacity of mothers participating in the program across Canada was twelve (Brennan, 2014: 16). Brennan investigated why so few incarcerated mothers were using the program and found that changes in the eligibility criteria in 2008 decreased the number of women who would be considered eligible for the program (Brennan, 2014: 18). She also found that the other incarcerated women who the mother was living with impacted whether the mother's child could live there (Brennan, 2014: 18). For instance, if another woman committed an offense against a child, the mother's child could not live in that unit. It is important to note that Brennan found that,

“all of these factors represent institutional or systemic barriers. It is noteworthy that not a single respondent identified a lack of interest on the part of incarcerated women as a possible reason for the low participation rate in the program” (Brennan, 2014: 19).

Therefore, according to Brennan's study, the low participation rates are not due to mothers' unwillingness to participate, but other barriers are prohibiting them from doing so. As shown by the Canadian eligibility criteria, maximum-security women are not eligible for the program as well as women who have severe mental health concerns. One of the major differences between prison nurseries and the MCP eligibility criteria is the age of the child. In the United States, infants can stay with their incarcerated mothers until they are one year old, but in Canada, children can live with their mothers on a full-time basis in the institution until they are four years old, even if they were not born during the period of incarceration. Although the

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safety of participating children is the main priority for CSC and staff involved in the MCP, the eligibility criteria for mothers has been argued to be constructed using colonial approaches to justice and parenthood (Miller, 2017).

A 2017 study found that the MCP was not easily accessible for all mothers. Miller found that Indigenous mothers had difficulty meeting the eligibility criteria as set out in CSC's policy (2017). Specifically, incarcerated Indigenous women are more likely than other imprisoned women to be classified as maximum security; thereby making them ineligible to apply (Miller, 2017: 12). Another barrier to the program is the type of offense they committed; 75% of Indigenous women in federal custody have committed a violent offense (Miller, 2017: 13). A final barrier that Miller points out is the necessary involvement of child welfare agencies (2017: 15). Due to the traumatic experiences of Indigenous children being forcefully removed from their families to attend residential schools and then be adopted into white homes during the Sixties Scoop, many Indigenous women may be rightfully wary or even fearful to involve child services in this process (Miller, 2017: 15). These findings are worrisome due to the overrepresentation of Indigenous Peoples in Canadian prisons. Indigenous Peoples make up about five percent of the overall Canadian population (Statistics Canada, 2019). Federally sentenced women (FSW) make up about six percent of the overall incarcerated population in Canada (CSC, 2019) where Indigenous women comprise of 42% of incarcerated women (CSC, 2019).

The MCP can keep Indigenous families together and break the violent cycle of poverty, substance use, and involvement with the justice system that many individuals face (Miller, 2017). Miller suggested instead of abolishing the MCP, changes must take place to allow for Indigenous mothers who are incarcerated to participate (Miller, 2017). She argued that legal tools including,

“the United Nations Convention on the Rights of the Child 86 (CRC), British Columbia Supreme Court’s 2013 decision regarding a provincial jail’s mother-baby program, recommendations from the Truth and Reconciliation Commission, and the Gladue sentencing principle” would improve the program and make it more inclusive for Indigenous mothers who would benefit from this program (Miller, 2017: 16).

Other scholars problematize the practices of incarceration as a form of “corrections” and argue that women, especially with children, should not be incarcerated at all; they should be in the community surrounded by their families, friends, and peers (Davis, 2003; Mathiesen, 2006; Lawston & Meiners, 2014; Carlton, 2016). On a practical level, these scholars argue that having women serve their sentences in the community eliminates or diminishes the struggles with reintegration, reduces overcrowding in prisons, and lessens feelings of anxiety, shame, and stress caused by separation from their children (Lawston & Meiners, 2014; Carlton, 2016).

Problematization 4: Alternative to the MCP: Community Justice and Penal Moderation

Many scholars are aware of the importance of keeping mothers and their young children together even if the mother has been criminalized, however, they question the effectiveness of these types of programs operating within prison walls (Morash & Schram, 2002; Taylor, 2008; Bamarki, 2016; Palacios, 2016). This model of “corrections” would allow justice-involved mothers and their children to remain in contact without completely isolating the children and mothers from normal life (Morash & Schram, 2002: 74). If mothers served their sentences in their communities, this would help them immensely with reintegration and connecting them with essential services (Morash & Schram, 2002: 93). Penal moderation scholars argue that women who committed minor offenses or drug-related offences do not belong in prisons, especially if they are mothers, due to the negative effects studies have shown about mother-child separation due to imprisonment (Carlton, 2016: 286). They argue that drug use and substance abuse are often connected to trauma, especially for Indigenous women, which should not be punished, but

treated (Taylor, 2008; Bamarki, 2016). Authors with these perspectives urge their readers to think about the systemic and structural inequalities that lead to incarceration for marginalized people and push for decreasing the reliance on the criminal justice system as a whole (Palacios, 2016: 151).

The MCP could be seen as a reformative/moderate strategy to lessen the pains of imprisonment and separation anxiety that mothers may feel being away from their children during incarceration (Wong, 2011: 150). As discussed above in the last problematization, very few mothers are eligible for the MCP due to its strict eligibility criteria (Brennan, 2014; Miller, 2017). Wong's thesis involved interviewing an incarcerated mother who was not eligible for the MCP in order to understand the limitations of the program and to suggest alternatives to the program (2011). Wong's (2011) participant claimed that the MCP should be "replaced by another child live-in program in the community or beyond prison parameters" (150). This way, all mothers and their children would have the chance to bond, regardless of their security classification levels or their child's age (Wong, 2011; Brennan, 2014; Miller, 2017). This suggestion would exemplify a penal moderation approach to justice like this project employs.

Conclusion

In this literature review, I outlined the contextual literature of Indigenous peoples in Canada and the topical literature on prison nurseries, parenting programs, and the MCP organized into categories based on themes. The first major category discussed was the issue of attachment and separation for mothers and their children when mothers are incarcerated. Much of the literature asks questions around if, how, and how much prison nurseries and such programs increase attachment and bonding for mothers and their small children.

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The second category explored were studies that focused on recidivism rates for mothers who participated in prison nurseries compared to those who did not. Studies conducted found that mothers who participated in these programs had lower recidivism rates than those who did not. However, recidivism rates have been argued by critical scholars to be an unfair approach when considering race and poverty.

Next, I discussed the literature that highlights feminist and anti-colonial critiques of prison nurseries and the MCP. These critiques include how these programs reinforce traditional gender roles whereby mothers must do all the childrearing. Additionally, feminists argued that these programs were sexist in that incarcerated fathers do not have access to such programs in order to bond with their children. Furthermore, scholars have shown how such programs are more difficult for Indigenous mothers to access due to systemic barriers, including how Indigenous women are more likely to be classified as maximum security for their committal of a violent offense and the program requires the involvement of child welfare agencies, which are rooted in colonial trauma and distrust.

Lastly, I discussed the literature on community justice/ “corrections” and penal moderation as alternatives to the MCP in order to be more inclusive and avoid problems of separation between mothers and their children in the first place. I focused on the critiques, downfalls, and methodological concerns in the first two problematizations in order to make my critical feminist and anti-colonial stance clear. The literature was outlined in this way in order to answer the following questions: How has the MCP policy evolved over time? How have the policy changes represented a (de)colonial approach to criminal justice policy?

Chapter Three: Theoretical Framework

Introduction

After explaining and distinguishing my approach for this study in the literature review, I describe the theories and approaches that guided this project as lenses. In order to capture the systemic racial element of the program and written policy, IF were used (Suzack, 2015).

Although there are many definitions of these theories, they are generally concerned with highlighting and changing the structural discrimination Indigenous peoples face, as colonial dimensions are engrained in many governmental policies and praxis (Suzack, 2015).

Additionally, Penal Moderation (Loader, 2010) was used as a guiding theoretical perspective as well as a political end goal. Penal Moderation is invested in diminishing the reliance on the penal system and punishment, in general (Loader, 2010). As an approach to criminal justice, penal moderation allows for a minimalist and merciful approach to state sanctions (Manikis, 2019: 207).

After explaining the theories in greater detail, I discussed important concepts the theories rely on, including colonization/colonialism, decolonization, restraint, parsimony, and more. I explained which definitions of these concepts are most applicable to my project and why. Furthermore, I discussed some ethical considerations in relation to using IF as a white researcher.

Indigenous Feminisms

Indigenous Feminisms: An Oxymoron?

Just like there are many forms of feminism(s), it would be inaccurate to place all Indigenous peoples and their differing worldviews into one box; this would do a disservice to Indigenous scholars by looking at their work through a white supremacist gaze, thereby labelling them as “other” (Suzack, 2015: 261). IF critique this “othering” and demand that Indigenous

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peoples, their lands, traditions, languages, cultures, and knowledges are accepted and celebrated by non-Indigenous peoples on individual, societal, and organizational levels (Absolon, 2011; Suzack, 2015; Dulfano, 2017). Generally, IF as theories and political goals strive for the rights of Indigenous peoples (Suzack, 2015: 262). They are also approaches that seek to understand various forms of oppression experienced by Indigenous Peoples historically, as well as presently, specifically brought on by colonialism (Green, 2007: 20).

Interestingly, IF can be modern or pre-modern in their theoretical underpinnings (Suzack & Huhndorf, 2010; Barman, 2010). IF that fall into the pre-modern theoretical camp, are wholistic theories that do not rely on categorizations and do not strive to control nature or humans (Dulfano, 2017: 85). In this way, pre-modern orientations of IF still strive for rights for Indigenous peoples, but they also focus on relationships with the community, the Earth, land, plants, animals, the Spirit, and all living things (Million, 2013: 115). Although these perspectives are meaningful and would be fruitful for analysis, they do not work well with the overall goals of my project, and I would feel even more uncomfortable using these theories as a white settler.

Contrarily, IF can be modern in their approach because they use categories like ‘women’, ‘Indigeneity’, and ‘patriarchy’ as important concepts worthy of critical inquiry. Scholars in the modern approach to IF argue that in order to continue with democracy, Indigenous Peoples need to be considered when making decisions in policy and law, where they need to be treated fairly (Suzack & Huhndorf, 2010: 3). In this way, social scientists who wish to analyze gender, race, class, Indigeneity, and more, while continuing the project of modernity, whereby humans govern themselves through reason, can do so using theories like IF, as defined by scholars like Suzack and Huhndorf (2010).

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There is a debate within feminist and Indigenous communities as to whether “Indigenous Feminisms” exist or should exist at all (Suzack & Huhndorf, 2010: 2). According to many Indigenous scholars, feminism is seen as a white woman’s movement; it is not seen as necessary in many Indigenous communities which were traditionally matrilineal, rather than patriarchal, in nature and structure (Tohe, 2000: 108). The notion of patriarchy is a colonial one in the sense that this system of organization and oppression was forced onto Indigenous communities when settlers arrived (Suzack & Huhndorf, 2010). Strong women, equality between genders, and respecting women are qualities which were already built into the organization of many Indigenous cultures, therefore feminism, as a movement and the word itself, is seen as futile (Tohe, 2000: 109). Although some scholars do not see the theoretical or practical value of IF, this body of scholarship is rich and diverse and was extremely beneficial to the niche nature of my project.

Concepts used by Modern Indigenous Feminist Scholars

Settler Colonial Discourses and Internalized Colonization

Much like racist and sexist discourses, settler colonial discourses can be found in many cultural materials, including textual learning materials taught in high schools and governmental policies (Carroll, 2018: 22). In this way, settler colonial discourses refer to the many ways in which cultural texts support and reinforce hierarchies that privilege heterosexual white male settlers (Carroll, 2018: 24). Furthermore, settler colonial discourses, as conceptualized by Carroll, oppress those who are not white and whose gender identities do not conform to the colonial-enforced binary (Carroll, 2018: 24). It is important for Indigenous, feminist, and ally scholars to call out these settler colonial discourses in order to challenge, deconstruct, and resist them (Carroll, 2018: 24).

Due to the historical and systemic impacts of colonization on Indigenous peoples, Indigenous scholars coined the term ‘internalized colonization’, which is described as the learned pain and shame that many Indigenous people may feel because of their Indigenous identity in a colonial world (Million, 2013: 48). In this way, many Indigenous people feel that they are in fact different from the white colonizer and feel that their existence is valued less by colonial society (Million, 2013: 49).

In addition to being a byproduct of colonialism, internal/internalized colonialism is also a lens that many white people/settlers use, intentionally or unintentionally, to look at the world (Million, 2013: 173). Conceptualized in this way, internalized colonization relies on stereotypes about Indigenous peoples and is built from the colonial narrative that Indigenous people are “other” and therefore have less value than colonizers (Tuck & Yang, 2012: 4). Since these stereotypes and colonial narratives have been told and distributed countless times in many different forms of media, settlers may not even realize what they are saying, writing, or doing is in fact racist. Being racist unintentionally does not excuse people’s behaviour, however, it is important to recall that these discourses are at the foundation of Canadian and many other settler nations, where it is almost impossible to escape them. With this in mind, the concept of internalized colonialism will be particularly useful to analyze the MCP policy documents written by government (CSC) employees.

Decolonization

Decolonization has been conceptualized many different ways by different scholars in different fields of study. In this section, I defined decolonization from various scholars’ views including Fanon, Tuck and Yang, and Absolon. I have chosen these authors/scholars specifically

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for their distinct and clear understandings of the concept. Although I categorize them differently, they all highlight and prioritize justice for Indigenous peoples.

Fanon, Decolonization, and Violence

In Fanon's famous book, "The Wretched of the Earth", he explained how colonization was a violent process, therefore, to challenge the colonial order and to free themselves, oppressed peoples also need to use violence (Fanon, 1961: 51). Fanon also argued that colonization "created" different species of humans who have different intrinsic values (1961: 1). As a colonized person with black skin, Fanon saw and felt the effects of alienation. He advocated for politically motivated/focused violence, used as a "cleansing force" to reverse the brainwashing effects colonization had on colonized subjects, which made them think they were lesser than the people who colonized their lands (Fanon, 1961: 51). Fanon famously articulated that, "decolonization is always a violent event"; he claimed that reversing the inferiority complex forced onto colonized people, was in itself a violent process for one's self-esteem and self-worth (Fanon, 1961: 1). Through Fanon's understanding, decolonization, shaped by violent mental and emotional processes, makes colonized people learn/realize that they are not a different species from the colonizers (Fanon, 1961: 10). Although Fanon's conception of decolonization is well known and well cited, it seems like the hard work falls on the shoulders of the colonized people and not so much the colonizers. It seems there is also less emphasis on land ownership and Indigenous sovereignty, like other decolonial scholars prioritize.

Tuck & Yang: Land, Sovereignty, and Decolonization

Unlike Fanon's mental shifting approach to decolonization, Tuck and Yang (2012) viewed decolonization as more of a hands-on, actionable process (19). They critiqued other definitions of decolonization that are "metaphors" for the overall bettering of society (Tuck &

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Yang, 2012: 1). Instead of advocating for decolonizing our minds, methods, and schools, these scholars advocated for recognizing Indigenous peoples' struggles for sovereignty and prioritized the Indigenous scholars who theorized and advanced decolonial thinking (Tuck & Yang, 2012: 3). They argued that imagining decolonization as only a metaphor "recenters whiteness" and "entertains a settler future" (Tuck & Yang, 2012: 3). Tuck & Yang's understanding of decolonization centers land and land "ownership" where,

"decolonization in the settler colonial context must involve the repatriation of land simultaneous to the recognition of how land and relations to land have always already been differently understood and enacted; that is, all of the land, and not just symbolically" (Tuck & Yang, 2012: 7).

In this way, decolonization goes beyond thinking about how to better our society across difference, which is why they argued that decolonization is "necessarily unsettling" (Tuck & Yang, 2012: 7).

Absolon: Decolonizing the Mind, Spaces, and Places

In contrast, Absolon (2011) saw value in these so-called "metaphorical approaches" to decolonization. She argued that decolonization involves everyone accepting Indigenous knowledges, traditions, and ways of life as valid (Absolon, 2011: 142). For Absolon, an Indigenous searcher, as she calls herself, claimed she practices decolonization by "practicing [her] culture, learning [her] language, speaking [her] language, fighting ethnocentrism in education, research and writing, battling institutional racism, and the list goes on" (Absolon, 2011: 19). In this way, decolonization can take a form that anyone can take up and apply to their daily lives. In her book, *Kaandossiwin: How We Come to Know*, Absolon highlighted the extraordinary academic work by Indigenous scholars to push the Western higher education system to embrace Indigenous epistemologies and methodologies (Absolon, 2011). She urged academics to open their minds and to go beyond traditional research paradigms like Positivism,

especially if the searcher is Indigenous (Absolon, 2011: 140). She argued that Indigenous people's knowledges, epistemologies, and methods are valid, valuable, and unique, having much to offer the academy and to the world (Absolon, 2011: 146). Her personal goal was to advance Indigenous knowledge systems in mainstream education, which stemmed from her work as a graduate student, where her project focused on Indigenous methods and methodologies (Absolon, 2011: 19). She claimed that "decolonization is the common descriptor for unlearning racism and colonization and relearning and recovering Indigeneity", since colonialism has sought to erase, ignore, and devalue all traces of Indigeneity (Absolon, 2011: 101).

Despite my settler and non-Indigenous identity, Absolon's broad and inclusive definition of decolonization was most useful to me for this project because her understanding encourages the critiquing of colonial narratives and discourses, as well as highlighting Indigenous scholars and their work. Although I do not feel comfortable engaging Indigenous methodologies as a settler, I ally myself with the expansion and inclusion of Indigenous epistemologies and methodologies in the academy as a small step towards decolonizing the institution itself. Of course, I recognize that decolonization efforts put forth by profit-driven colonial institutions can only go so far, however making universities and other education spaces more inclusive and accepting can only be a good thing.

Motherwork: Mothering in Context

Like all aspects of life, motherhood itself does not occur in a vacuum; motherhood operates in the specific historical and location-based context as well as in tandem with structures of race, class, and gender (Hill Collins, 2007: 311). Although often invisible from Western feminist theory, an important aspect of Indigenous cultures is childbirth and childrearing, especially since the attempted eradication of Indigenous cultures in Canada (Udel, 2001: 43).

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Parenting is also an important concept for my project since some women have that opportunity in prison and others do not, based on their “criminal histories”, security classification level, ability as a mother, and so on. Patricia Hill Collins coined the term “motherwork” to explain the tasks mothers of colour do on a daily basis conceptualized as responsibilities rather than rights (Udel, 2001: 43). This term also reflects the belief that in order to have “individual survival, empowerment, and identity”, community/group survival, empowerment, and identity are necessary (Udel, 2001: 60). Hill Collins also wanted the term to lessen the sharp boundaries between “private and public, family and work, the individual and the collective, identity as individual autonomy and identity growing from the collective self-determination of one’s group” (Hill Collins, 2007: 313).

Indigenous women are highly respected in their cultures because they have the ability to procreate, which is something sacred (Udel, 2001: 43). In many Indigenous communities and spiritual belief systems, the Earth is considered a woman who sustains all forms of life; this belief centers women in their communities who are tasked with the responsibility of passing along their culture to the children in the community (Udel, 2001: 44). Due to these responsibilities and their central roles in society, Indigenous women had great power and influence over their communities (Udel, 2001: 45). After passing legislation like the Indian Act, Indigenous women were stripped of their power and it was handed to their white husbands (Udel, 2001: 45). This kind of legislation, and the underlying ideologies, were detrimental to motherwork since, in order to do this important work well, power and control are necessary (Udel, 2001: 45).

Many Indigenous women argue for reproductive autonomy, which they connect with empowered motherwork, to resist and combat genocide and assimilation (Udel, 2001: 47). They

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argue that motherhood and the ability to raise one's children without interference from non-Indigenous people, is a powerful political statement that celebrates Indigeneity and traditional ways of life (Udel, 2001: 47). For mothers of colour, motherwork,

“involves working for the physical survival of children and community, confronting what Collins calls the “dialectical nature of power and powerlessness in structuring mothering patterns, and the significance of self-definition in constructing individual and collective racial identity” (Udel, 2001: 50).

Additionally, motherwork calls for fostering a racial identity into children in a society that wishes they were white (Udel, 2001: 52).

This concept will help me to think about communal responsibilities Indigenous women have over individualist rights that white feminism often imposes on mothers (Udel, 2001: 43). It will also help to remind me of the collectivist societies many Indigenous peoples grow up in, where they are nurtured by multiple adults, rather than solely their birth mother. Viewing the policy documents in this way, may help to explain why Indigenous women cannot or do not use the MCP very often, despite their overrepresentation in prisons across Canada.

Coming Full Circle: Paradigms and Theory Working Together

IF, as described by Suzack (2015), work with the Critical Theory paradigm because their goals align with emancipation and justice, specifically for Indigenous and colonized peoples in this case. As explained above, IF, conceptualized in the modern tradition, focus on groups of people and consider those categories/labels important. For instance, IF, as I have described them, prioritize categories around gender, race, and ethnicity. These categories are prioritized because they allow people to come together to reach a common goal. This can even be seen in the name IF, where space is made for Indigenous women, their communities, and their unique struggles with colonialism are highlighted. In this way, people who identify as Indigenous and/or feminist

can be part of this wider social justice movement (Suzack & Huhndorf, 2010: 4). IF allowed me to focus on how the language in the MCP policy documents reinforced or challenged stereotypes and discrimination against Indigenous mothers, where the documents should be considered a subset of a settler colonial institution.

Ethical Considerations

As I mentioned above, I had some reservations about using IF as a main theoretical framework for my project mainly due to my non-Indigenous identity. However, this is complicated further by my belief that feminism and feminist theory is for everyone. Once I narrowed my research focus on the colonial roots of the documents specifically, I decided it would be important to cite Indigenous authors/scholars, to make sure to clearly explain my positionality, and the reasons why employing IF is so useful to my project. I agreed with Suzack and Huhndorf (2010) when they wrote that “Indigenous feminism needs to be shaped by Indigenous women” because no one knows about the experiences that Indigenous women face more than Indigenous women (4). Suzack and Huhndorf (2010), go on to say that IF also needs “alliances with Indigenous men and non-Indigenous people” to advance the movement and theoretical relevance/use (4).

A study that analyzed high school English curriculums for settler colonial discourses, conducted by a white researcher, helped me feel more comfortable about speaking out against mainstream white feminisms and taking on an anticolonial, decolonial, and Indigenous Feminist theoretical approach (Carroll, 2018: 23). Carroll explained that it is important as white people to see, name, and call out the settler colonial discourses in everyday media and texts because they continue the damaging colonial narratives about Indigenous peoples (Carroll, 2018: 26).

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In order to use this theoretical framework ethically and respectfully, I also needed to be reflexive and consider the immense privilege I have as a white settler who is middle class, able-bodied, heterosexual, and educated (Nelken, 1994: 7). As long as I was open and honest about my intersecting identities as a white settler, I did not claim to be Indigenous, and I cited the experts (Indigenous people), my use of the theory was justified. I did not think another type of feminism would allow me to analyze the MCP policies while taking colonialism into account as well as gender, like IF did.

Penal Moderation

Penal Moderation: A Philosophy or Theory in Motion?

As mentioned above, penal moderation is a perspective used to “imagine a criminal process that does less by adopting minimalist and merciful approaches to state sanctions” (Manikis, 2019: 207). This perspective, created by Ian Loader, is rooted in a public philosophy that is focused on the limitations, rather than the purposes, of punishment (Manikis, 2019: 208). This approach critiques harsh and punitive theories of retribution and approaches to criminal justice. In other words, ideas around penal moderation were used to “dampen the punitive rhetoric” affiliated with practices of incarceration in the United States, England, and Wales (Bosworth, 2011: 336). As discussions around human rights, including prisoners’ rights, expanded into public consciousness and debate, discussions around reductionist policies were replaced by the larger concept of penal moderation (Snacken, 2015: 398). When Loader (2010) argues that the English penal system specifically requires a public philosophy to guide it, he is saying people need to think about “why, and whom, and how, and how much ‘we’ punish” (Loader, 2010: 351). He articulates that a public philosophy seeks to spark “debate about the choices ‘we’ make in response to crime; to clarify what is at stake when a society decides to

punish, and to highlight what our choices say about who ‘we’ individually and collectively are” (Loader, 2010: 351). Loader argues that the role of a public philosophy of punishment is to “provoke and unsettle, to excavate suppressed or half-buried meanings, to propose alternative interpretations of current sensibilities and practices, to raise questions that a public culture has forgotten how to ask and signal their importance” (Loader, 2010: 352). When considering the English penal system as it stands presently, Loader argues that it needs a new philosophy that harnesses a rationale for “radically reduces the harshness and scale” for a “milder and smaller system” (Loader, 2010: 352). Loader therefore argues that penal moderation could be the answer to the increasing prison populations, harsher sentences, and poor conditions in state institutions. He claims that penal moderation is an alternative to the conservative, punishment centered approaches to criminal justice that focus on retribution and protecting law abiding citizens from “criminals”, as well as preventionist perspectives that believe the penal system should be a force for making good and turning around the lives of offenders (Loader, 2010: 353). In this way, penal moderation “resists the excess and pathologies of the former, while tempering the misplaced enthusiasm sometimes found among proponents of the latter” (Loader, 2010: 353).

In addition to outlining penal moderation as a public philosophy of punishment, Loader also offers two styles of moderation when considering penal decision-making: moderation-by-stealth and moderation-as-politics (Loader, 2010: 361). As an approach, moderation-by-stealth operates by avoiding engaging publicly with those whose opinions of punishment do not coincide with those of a penal moderate (Loader, 2010: 361; Snacken, 2015: 405). By purposefully avoiding conversations with the public around punishment, this approach does little to change public discourse (Loader, 2010: 361; Snacken, 2015: 405). However flawed, this approach does offer some short-term gains to change policy.

Loader argues that a public philosophy of punishment should be more in-tune with moderation-as-politics. In contrast, moderation-as-politics is explicitly committed to public debate and seeks to understand and influence people before turning to policy (Loader, 2010: 363; Snacken, 2015: 405). Stealth strategies do not account for the strong emotions topics like punishment and criminal justice conjure up, however, moderation-as-politics “seeks to challenge prevailing understandings of the meanings and place of punishment and engages the passions that crime and punishment provoke” (Snacken, 2015: 405-406). Although this approach can bring about further aggravation, it “carries a wider ambition and promise” where moderation becomes entrenched in institutions and culture (Loader, 2010: 363). Moderation-as-politics allows us to practice tolerance, forgiveness, and mercy and to think about the flaws and harms the current penal system has caused for so many and to imagine a better future where restraint, parsimony, and dignity become principles in practice (Loader, 2010: 363).

Penal Moderation Concepts

Penal moderation, as defined by Loader (2010) is based on three founding principles which include restraint, parsimony, and dignity. Briefly, restraint emphasizes the minimal use of punishment (Manikis, 2019: 207). Parsimony involves the belief that penal responses to crime can be ineffective (Manikis, 2019: 207). Lastly, the principle of dignity highlights the fact that justice-involved persons are still people who are worthy of humane treatment (Manikis, 2019: 208).

Restraint

While continuing to stand for the minimum in terms of delivering punishment, this principle in a public philosophy of punishment, according to Loader, also encompasses how society speaks about punishment (Loader, 2010: 353). By tapping into public discourse and

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consciousness about punishment, Loader argues that the moral ambivalence that many citizens feel about punishing becomes registered in the public debate (Loader, 2010: 353). The topic of punishment often brings out strong feelings of “anger, resentment, and a passionate desire to inflict harm” on the offender, or have the State do that for us, to reinforce our faltering notions of safety and our worldviews (Loader, 2010: 353). In addition to anger, punishment also brings up feelings of shame because it is an act by the State on one individual who broke the laws made by the powerful in society (Loader, 2010: 353). The State’s actions, in this way, should be restrained in terms of limits/controls and accountability (Loader, 2010: 353). In England’s case, often referred to a land of “sweet moderation”, penal moderation allows their citizens to think about how the current system “routinely violate[s]” their national values of tolerance, forgiveness, decency, and pragmatism” (Loader, 2010: 354).

This concept is helpful when thinking about the MCP and similar prison programs due to their locations. A penal moderate would understand the necessity of keeping mothers with their children even if the mother is incarcerated, however, they would prefer the criminal justice system to be used less, therefore they would advise such programs be offered in the community rather than within prison walls.

Parsimony

Loader (2010) argues that penal moderation also informs us of the limitations of penal systems and of punishment more generally (354). Although it starts from the point of view that some level of punishment is necessary, it also views the act of punishment as something tragic and futile (Loader, 2010: 354). In this way, penal moderation recognizes that prisons are failing systems in which penal moderates do not have much faith or hope in (Loader, 2010: 354).

Parsimony thus represents the idea that excess (building more prisons, harsher sentences, longer

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sentences, and fewer institutional programs) does not solve the “crime problem” and, in reality, contributes to it (Loader, 2010: 354). Instead of relying on excess, penal moderates argue for less, rather than more criminal justice involvement.

When taking on the pragmatic and economical argument, penal moderates remind the public that the penal system, as it stands, is extremely expensive and that it should be used sparingly accordingly (Loader, 2010: 354). Loader has observed that the English public have been more focused on restraint and how much things cost more than ever, which he believes makes a stronger case for penal moderation than ever before (Loader, 2010: 355). Other than simply focusing on the cost of the system overall, parsimony emphasizes the fact that “there [are] no penal solutions to questions of crime and disorder” and that in order to create a good and safe society, there needs to be more focus on “economic inclusion, moral education, social regulation, and dispute resolution (Loader, 2010: 355). Whatever the goals of punishment one is trying to achieve (retribution, deterrence, rehabilitation, or just deserts), the penal moderate believes punishment should be used as sparingly as possible (Loader, 2010: 355).

This concept of parsimony is useful to my project because it represents the idea that the current Canadian criminal justice system is failing and the same problems (racism, sexism, homophobia, transphobia) keep occurring throughout the entire process. Parsimony allows people to think about a society they want to live in- one without prejudice, violence, and pain.

Dignity

Lastly, penal moderation is built on the belief that all humans, including those who break the law, are entitled to respect, fair, and equal treatment (Loader, 2010: 355). Although the other principles could have an indirect impact on the way punishment is carried out as well as its scale, the principle of dignity directly shapes how people within the criminal justice system are treated

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(Loader, 2010: 355). This principle can be applied to the basic organizing principle of how “all those whose lives are embroiled in, and risk being (further) damaged by the criminal justice process” ought to be treated (Loader, 2010: 355). Penal moderates argue that this respect and dignity also be extended to convicted offenders because they are still humans and citizens and should be treated as such. Penal moderation thus reinforces the importance of human rights and harm reduction within penal institutions due to their coercive and vulnerable nature (Loader, 2010: 355).

The dignity principle is useful to my project because the MCP allows for eligible mothers to care for their children inside the institution despite their incarceration. It is important for me to think about the punitive environment in which these women and children are housed in, as well as the restrictions and surveillance they experience as a result of participating in the program, if they are eligible to participate at all. The dignity and respect principles are present for the program on paper where mothers are not restrained or handcuffed (arms or legs) when giving birth or after birth in the hospital.

These three elements of penal moderation (restraint, parsimony, and dignity) offer positive perspectives about the future of penal systems and punishment where “prisons [are] less central to how people think and feel about crime and its control, and [the attachment to the notion that there exists a penal solution to crime problems is loosened] (Loader, 2010: 356).

Penal Moderation & the Critical Paradigm

As mentioned above, penal moderation works within the modern framework because it still considers markers and categories as important for rallying together for their cause. For instance, penal moderate activists often work alongside antiracist activists due to the overlapping areas of concerns from both activist movements. This theoretical perspective also aligns with the

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goals of the Critical research paradigm, where emancipation is the main goal based on observed inequalities between many important identity markers including gender, race, class, and sexual orientation. Adding in penal moderation to my theoretical framework alongside IF helped me to see the societal trends that led to the changing of the MCP policy in ways that reinforced or challenged colonialism and carcerality (Saleh-Hanna, 2008: 418).

Conclusion

This project relied on IF as the main theoretical perspective to analyze the MCP policy, where it was conceptualized as a theory to address the intersections between gender, colonialism, race, and other systemic forms of discrimination (Suzack, 2015). By drawing on important concepts, such as decolonization and motherwork, and Indigenous feminist scholars including Kathleen Absolon and Kim Anderson, IF helped me to frame the MCP policy in the Canadian colonial context which was critiqued and problematized.

Additionally, Penal Moderation was added into the theoretical framework alongside IF due to their intersecting goals and foci on emancipation and social justice for all, especially the most marginalized. Penal moderation allowed me to connect structural and systemic forms of discrimination to the birth of the MCP as a reformist strategy of “corrections”, which may or may not actually address the roots of incarceration stemming from colonialism that led to the criminalization of mothers in the first place.

Chapter Four: Research Methodology

The Colonial History and Legacy of Research

Like many other institutions and practices, research itself is rooted in colonialism and imperialism (Tuhiwai Smith, 1999). Based on ethnocentrism, research on Indigenous peoples historically minimized and even dismissed their knowledges and ways of life, labelling them “primitive” and of lesser value in modern Western society (Absolon, 2011). Much of the research conducted by white European colonizers on Indigenous peoples, treated them as unintelligent research objects without agency or dignity (Tuhiwai Smith, 1999). Although research practices have advanced in the social sciences from counting how many seeds fit into Indigenous people’s skulls compared to white people’s skulls, ideologies underpinning Western research and what is considered valid knowledge remains (Tuhiwai Smith, 1999; Absolon, 2011).

With the widespread acceptance of Positivism as the threshold of modern scientific practice and validity, Indigenous epistemologies are typically automatically discounted as “real science” or knowledge by western perspectives (Tuhiwai Smith, 1999: 42). Briefly, Positivism posits that objects and the social world itself, including humans, can be understood through measurement (Tuhiwai Smith, 1999: 42). The goal of understanding and measuring objects in the environment are to control them in order to facilitate the human experience (Tuhiwai Smith, 1999: 172). Indigenous epistemologies do not coincide with this paradigm; Indigenous epistemologies prioritize relationality, community, and harmony where knowledge is shared with all living things (Absolon, 2011: 12). As a white settler, I cannot take on an Indigenous epistemology, however, I reject the Positivist paradigm and its assumptions. I contend that Indigenous epistemologies, traditional ways of life, and knowledges are valid and rich and that

they should not be neglected simply because history was written that way (Absolon, 2011; Pascale, 2011).

As demonstrated by the literature in my literature review in the previous section, Indigenous mothers, activists, and scholars are not the ones who are being asked about the experiences or the effectiveness of live-in parenting programs like the MCP. Those who conducted research in this area often operated from positivist paradigms and relied on problematic theories which were not representative of Indigenous family structures or parenting styles. When incarcerated mothers were asked about their experiences in the program by researchers, the mothers interviewed were usually white, thereby reinforcing the notion of who is considered a good mother or dangerous to their children. As mentioned in the literature review, Indigenous mothers have a hard time accessing the MCP due to the colonial structure of the CJS and the eligibility criteria of the program. The lack of academic literature by Indigenous scholars on this topic not only demonstrates the systemic barriers many Indigenous scholars face in order to graduate from a colonial post-secondary institution, but also the voices which are deemed valuable and who is considered capable of producing “real” research findings (Tuhiwai Smith, 1999: 5). Although I am not an Indigenous scholar, I hope this thesis continues or adds to the conversations about the systemic barriers Indigenous students face as well as the refusal to accept different ways of knowing in the academy (Absolon, 2011; Nelson, 2021).

Lisa Whitford’s Case

Lisa Whitford is an Indigenous woman whose mother struggled with an alcohol addiction and her mother’s boyfriend sexually abused her as a child (Miller, 2017: 10). Lisa began using drugs and drinking alcohol at the age of eleven and became homeless by the age of fourteen. At the age of seventeen she was violently sexually assaulted by someone she thought was her friend

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(Miller, 2017: 10). She came into contact with the justice system in 2006 when she shot and killed her abusive partner in British Columbia (Miller, 2017: 10). She was pregnant with his child at the time of the shooting. She gave birth to her daughter while on remand and after pleading guilty to manslaughter, and being sentenced to six years in prison, the judge and the local child welfare agency determined that she was allowed to keep her daughter with her in prison (Miller, 2017: 10).

The media got hold of this news and there was public outcry about a baby being inside a prison with a mother who killed someone. This outrage prompted the Minister of Public Safety to call for a review of the MCP which led to immediate limiting changes. These changes included,

“Excluding offenders from the program who have been convicted of serious crimes involving violence, children or those of a sexual nature; restricting the part-time program to children aged six and under, requiring the support of local Child and Family Services before the participation of an offender is approved, and re-evaluating the participation in the program of any offender who refuses to allow her child to be searched for drugs or other contraband before entering an institution” (Public Safety Canada, 2008: 2).

These changes to the program’s eligibility criteria would have made Ms. Whitford ineligible to participate in the program with her young daughter; these changes made it much more difficult for other women to be eligible for the program, especially for Indigenous women (Miller, 2017: 10).

Research Objectives and Questions

The following research questions guided this study: How has the MCP policy evolved over time? How have the policy changes represented a (de)colonial approach to criminal justice policy?

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The goal of this study was to explore the MCP through critical and anti-colonial lenses in order to detect and describe the discourses that involved (or excluded) Indigeneity and colonialism (Glesne, 2016: 42). By highlighting the potential systemic racism built into the program and in the policy documents themselves, this study's goals aligned with those of the Critical paradigm in terms of its orientation towards emancipation and equality (Glesne, 2016: 39).

In order to achieve these emancipatory and exploratory research goals, relevant data was required. The data chosen in this study was the CD 768 Institutional MCP policy from CSC, which outlined the program's goals, eligibility criteria for mothers and their children, as well as responsibilities of other institutional actors (MCP coordinator, wardens, primary workers, etc.). As critical discourse analysis requires, my research questions focused on the evolution of discourses over time, therefore all available final versions of the CD were collected for analysis.

Unlike positivist quantitative studies, qualitative research does not ensure its validity and reliability through statistical tests or specific scores (Bochner, 2018: 362). However, qualitative studies, and the researchers who conduct them, still need to think about how to produce quality research designs that yield rich and ethically obtained results (Bochner, 2018: 361). In this way, I could not argue that the discourse analysis conducted ensured overall validity for the project or that it accurately reflected reality (Parson, 2016: 107). Since qualitative research in general, and discourse analyses, are subjective interpretations of data (texts, images, speech), those interpretations cannot be expected to be universally held (Parson, 2016: 107). James Paul Gee, a leader in discourse analyses, claimed that valid findings from a discourse analysis can be argued if the analysis meets four elements: "convergence, agreement, coverage, and linguistic details" (as cited in Parson, 2016). This project met Gee's requirements in the following ways.

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Convergence was achieved by asking myself various types of questions about the data and their purpose (i.e., What do the documents mean, what is their intended purpose, who is the intended audience, were the documents clear or successful in attaining their purpose?). I was committed to looking at the data through my theoretical lenses and the overall Critical paradigm, therefore the questions I asked myself were answered in a similar manner, resulting in similar answers. If an answer to a question fell off the track of my theoretical frame, I took note of this in my notebook and re-read my research questions and research goals to recenter myself. For instance, I found myself answering the questions in a positivist manner early on in this process and I had to remind myself that this was not how my project should proceed.

The project meets the requirement of agreement internally since all the building blocks of the research work together- from the paradigm to the research questions, to the data, theories, and method of analysis. Agreement was also achieved externally from engaging with peers in my classes, professors of mine, and my supervisor, Sylvie.

In order to explain the coverage of the research, I was open and honest about the small scope of this project. It should be noted that the analytical scope of this project is specific to Canada and the MCP policy specifically. My findings cannot be generalized to all mother-child, prison-baby programs around the world, as the discourses, and the changes in the discourses, are specific to the location and social context in which they were created (Schreier, 2018: 3).

Lastly, Gee argued that analyzing linguistic details within the data set is required for discourse analysis findings to be considered valid. Although the actual grammatical structures of the policy (all final versions) were not the main focus of my specific discourse analysis, I paid attention to the vocabulary used within the texts as well as the layout of the documents in terms of spacing, what was bolded, underlined, and quoted. This helped me answer some questions

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about the purpose of the document (who it was created for) and how it is meant to be received by the reader.

Since I decided to conduct a discourse analysis, which are subjective in nature and structure, I wondered how my findings would be judged as valid or invalid by the academic community, however, Gee provided four key requirements that lead to a trustworthy discourse analysis. Tracy (2010), another influential qualitative research scholar, wrote about how to produce quality qualitative research more generally.

Tracy (2010) outlined eight key criteria that form the foundation for a quality qualitative study. These included: a worthy topic, sincerity, significant contribution, ethics, meaningful coherence, rich rigor, credibility, and resonance (Tracy, 2010). My project met the requirement of worthiness of topic since there is not much existing research on the MCP; the little research out there is quantitative in nature focusing on the number of participants the program has had over the years, and my research is timely because the numbers of incarcerated women in Canada are rising.

This project met the sincerity requirement because this project developed from a place of curiosity. Once I learned about the program and how few people participate in the program, I was open about the possibilities of the program and of the research itself. I was reflexive and honest about the goals of my study and the many challenges I faced along the way. The project's sincerity can also be seen in my thorough ethical considerations and my strongly rooted theoretical commitments by prioritizing Indigenous voices and working toward decolonization.

This project and its findings serve as a significant contribution to the field because it adds to the knowledge base about this prison program, how it came to be, and how it changed over

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time. My research also coincided with the government's alleged commitment to reconciliation between the government and the Indigenous Peoples of so-called Canada. My findings demonstrate that many changes still need to be made in order to heal and move forward as a society.

As mentioned above, my research put a strong emphasis on ethical considerations even though I worked with documents instead of humans. Due to my feminist orientation and my own identity as a white settler, I needed to think about the ethical dilemmas and commitments this project should/could have. My discussion of ethics can best be seen when I discuss my hesitancy about employing IF as a white settler. In order to use these theoretical positions respectfully, I needed to be honest about my identity and all its intersections, as well as question the stereotypes I could subconsciously hold about Indigenous Peoples or incarcerated populations. Systematically, I needed to think about how this project could influence Indigenous communities, how it could be received by Indigenous communities, how it could influence incarcerated mothers, their families, and CSC.

The project met the meaningful coherence requirement because I read through my dataset many times before coming up with themes and discourses. While I was reading and taking notes in the margins, I was sure to have my theoretical framework in mind so that all aspects of the research and findings were in line with one another.

My research was done in a rich and rigorous manner because I had to think about how everything came together in terms of paradigm, theories, data, and methods (collection & analysis). When conducting research for my literature review, I needed to come up with an organized downloading, filing, and naming system so that I could easily retrieve articles and studies to re-read and reference them. Although this seems trivial, naming the articles so that I

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could find them when I needed them was an essential part of the literature review process. Once I had a system that made sense to me, I did not waste time struggling to find an article to check how to correctly spell the author's name or to remember which method they used. This early organization lesson also proved useful when dealing with my own data. Since I had printed my data, I used different coloured highlighters to represent different codes and themes which made sorting through the data at the end much easier. Since I analyzed documents, I needed to remind myself that I could not know for certain what the author of the document was thinking when they created the document; I needed to resist the urge of speaking for the documents and the creators. I did that by reminding myself I was looking at discourses instead of conducting interviews with the creators. As typically required by discourse analyses, I conducted research about the social context the MCP policy was created in as well as important societal changes about the CJS and the program over time. I connected my data to outside events and organizations like the OCI (annual reports), the Whitford case, and residential schools to ground my findings in concrete events to track the discursive changes and shifts.

For Tracy (2010), credible research is research where you can trust the findings. Before the data collection process started, I needed to think critically about the credibility of CSC's ATI requests as a process because I could have received different information (documents) if a different employee took care of my request. I also had to question CSC's transparency when they blocked out information using black rectangular boxes in my dataset. In order to have a credible research project, I made sure to give detailed descriptions of what was done and why. I was transparent about my thought process behind all decisions as well as the challenges I faced throughout the research process.

Finally, Tracy (2010) described resonance as the transferability of findings and whether the findings enrich other perspectives on the subject. My project achieved this by adding to the literature on the MCP itself, Penal moderation, and IF. This unique approach highlights the colonial nature of the prison system in so-called Canada, the necessity of keeping mothers and their children together despite criminalization, and views the MCP as an intermediate step towards penal moderation.

By being flexible in the process of this study as well as being open, honest, and reflexive about my overall experiences and struggles, this allowed for the emergence of quality qualitative research, based on the chosen critical paradigm and theories within it.

Methods of Data Selection & Collection

In order to answer my research questions and fulfill the goals of this project, existing documents were collected as data to be analyzed. These documents included final versions of the MCP policy, an internal program review of the program, briefing notes, memorandums, and emails exchanged from CSC's Women Offender Sector (WOS) employees and journalists where the MCP was discussed. The MCP policy was created to guide and limit the responsibilities of institutional actors, incarcerated mothers, and their children. The policy covers important protocols including searches of mothers and children, leaving the prison grounds, eligibility criteria for mothers and children, and more. The briefing notes and memorandums about the MCP policy were made for internal awareness for CSC staff about important changes to the program they could learn about quickly without having to read the entirety of the policy itself. These documents were also used in meetings with CSC staff. The emails I asked for were from journalists and reporters who asked questions about the program including how many mothers participated in the program historically and presently. There were also a few emails from and

between CSC WOS staff where changes to the program were discussed and meetings were arranged.

Sampling

Like most discourse analyses, this study used purposive sampling as the sampling technique because I requested specific information about the MCP that spanned a specific period of time (1996/1997-2020) (Schreier, 2018: 5). Since the main focus of my research questions was on the same policy after it had undergone reviews, I planned my sample in advance. With that said, I could not know for sure what CSC would end up providing me with, however, I had to plan what to ask for in advance. I was also flexible to other concepts emerging from the data whereby I was open to having to collect more and different types of data until theoretical saturation occurred in the sample. In line with the Critical Theory paradigm, purposive sampling allowed me to focus on the social contexts which brought about the birth of the program as well as the cultural shifts and corresponding changes to the program which were made over the years (Schreier, 2018: 5).

In the summer of 2020, I sent an ATI request (Access to Information Request) to CSC's Access to Information and Privacy Sector. I did not learn how to make an ATI request in any of my classes, so I needed to figure that out on my own. I went on CSC's website and found the page about ATI requests. There were two pages I found on their website on this topic, one said I could submit my request online and the other said I had to send it by mail. However, both indicated that I needed to pay a small (\$5) fee in order to receive the documents I request. I did not know what a money order was, they did not accept e-transfers or cash, and I do not have cheques of my own, so I had to ask my dad to write a cheque for me addressed to the Receiver General of Canada. I downloaded the ATI request form and completed it on the computer (see

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Appendix B to view completed ATI request form). I indicated that I was a master's student at UOttawa with Sylvie Frigon as my supervisor and that I was doing a study on the MCP to see how it changed over time. I indicated that I wanted the following documents/records for analysis:

1. All final versions of CD 768 (Institutional Mother Child Program) from January 1st, 1996 to present date,
2. Statistics (official numbers) illustrating mother and child participation in the Institutional Mother Child Program from January 1st, 1996 to present,
3. Meeting notes/minutes from meetings held by the lead program senior policy officer regarding the development of the Institutional Mother Child Program dating from January 1st, 1996 to December 31st, 2005 in the Women Offender Sector,
4. Meeting notes from meetings held by the lead program senior policy officer regarding highlighting changes to CD 768 (Institutional Mother Child Program) from January 1st, 1996 to present.

An employee in the Access to Information and Privacy Division emailed me back and explained that they did not keep statistics or numbers on how many people have participated in the program, that the meeting notes about the development of the program could not be provided because the "retention time" had passed, and meeting notes about the changes to the policy could not be provided because many of them were written on physical CD print outs and were not accessible due to Covid-19. However, the person filling out my request kindly provided me with all the policy bulletins for CD 768, which outline major changes to the program, which were highly useful and helpful. Without really knowing what else to ask for or say, I emailed back asking them to provide me with any relevant information that they had access to. I printed my form and put it together with my dad's cheque in the mail and mailed it off to CSC headquarters.

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A few months later, I was emailed 7 “packages” of about 50 pages each of data including all the final versions of the CD (2001, 2003, 2016, and 2020), policy bulletins for each year mentioned above, which highlight the major changes to the policy, briefing notes to various high-up officials including the Solicitor General, and memorandums to the Commissioner and Executive Committee Members. I also received some emails to and from CSC staff as well as journalists inquiring WOS staff about the MCP.

Qualitative Research, Data Collection, and ATI Requests

ATI requests have been overlooked as means of data production in many social science disciplines, including political science, sociology, and criminology (Walby & Larsen, 2011: 31). ATI requests allow researchers, and everyday members of the public, to request unpublished information from government agencies (Walby & Larsen, 2011: 31). Researchers from various disciplines have historically deemed this kind of inquiry for journalists, rather than academic inquiry that yields rich data and valid findings (Walby & Larsen, 2011: 31). There are different laws and practices for ATI requests around the world, however, in Canada, the applicant must pay a five-dollar fee to the ATI office at the particular agency of interest (Walby & Larsen, 2011: 31). This method of accessing documents is beneficial to researchers, and citizens alike, because they can obtain documents that have not previously been made public. By allowing individual citizens, organizations, and researchers, access to unpublished documents of interest, government accountability is reinforced (Walby & Larsen, 2011: 31). Although immersing oneself in the organization is the best way to see the inner workings of government organizations, this may not always be possible if they do not allow researchers access or they have security concerns (Walby & Larsen, 2011: 32). When immersion or shadowing is not possible, ATI requests are the next best thing to see how the employees work and how the organization/sector changed over time

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(Walby & Larsen, 2011: 32). Researchers who access information from ATI requests can produce longitudinal data of that particular organization in regard to “government activities and collectively disrupt government discourses, policies, and practices that they find alarming” (Walby & Larsen, 2011: 32). Walby and Larsen (2011) argue that “Researchers who focus on health agencies, educational agencies, financial agencies, or any other kind of governmental agency that produces texts and that does not make them all a matter of the public record could benefit from using ATI/FOI” (33). They also argue that the subject area for ATI requests and qualitative research are vast- from policing and security to health and finance- any government agency that “creates policy and enact[s] governance through texts in any other governmental sphere could be investigated using ATI/FOI requests” (Walby & Larsen, 2011: 33).

Interestingly, ATI requests can be used to produce information on three levels of government agencies: texts themselves, work, and organizations (Walby & Larsen, 2011: 33). There are several types of texts researchers can obtain through ATI requests; these include texts that directly govern government employees, texts that govern subject populations, and internal correspondence texts that are rarely made public under normal circumstances (Walby & Larsen, 2011: 33). The element of work can be analyzed through documents obtained in ATI requests since the documents need to be transcribed, typed, archived, edited, translated, and distributed by government employees (Walby & Larsen, 2011: 34). The completion of an ATI request itself requires government employees to search through archived documents and files to find relevant information the researcher asked for. Lastly, ATI requests and the information obtained from them, can shed light onto the networked organizations. Government agencies rarely create documents on their own; approvals from other organizations or sectors are often required for the final copy of a document to be completed and accepted (Walby & Larsen, 2011: 34). The

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networks and connections/tensions between government agencies can also be explored through ATI requests.

In addition to providing researchers with detailed insight and rich data on the inner workings and discourses being used in/by government agencies, research that uses ATI requests as the method of data collection, also prioritize reflexivity (Walby & Larsen, 2011: 35). There are many definitions and understandings of this concept, however, it generally means that a researcher provides an account of how they produced their data and the final conclusions from their study (Walby & Larsen, 2011: 34-35). Walby and Larsen argue that reflexivity intersects with ATI requests as a research strategy in three ways: the wording of the request, the negotiation of terms for requests with ATI coordinators in government agencies, and the necessary follow-up with the ATI unit about the production process of texts and the document collection process for ATI requests (Walby & Larsen, 2011: 35).

The wording of a request is very important because it is what the ATI coordinator uses to search for records. Since I had never done an ATI request before, I struggled with the wording of the request and worried I was not being specific enough but too narrow at the same time, where the employee would not find any relevant documents for my request. I knew that I wanted to see how the program changed over time, therefore I knew my time range of interest would be from 1996-2020. I ended up asking for all the final versions of the policy, official numbers of participation in the program for mothers and children since 1996, meeting notes/minutes for the development of the MCP, and meeting notes/minutes about changes to the policy from 1996 to 2020. Looking back, perhaps I could have been clearer in what I was looking for, but at the time I made the request, I was not entirely sure what CSC would have on this program and what I would actually end up getting. I think for my first time, my request was clear enough and

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specific in that I noted what kind of document I wanted (CD, statistics, and meeting notes) and the time range I was interested in exploring (1996-2020). Secondly, during the ATI request process, government employees working in the ATIP sector often respond back to an ATI request and change the wording of the request or ask for clarification on what the applicant wants to receive (Walby & Larsen, 2011: 35). Establishing rapport and showing mutual respect is important because the ATI coordinator is helping the researcher on their quest to obtain information. It is possible that the researcher may feel pressured to narrow the scope of their search or to change the wording of their request when an ATIP employee pushes back, however, not all interactions are harmful, and communicating with ATIP employees can provide valuable insight into their jobs, work environment, and the organization overall (Walby & Larsen, 2011: 35).

At the end of July 2020, an ATIP employee emailed me back after my request had been sent; they wanted to clarify what kind of documents I was looking for, and wanted to inform me that not all the records I asked for could be obtained. This response was included in the email:

“Our Office of Primary Interest has notified us that some of the records related to this request are located at one of our physical offices. Unfortunately, due to the current pandemic we are unable to retrieve these records at this time. Accordingly, we are contacting you to ask whether you would be willing to exclude physical copies that are unattainable at this time in your request text? If you agree to exclude this information, you can submit a new request with the fee waved in the future for these missing records.”

Upon reading this email, my response indicated that I was aware of this, and I would still like to proceed with the request with digital documents that they could find. In late August, I received a clarification request pertaining to my second point in my request. They wanted to know if my inquiry into “statistics” for mother/child participation in the MCP were equivalent to “official numbers”, to which I agreed. When discussing and clarifying my request with the ATIP CSC

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employees, I was sure to be polite and respectful and prompt in my responses to ensure the request would continue to move forward for my own gain, as well as to not waste the ATIP coordinator's time.

The third and final way Walby and Larsen (2011) use reflexivity when conducting ATI requests is through the follow-up process with additional ATI requests looking into how the initial request was managed (36). Agencies keep records of ATI requests and assign them each file numbers; subsequent requests can be made to receive all correspondence about the request including emails from the ATIP coordinator and the sector/department in the government agency of interest (Walby & Larsen, 2011: 36).

I wish I had found this article before I had done my ATI request because I did not think to do another request about the actual request process itself. If I were ever to do another research project where ATI were used, I would ensure to do this step to demonstrate how the request was dealt with. Other than simply not thinking about doing this at the time and being new to ATI requests, I also worried if I completed another request (asking for hard copies, for example), that it would take too long for the ATI coordinator to get back to me and I would not have all my data to begin the analysis process, since my request took several months to complete.

In addition to making good use of reflexivity as a concept, ATI requests are also beneficial for expanding the reach and scope of discourse analyses (Walby & Larsen, 2011: 38). Walby and Larsen posit that combining ATI requests and discourse analysis gives a full picture of how government agencies manage their image and their public relations (2011: 38). This unique combination of methods allows researchers to compare data produced through ATI requests and media material to see how specific government agencies control, shape, and manage discourses. The information pulled from media sources analyzed through a discourse analysis

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could be used to produce the wording of ATI requests which can then be the basis for analysis for future government information releases on particular topics (Walby & Larsen, 2011: 38). Thus, this kind of search allows researchers to examine the official discourses and how they are molded within the agency. They argue that ATI requests and discourse analyses should be used to study the production of official discourses and the changes in the production process of discourses in organizations (Walby & Larsen, 2011: 38). Once ATI requests and discourse analyses are used in conjunction to outline what discourses an organization pushes forward and how these discourses are constructed, researchers can continue this pattern of searching to explore longitudinal patterns to see how/if discourses in the government agency change over time (Walby & Larsen, 2011: 39).

In addition to expanding the reach of discourse analyses as a method for qualitative inquiry, ATI research can prove to be representative of Tracy's eight criteria for quality qualitative research (Walby & Luscombe, 2017: 537). To review, Tracy (2010) outlined eight criteria for quality qualitative research to replace the requirements imposed on researchers by the scientific method and quantitative research in general (validity, generalizability, and reliability). Tracy's eight criteria are as follows: worthy topic, rich rigor, sincerity, credibility, resonance, significance, ethics, and meaningful coherence.

Although a worthy topic may seem like a simple enough criterion to fulfill, few could deny the worthiness and richness of possibilities of ATI research (Walby & Luscombe, 2017: 542). The information produced through ATI requests are more than documents; these requests show how they were produced and how the agency produces discourses around certain topics. Information received from ATI requests can also be very timely and these requests allow researchers to analyze an event and the government's response to that event in the now (Walby

& Luscombe, 2017: 542). ATI research also allows researchers to be surprised and challenge their own assumptions about how the world functions by analyzing the underlying or explicit meanings in government documents (Walby & Luscombe, 2017: 542).

Secondly, ATI research allows for rich rigor because it involves careful planning, down to the wording of the requests and the time they are sent out to the organization (Walby & Luscombe, 2017: 543). Information from ATI requests can also be analyzed in many ways using different theoretical perspectives and methods which could potentially lead to interesting or controversial discoveries. Due to their deep-diving internal nature, ATI requests also allow researchers to analyze the value-laden texts and uncover taken-for-granted assumptions about groups of people or ways of life (Walby & Luscombe, 2017: 543).

Thirdly, Tracy highlights the criteria of sincerity. In order for one's research project to be conducted in a sincere nature, Tracy argues researchers must be reflexive and transparent about their research process (Walby & Luscombe, 2017: 543). ATI research also requires this transparency from researchers with the government agency itself and the research audience (Walby & Luscombe, 2017: 543). In order to achieve sincerity in their qualitative research using ATI requests, researcher should keep detailed field notes about their requests and their experiences with the ATI coordinator(s).

Fourthly, Tracy highlights credibility as an important quality researchers should achieve (Walby & Luscombe, 2017: 544). Credibility refers to trustworthiness and plausibility of results. It is important to first consider this quality when thinking about the information produced from the ATI request itself; not all documents are designed for public release and they may take this into account when completing requests (Walby & Luscombe, 2017: 544). Additionally, it would be unrealistic to imagine organizations being completely transparent with researchers or others

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who fill out ATI requests. Information is often redacted and blocked out or different ATIP employees filling out the same request with the same wording may send different documents that meet the outlined interests.

Tracy also highlights how it is important for qualitative research to attain the quality of resonance; whether findings are transferable or if they enrich related empirical or theoretical perspectives (Walby & Luscombe, 2017: 544). ATI research can deepen empirical and theoretical perspectives on government practices and discourses of the state (Walby & Luscombe, 2017: 544). ATI research can also challenge longstanding theories of the state as a “monolithic entity” to show the messiness and complexities behind the discourses government agencies show the world (Walby & Luscombe, 2017: 544). In addition, information from ATI requests often invokes strong emotions from readers because they could involve unlawful activity and unjust practices (Walby & Luscombe, 2017: 545). These strong emotional reactions from ATI applicants, and readers of their findings, could invoke political action for change.

Tracy’s sixth criterion is significance. Information produced from ATI requests are significantly valuable to qualitative researchers in many fields of study because they show and chronicle the actions, decisions, and displayed discourses of government agencies (Walby & Luscombe, 2017: 545). Unlike interview transcripts, information from ATI requests is produced by the agency and for the agency, in their unique and original format, which could be analyzed by researchers. ATI research is also methodologically significant because it is a relatively new method of inquiry for qualitative social scientists (Walby & Luscombe, 2017: 546). Due to this method’s relatively new nature, this leaves many avenues to be explored by researchers to maximize ATI’s abilities and impacts on the social sciences.

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The seventh criterion Tracy outlines is ethics. Unlike research with human participants like interviews or medical studies, document studies using ATI as the method of data collection do not require participant consent forms or approval from ethics review boards (Walby & Luscombe, 2017: 546). ATI research calls longstanding ethical quandaries into question such as “participant” consent, online ethics, deception, and more. Researchers who use ATI requests as methods of data collection must consider whether it is ethical to use their field notes from informal interactions with ATIP employees filling their request. They also need to consider the ethical responsibilities they have as a researcher and a citizen if they should divulge proof of unlawful or unjust treatment of certain groups of people (Walby & Luscombe, 2017: 546). In this way, the researcher becomes one citizen against a large and powerful organization, where the power structure is most likely reversed from other research method inquiries. Walby and Luscombe also highlight the importance of being respectful and kind with ATI coordinators filling your requests, since they are under orders from a higher-ranking employee and could lack the proper training (Walby & Luscombe, 2017: 547). Walby and Luscombe remind us that “just because an ATI/FOI coordinator blocks access to particular records by generating an abnormally high fee estimate does not mean that person is protecting the agency on ideological grounds” (2017: 547).

Lastly, Tracy outlines the criteria of meaningful coherence, which looks at how a study and all its parts “hang together” (Walby & Luscombe, 2017: 547). ATI research can be used with many established research methods and theories commonly used in the social sciences. Meaningful coherence is also achieved when researchers use new concepts in the literature about ATI research; the more a new/original concept is used by other scholars, the more well-known

and understood it becomes, thus expanding ATI research in and of itself (Walby & Luscombe, 2017: 547).

As demonstrated by my overview of Walby and Luscombe's (2017) article, ATI research used in qualitative research in the social sciences embody Tracy's (2010) eight criteria and make for a rich and worthy method of inquiry for many fields of research.

Despite the many advantages ATI research offers qualitative social scientists, there are some downsides to this approach that should be considered at all steps of the research process. Unlike many other qualitative research methods of data collection, ATI requests have a built-in access gate where the ATI coordinator has the key (Walby & Larsen, 2011: 35). In this way, researchers who use ATI requests need to rely and count on the ATI coordinator filling their request. Similarly, the act of filling out a request and sending payment to receive records from a government agency does not necessarily mean all possible related records will be received nor done so in a timely manner (Walby & Larsen, 2011: 35). With this method, researchers relinquish control over the search for data and wait until the ATI coordinator sends them a clarification email or their result packages. Depending on the wording of the request and its contents, completing the request could take months before the researcher/applicant sees any documents/data. Full disclosure is often not possible due to internal mechanisms where names and other personal information is redacted from the documents (Walby & Larsen, 2011: 35). Researchers also need to consider the possibility of other types of information being hidden from them to protect the agency or people working within it. ATI coordinators can also flag specific ATI requests that ask for particularly sensitive information or information the agency does not want to divulge (Walby & Larsen, 2011: 35). These flagged requests are also recorded in the

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agency's system and requests could be ignored or done half-heartedly if an applicant is flagged too many times (Walby & Larsen, 2011: 35).

Despite these challenges of ATI research, I thought the benefits outweighed them for my own project. Unable to turn to live participants, I turned to documents to outline the changes to the program over time. Since I needed to look at raw material (the CDs) from CSC, I decided to complete an ATI request. I knew there could be some variation in terms of the documents I would receive based on who completed my request, so I worded my request as simply and clearly as I could at the time. An ATI request allowed me to see the discourses CSC displayed to the world and the contradictions within them. By accessing the same document over its lifetime, I tracked the significant changes to the program, especially highlighting the eligibility criteria. I waited months before receiving my document packages from CSC, and I became worried they had lost my request, or I would not get my data in time to properly analyze it. If I were to ever complete another request, knowing what I know now, I would do it more in advance to avoid wasting time. I do not think my request was flagged; however, I could not be sure. I can report that I did not have issues with the ATIP coordinator; we were both polite, respectful, and prompt in our related inquiries (clarifications). Overall, I think the ATI request, and the information from it, provided me with rich data and a method to achieve quality in my scientific inquiry. Using ATI research in addition to the FCDA allowed me to consider the context of the documents and their histories with a colonial state like Canada. The use of ATI research also pushed me to think critically about Tracy's criterion for good qualitative research and how to best reach those goals as a novice researcher.

Method of Inquiry

Social Context

To track the societal and contextual changes about the program, I conducted a search of Canadian newspapers using the Canadian Major Dailies database. I searched “mother child program in prison” and looked at the results from the years 1997-2020. I looked at each year separately and wrote down the titles of the articles, the newspapers in which they appeared, and the author of the articles to provide context and to create a timeline/visual map of the program’s media attention. This search was also very useful to highlight the language the journalists used to speak about the incarcerated mothers in the program, especially if they were involved in famous or controversial cases (refer to **Figure 1** in the **Appendix** to view the timeline/map of the MCP and the relevant social context over time).

I also collected all annual reports from the OCI from their website from 1997-2020 to track any recommendations made to Corrections concerning Indigenous/Aboriginal Offenders, women offenders/federally incarcerated women, and the MCP.

These data were selected to demonstrate the changes to the program over time while acknowledging the cultural shifts in Canada as well (Lee, 2000: 85). The written policy documents, program review, briefing notes, memorandums, and emails allowed me to see how the policy changed over time and how incarcerated mothers, Indigenous mothers, and live-in prison parenting programs were imagined by people in the general population, as demonstrated through the newspaper articles (Noaks & Wincup, 2004; Prior, 2004; Bowen, 2009; Clark, 2014; Kellehear, 2020). I asked for all the final versions of the policy to properly track the changing constructed discourses. I also knew there were not too many versions, since reviews and changes are only made after a few years, therefore the number of versions of the policy to analyze was

manageable in the MA program timeframe. I analyzed the policy in its 2001, 2003, 2016, and 2020 versions. I also analyzed the internal review of the MCP from 2008 and a memorandum about program changes that took place in 2008.

Discourse Analysis: The Study of Language-in-use

Discourses are semiotic ways of representing the world including language used in talk and text. As social constructs, that are contextually relevant, discourses have significant ideological impacts which can shape, support, and challenge unequal distributions of power (Fairclough & Wodak, 1997).

A discourse analysis was conducted using the textual data. Discourse analyses focus on language and the meaning that language has in everyday life (Starks & Brown Trinidad, 2007: 1374). Discourse analyses and other discursive approaches see language as value-laden, rather than neutral (Makoni, 2013: 205). These policy documents, like all other written forms of communication, were created for specific audiences whereby a particular political project was supported through the use of specific language (Starks & Brown Trinidad, 2007: 1374). Discourse analyses focus on how language creates and reinforces the status quo, identities, and “the negotiation of social and political interaction” (Starks & Brown Trinidad, 2007: 1374). This specific characteristic of discourse analysis particularly appealed to me for this project because this method allows connections to be made from general discourses in society to textual data and vice versa. For instance, how the general population views Indigenous mothers, and incarcerated Indigenous mothers more specifically, could be reflected in CSC’s MCP policy and other policies for incarcerated women. In other words, the discourses around Indigenous women and mothers found in society should partially be reflected in CSC’s MCP policy. Another important aspect of discourse analysis is that this method allows for a backwards-looking historical

approach to language and concepts (Starks & Brown Trinidad, 2007: 1374). Discourse analysis allows researchers to track how discourses and language change over time about particular topics and subjects, which is key to my research questions.

There are many types of discourse analyses where different scholars conceptualize discourses, methodologies, or methods of analysis differently (Phillips & Hardy, 2011). Discourse analyses have different definitions or understandings depending on who is asked, and which discipline they were trained in. For example, discourse analysis is a popular method in linguistics where sentence structures, punctuation, and word choice are all important for analysis (Coulthard, 1987). Although the ways in which words are strung together to make sentences is important, this is not the focus of this specific project. The nature of this prison program, and this project more specifically, orients itself towards a critical feminist perspective of discourse which takes gender, race, ethnicity, spirituality, and culture into account and prioritizes these identity markers (Jiwani & Richardson, 2011: 2).

Feminist Critical Discourse Analysis (FCDA)

Although some scholars argued there is not one method of analysis called a ‘feminist critical discourse analysis’ due to the many forms of feminisms and the equally numerous conceptions of discourse (Bucholtz, 2003: 43), this project used a FCDA approach popularized by Lazar (2005, 2007). FCDA is a method of analysis that is interested in analyzing language to see how it maintains and upholds hierarchical systems of oppression (Lazar, 2007: 141). Its goal is to demonstrate how forms of oppression, including sexism, racism, homophobia, transphobia, colonialism, etc. are produced, maintained, reinforced, and challenged through language in different contexts (Lazar, 2007: 142). It is an approach that assumes texts and talk were produced in a patriarchal context (Dalton, 2019: 3). Additionally, FCDA is a method and an approach that

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calls for political action whereby emancipation is the main goal (Lazar, 2007). Lazar outlined five key principles that define and guide FCDA (2007). These include feminist analytical activism, the recognition of gender as an ideological structure, the complexity of gender and power relations, discourse in the (de)construction of gender, and critical reflexivity as praxis (Lazar, 2007: 145-152). Briefly, feminist analytical activism implies achieving justice by critiquing discourses of gender, oppression, and power. In this view, a just society would be one where gender did not determine or influence how humans interact with one another (Lazar, 2007). Therefore, the analysis of discourse peels back the layers of the makeup of our society to expose the oppressive systems, structures, and relations that feminists and activists alike, continue to oppose and change (Lazar, 2007). The theoretical feminist perspective informs the inquiry as a lens and a political goal. My project aligns with this first principle because I am committed to achieving justice and equality by naming and critiquing the discourses in the MCP policy that could result in unfair treatment of some mothers.

Secondly, FCDA recognizes gender as a discriminatory organizing structure in society created to segregate men from women where men experience greater privileges (Lazar, 2007). The gendered nature of Western society can be seen through the use of pronouns where “he” and “man” are the default in the English language, which makes women invisible (Lazar, 2007: 146-147). It should be noted that this gendered organization of society is in no means natural, nor are the associations between gender and sex, whereby only two options are made available (Lazar, 2007). FCDA critiques this seemingly natural patriarchal organization of society and acknowledges how gender is an ideological structure that humans have given meaning to and have reinforced through discourse (Lazar, 2007). This project aligns with this second principle

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because, like gender, colonialism is an organizing structure that is seemingly natural; my project critiques this in the form of text and language.

Thirdly, FCDA pushes researchers to consider the complexity of gender and power relations. In order to do this, one must look to the differences and diversity among women and men across cultures and time (Lazar, 2007). Additionally, FCDA allows researchers to identify the hidden, but powerful gendered behaviours and structures of daily life, which are repeated and mirrored back to us by human actors and in the media (Lazar, 2007). Moreover, some feminist theories have expanded their focus from solely on gender to other systems and structures of oppression, including race/ethnicity, class, sexual orientation, and others to account for people's complex and intersecting identities which grant some people more privilege than others (Lazar, 2007; Ohito & Nyachae, 2018). This is an important feature for my project specifically where race, ethnicity, culture, spirituality, and colonialism are key areas of inquiry for analysis in addition to gender. My project aligned with this third principle of FCDA by acknowledging my own positionality and the variety amongst Indigenous Peoples of Canada. Instead of relying solely on Western theories and scholars, this project prioritized the voices of Indigenous scholars for their experiences and knowledge of colonialism and traditional ways of life. Additionally, this project sought to track the changes of the MCP in terms of eligibility criteria and overall language to detect moments where colonialism is reproduced or challenged, since colonialism is also a structure hidden in everyday life and texts.

Fourthly, FCDA views discourse as a social practice whereby gender norms are reproduced or challenged in various forms of talk and text (Lazar, 2007). Gender relationality posits that it is important to analyze social constructions of gender in terms of being a woman and being a man. It also allows for an analysis of the different forms of masculinity and power

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structures that relate to women such as the nuclear family or stay-at-home mothers (Lazar, 2007). FCDA thus allows researchers to establish which gender identities were constructed and how they were constructed in texts by institutions (Lazar, 2007: 147). My project aligned with this fourth principle by analyzing the language used in the MCP policy over the years and other CSC documents (briefing notes & memos). FCDA allowed me to critically analyze the underlying discourses of the MCP as a method of reproducing traditional gender roles and good motherhood by looking at the language used to describe the MCP participants. With the addition of IF to the theoretical framework for my project, colonialism, race, and Indigeneity became important concepts and avenues for analysis especially when looking at how the documents reinforced or challenged colonialism.

Lastly, FCDA prioritizes critical reflexivity as praxis in two ways: reflexivity can influence institutional change in social and personal attitudes of individuals, and the importance of self-reflexivity as feminists (Lazar, 2007; Ohito & Nyachae, 2018). Institutions can claim feminist values or identities in various ways for different goals. Some institutions do so out of a true feminist agenda to advance feminist discourse and theory. However, some institutions claim to be feminist in nature for only a marketing purpose or to advance other non-feminist goals to ameliorate their image (Lazar, 2007: 152). Additionally, feminists need to be critically reflexive of their own positionalities, theoretical orientations, and practices which, if done poorly, could lead to the contribution, rather than the elimination of prejudice (Lazar, 2007: 152). Feminist researchers in general, but especially those who engage in FCDA, need to be aware of their positions and privileged identities as educated persons and researchers, especially if they are white, cisgender, heterosexual, and middle class. These privileged positionalities change how research is done by allowing for different points of view on the data and the analysis itself,

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therefore it is important to be self-aware, humble, and reflexive. For FCDA, critiquing unequal gendered institutions, behaviours, and structures in talk and text is a first step towards social justice and equality for all (Lazar, 2007). My project aligned with this fifth principle of FCDA because I was very aware and honest about my privileged identity throughout this entire project. I knew that someone else could look at my data and see other discourses or themes, however, I knew if I used my theories as lenses, and explained my process, my findings would be valid. I also knew that DA is a subjective type of analysis that allows for variation in results. I practiced self-reflexivity at every stage of the research process by reminding myself of my privilege, asking myself hard questions, I was honest about those answers, I wrote down my assumptions and biases as I read my data and reflected on them, I reminded myself of my research questions and goals if I felt I got off track and I made changes to my written work to reflect my evolved thought process and understanding of certain concepts or events. For example, I originally wanted this project to be abolitionist in nature, therefore I used this perspective in the first draft of my thesis, however, I struggled with what to do in the now with this perspective with the MCP, therefore I was not doing penal abolitionist work justice. After my defense, I realized I could not go through with a full-on abolitionist stance because it would not be true to myself or the goals of this project, for this reason, I removed penal abolitionism from my theoretical framework and added penal moderation instead.

FCDA and the Critical Paradigm

As this project operated from the Critical Theory paradigm, discourse analysis generally was suitable for the goals of my project. More specifically, FCDA aligned with my research questions and approach since it is a multidisciplinary perspective which takes gender, race, and other systems of oppression into account and puts them at the forefront of the analysis (Lazar,

2005, 2007). The goals of this project were to explore and track the changing constructed discourses about Indigeneity and colonialism, where IF and Penal moderation were used as guiding theoretical perspectives. Importantly, gendered and racialized discourses are present in institutional artifacts, including policies, practices, work ideologies, and images (Parson, 2016: 104); FCDA allowed me to identify these patterns of discourse in the written policy in all of its final versions.

In this section, I described some studies that analyzed documents using FCDA to demonstrate the suitability of this method for my own research as well as to outline how other scholars employed this method of analysis.

Powell and Parson

Firstly, I should explain that Powell (2020) and Parson (2016) did not collaborate in any way; I grouped them together based on their sole focus on gender. Briefly, Powell's thesis was a postfeminist study on girlhood and focused on how girls relate to and perform different types of femininity in school (2020). I chose to include it because a FCDA was conducted where the focus was on the way in which gender differences and the differential treatment of girls was considered natural. This natural assumption therefore reinforced patriarchy as a structure (Powell, 2020). FCDA allowed Powell to "analyze how discourses of girlhood are imbued with the constitutive power to shape the gendered subjectivities of girls" (Powell, 2020: 31). Powell was interested in "how gender difference was framed as a logical or common-sense way of thinking which perpetuates structural misogyny (Powell, 2020: 31). Powell made light use of six procedural steps to conduct a discourse analysis from Willig (2013) which were not applicable to my project since they involve feedback from participants (Powell, 2020: 39).

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Parson's study focused on analyzing university course syllabi from STEM programs (Science, Technology, Engineering, and Mathematics) in order to see if the language used in the course syllabi discriminated against women (2016). This study appealed to me for its use of FCDA and analysis of documents which, "looks for practical ideologies to uncover what is framed as logical ways of thinking that, in reality, perpetuate inequality" (Parson, 2016: 103). STEM syllabi were selected and analyzed for their "semantic and pragmatic content to understand how institutionalized power and dominance [were] negotiated through language" (Parson, 2016: 106).

To do this, Parson first explored the nature of the STEM syllabi and their use of modal verbs (i.e., must, should, etc.) and personal pronouns. Secondly, Parson looked for patterns in the language used in the syllabi and across all the analyzed syllabi for overarching linguistic patterns of gender discrimination, institutionalized power, and gendered relationships (Parson, 2016: 106). More specifically, Parson first looked at the data (syllabi) for discursive features highlighted by the literature to "identify discourses and linguistic tools that illuminated the power/knowledge and gendered nature of the STEM institution" (Parson, 2016: 107). Parson followed the direction from another scholar who identified four specific categories that relate to gender and marginalization in higher education course syllabi. Next, Parson looked at the use of modal verbs in the syllabi to grasp the tone of the documents. The third step involved looking for "how power was negotiated through the use of pronouns" to see which gendered identity was prioritized, if any (Parson, 2016: 107). Lastly, Parson explored the use of interdiscursivity in the syllabi and explored how those discourses in the documents were representative of "gendered power at the STEM institution level" (Parson, 2016: 107). The analysis concluded that of the syllabi analyzed, they used language that subtly discriminated against women, promoted

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knowledge as static, depicted students as passive, and created an intimidating learning environment (Parson, 2016: 111).

After reading these studies, I became a bit worried that this method only focused on gender, however, I found other interesting studies that conducted FCDA where other factors including race were analyzed (Dalton, 2019; Ohito & Nyachae, 2018; Makoni, 2013).

Dalton

This study examined comments from Japanese politicians, bureaucrats, and members of the media about Japanese women in political careers (Dalton, 2019). The goal of the study was to show how sexual harassment is not an individual problem, but a systemic one. A FCDA was conducted to determine how sexual harassment was framed in and spoken about by men in positions of power in Japan's political sphere (Dalton, 2019: 2). Importantly, analyzing comments made by male politicians in Japan was meant to demonstrate how "a pattern of harassment characterizes the polity generally" (Dalton, 2019: 2). These patterns were deemed deserving of critical feminist inquiry. Language used in the analyzed comments by Japanese male politicians, bureaucrats, and media personnel perpetuated stereotypes about women including how they should be mothers and caregivers of children and that they must speak in soft, polite, and thoughtful ways, whereas men should speak in powerful assertive tones (Dalton, 2019: 6). This article was useful to think through how language creates and reinforces different roles for men and women while also considering cultural differences.

Ohito & Nyachae

These scholars who identified as Black feminist poets conducted a FCDA of black feminist poetry to describe how Black girlhood and womanhood is experienced and portrayed in

poetry (Ohito & Nyachae, 2018: 839). Importantly, this study conceptualized FCDA as “seeking to answer social and political questions about the entanglement of language, and gender as intersecting with other markers of identity” (Ohito & Nyachae, 2018: 840). The connections between the lived experiences of Black girls and women, language, power, ideology, and social identity were explored (Ohito & Nyachae, 2018: 839). Additionally, this study involved asking “the question of how to systematically illustrate rigor in the endeavor that is FCDA” (Ohito & Nyachae, 2018: 840). Through the theoretical lens of Black feminism, this article demonstrated that poetry is a powerful tool to confront social injustice especially when using a FCDA approach (Ohito & Nyachae, 2018: 847).

Makoni

Lastly, this study focused on Zimbabwean people’s language in response to looking at photographs of both Black men and women doing traditional “women’s work”, such as cleaning or childcare (Makoni, 2013). Makoni argued that many studies have focused on the social construction of gender through language, however, many failed to do so in an intersectional manner (Makoni, 2013: 203). Through this intersectional approach to FCDA, this study prioritized other identity categories, including race/ethnicity, class, education levels, and age, as important avenues for analysis (Makoni, 2013: 203).

My FCDA on the MCP Policy Documents

After reviewing peer-reviewed studies using FCDAs on various topics using different types of data and diverging analytical processes, I realized how flexible this approach could be for my own project. Unfortunately, of the studies mentioned above, many of them lacked a detailed description of how the FCDA was conducted in terms of a step-by-step process. The ones that did outline how the analysis was conducted used criteria that were not necessarily

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applicable to my own project (i.e. participant input/opinion). At this point, I decided to turn back to the roots of FCDA, CDA, to help guide my analysis as a novice researcher. My analysis took inspiration from Siegfried Jager's discourse toolbox, Paul Chilton's political discourse analysis, and Norman Fairclough's discourse analysis put together by Florian Schneider (Schneider, 2014). My analysis was inspired by ten "steps" of how to rigorously conduct a discourse analysis. These steps included the following:

1. Establish the context
2. Explore the production process
3. Prepare materials for analysis
4. Code material
5. Examine the structure of the text
6. Collect and examine discursive statements
7. Identify cultural references
8. Identify linguistic and rhetorical mechanisms
9. Interpret the data
10. Present findings

Briefly, establishing the context of a text involves finding out where the materials come from, how the texts came to be, the social and historical context(s), and how the source was received by audiences at the time of publication (Schneider, 2014: para. 4). Determining the context of the text also includes looking into if and how the text/source was a response to an event or debate and how this text fits into the bigger picture of the overall argument/debate (Schneider, 2014: para. 4). It is important to also reflect on how the researcher gained access to this source (Schneider, 2014: para. 4).

My documents were created by CSC in the WOS. The MCP was a response to incarcerated mothers in Kingston Penitentiary saying that they missed their children and that this separation and pain was unfair to them and their children. Therefore, the Task Force and

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Creating Choices in 1990 responded to these concerns by creating regional facilities where the women could be closer to their communities and families and the residential MCP was implemented. There have been MCPs and prison nurseries in other countries around the world decades before Canada finally introduced the MCP into federal prisons for women, therefore, Canada followed the trend and the research behind such programs. This program and subsequent documents fit into the overall carceral picture and support the argument that keeping mothers and their children together despite incarceration is a humane approach. Considering where the documents come from, they support the idea and assumption that imprisonment is helpful in reducing crime, victimization, and recidivism. As mentioned previously, I obtained these policy documents, memos, and briefing notes from an ATI request I sent to CSC. As mentioned above, the initial pilot program and subsequent expansion of the program was due to an outcry from incarcerated mothers who missed their children. The program and its approach changed drastically in 2008 after a “murderer” was initially allowed to keep her child in prison with her (Lisa Whitford). The program was controversial from the beginning, some were glad a program like this finally existed in Canada (mostly incarcerated mothers), however others (concerned citizens/parents) thought that this was a terrible idea and a recipe for disaster because these women broke the law and gave up their right to parent as soon as they entered the prison walls. These concerns magnified in 2008 with Lisa Whitford, whose case single-handedly changed the course of the MCP. There was public outrage that she would be able to live with her baby in prison after killing her partner; many journalists from various newspapers wrote articles covering this story/topic at the time (Strickland, 2008; Willcocks, 2008; Eustace, 2008; Culbert & Bellett, 2008).

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The next step in the discourse analysis process asked the researcher to look into the production process of the materials/documents (Schneider, 2014: para. 5). Exploring how the documents were created involves obtaining more information about the human, group, or organization that created the text(s) (Schneider, 2014: para. 5). Additionally, this step involves noting the “medium and the genre” of the text (Schneider, 2014: para. 6). This entails noting if the text is in print or an online form, since the way the information is displayed could vary based on these formats. Lastly, this step involves noting the length of the document in terms of number of pages or words (Schneider, 2014: para. 7).

For this step of the analysis, I had to consider the mandate of CSC and, more specifically, how WOS fits into this organization overall as a small sector. For this, I needed to consider how WOS had to work with other sectors/CDs to make the MCP possible (i.e. CD 571- Searches and Seizure of Contraband, CD 335- Fleet Vehicles, and CD 730- Inmate Program Assignment and Payments). In order to consider the whole picture and include the context of the program in this step, I also needed to consider how WOS fit into the overall “correctional” framework, more specifically, how the dynamics were between them and the OCI. From reading all the annual OCI reports from 1996-2020, it would appear that the OCI had recommended many changes to be made to women’s and Indigenous “corrections” including implementing diversion techniques to reduce the numbers of Indigenous peoples in prisons, and hiring an Indigenous Deputy Commissioner for Indigenous offenders, however, despite the same recommendations being made year after year, CSC did not act on most. The documents I received through the ATI request were archival in nature meaning they were saved to online forums. However, after all of the data was received, I printed the CDs, briefing notes, emails, and memos to have them in print copies in order to make reading and jottings with greater ease. As the bulk of my data consisted

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of the CD over time, I was reminded of their functions which are to guide members involved in the program as to their responsibilities and to outline the objectives of the program. From my observations, most of the MCP CDs were about twenty pages. The shortest ones are from 2001 and 2003 with nineteen pages each. The 2016 CD was twenty pages, and the 2020 CD was twenty-four pages. As for the memos and briefing notes, those documents were typically much shorter, ranging from one to three pages. These differences in length and detail between the CDs and memos/briefing notes themselves make sense due to their functions and audiences. The CDs outline many roles, responsibilities, eligibility criteria, institutional protocols, forms to be completed, assessments, and financial costs, whereas the memos and briefing notes typically focus in on specific issues to be discussed by high-ranking CSC/prison officials.

The third step of the discourse analysis involved getting the documents ready for analysis. This step involves saving and printing multiple copies of the dataset and adding lines or headers to the data so that other people reading the study can follow along with the exact line the researcher is referring to (Schneider, 2014: para. 9).

For my analysis, I made sure to print copies of my data as well as the contextual information, like newspaper articles and OCI annual reports, to easily be able to make notes to myself in the margins and to code the data with different coloured highlighters. I also used the paragraph numbers already indicated in the CDs when referring to specific sections for consistency purposes and in order to be clear about which section I was referring to. I also numbered the lines in the briefing notes and memos for coding ease.

Step four of the discourse analysis process called for coding the prepared documents (Schneider, 2014: para. 10). Coding involves assigning key words or categories to sections of data. This combined approach by Schneider (2014), suggests coming up with coding categories

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in advance by relying on the major themes found in the literature on this topic (Schneider, 2014: para. 11). With pre-determined, yet flexible, categories in mind, the researcher then looks at the data to determine if any of those categories are present; if they are not, the researcher revisits the categories and makes new ones to accurately represent the data (Schneider, 2014: para. 12).

My coding process was a bit more organic compared to Schneider's, however there are some similarities. In order to understand the foundation of my data, I needed to have a strong understanding of the literature prior to coding my data. Knowing the literature on prison nurseries and the MCP's specific history and context helped me to narrow in on codes/categories that I thought would be important for my analysis considering my theoretical standpoints, some of which include colonialism and eligibility. Knowing that the eligibility criteria over time was the main focus for my analysis, I knew eligibility would be a category I needed to explore. I also knew I wanted to look at how the documents discussed or omitted Indigenous parenting styles or historical/present government control of Indigenous parenting. Looking at these specific aspects of the documents from the beginning allowed me to consider if the eligibility criteria had become even more complicated and strict, making access to the program more difficult for more mothers. By thinking critically about colonization and the Canadian government's negative impacts on Indigenous parenting over time, I center decolonization at the forefront of my analysis and therefore am able to answer my research question about if the documents reinforce or challenge colonialism. Other than those two categories, I did not have any other ideas in mind as to what I should look for or what I would find in my dataset. I went in with an open mind during the coding process and discovered some interesting codes which I was not expecting, some of which turned into themes.

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The fifth step in the discourse analysis process according to Schneider is to examine the structure of the text, this includes noting the structural features of the text and how the text is formatted to support its argument/function (Schneider, 2014: para. 17). This step pushes researchers to ask themselves the following questions, “Are there sections that overwhelmingly deal with one discourse? Are there ways in which different discourse strands overlap in the text?” (Schneider, 2014: para. 17). This step is important because it allows the researcher to see how the text is structured and formatted to achieve its goals. By looking at headers and other layout features, the researcher is able to map out how the authors of the text planned their argument sequentially (Schneider, 2014: para. 17).

Since the bulk of my dataset were the CDs, it was evident that they followed a particular structure and order. All CDs analyzed had the information written in English on the left side of the document and French on the right side, since CSC is a federal organization, the two official languages are required. The older versions of CD 768, including 2001 and 2003, have the same headers and information underneath them, starting with the policy objectives, which include the goals of the program and outline the responsibilities of institutional actors for the MCP. The beginning of the CD changed from the previous versions when in 2016 and 2020, the policy starts by outlining the responsibilities of different institutional actors and their involvement in the MCP (i.e., Deputy Commissioner for Women (DCW), Institutional Head (IH), MCP Coordinator, Chief of Health Services, Elders, etc.). The CD sets forth the argument that incarcerated mothers need and want this program, however, the children’s safety is CSC’s number one priority. This commitment to keeping children safe within “correctional” facilities can be seen throughout the CDs, especially in the “pre-eminent consideration” on the first page

of the 2001 and 2003 versions of the CD. The pre-eminent consideration in paragraph 3 reads as follows,

“The best interests of the child shall be the pre-eminent consideration in **all** decisions relating to participation in the Mother-Child Program. The best interests of the child include ensuring the safety and security as well as the physical, emotional and spiritual well-being of the child” (CSC, 2001 & 2003: 1).

In the later versions of the CD (2016 & 2020), the institutional hierarchy becomes clear with whose responsibilities the CD first outlines, where the people with the most power or influence (DCW, IH) feature first, and the rest follow. This discovery was interesting as it pertains to the overall organization culture and where Indigenous actors, spirituality, and culture sit in the hierarchy.

Step six of the discourse analysis process recommended by Schneider is to collect and examine the discursive statements in the text (Schneider, 2014: para. 18). To do this, Schneider suggests collecting all statements labelled with the same code and figure out what they have to say about a specific discourse strand (Schneider, 2014: para. 18). Organizing the individual statements in this way allow the researcher to “map out what “truths” the text establishes on each major topic” (Schneider, 2014: para. 18).

I looked at this step and understood it to be making themes from the codes I used to dissect my data. I looked at my data and the codes I had assigned to each relevant section and grouped similar ones together under umbrella terms (themes). Some codes became irrelevant since they did not show up very much in the dataset, or did not help me answer my research questions, or did not make sense with the other themes. For example, I had a code I called “institutional rules” which covered things like the searching of “inmates” and their children and leaving the prison (i.e., escorted/temporary absences). After reading through my data again and the codes, I found that this code did not provide answers to my research questions or the overall

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goals of my project, therefore I dropped it. After this was done, I ended up with four themes which included the language of “corrections”, eligibility, Child Welfare Agency involvement, and Indigenous-specific considerations.

The next step in the analysis process involved identifying the cultural references within the texts (Schneider, 2014: para. 19). This step pushes the researcher to think about how the context informs the text’s argument (Schneider, 2014: para. 19). Questions the researcher should think about when performing this step are as follows, “Does your material contain references to other sources, or imply knowledge of another subject matter? What meaning does the text attribute to such other sources?” (Schneider, 2014: para. 19).

My analysis of the cultural references involved thinking about the colonial and penal context in which the documents were written. Other CDs are referenced in the MCP CD including ones for temporary absences, inmate movement, counts, and security. This demonstrates how the MCP fits within CSC’s overarching penal framework as yet another program. The MCP CD also references the Corrections and Conditional Release Act (CCRA), also outlining its role in the CJS overall. The CD also references forms/documents that need to be filled out and submitted by the participant mother to the MCP Coordinator and to the Institutional Head. The inclusion of these forms in the CD demonstrates the bureaucratic nature of CSC and the program more specifically. The later versions of the CD (2016 & 2020) mention the “historical policies and actions/impacts related to Indigenous people, including residential schools and the sixties scoop” and the “long-standing historical trauma on parenting” for Indigenous Peoples, however they do not go into any more detail than that, like it is expected this is common knowledge (CSC, 2020: 6). By briefly mentioning the governmental interruptions of Indigenous parenting and family functions, CSC demonstrates that they are more concerned with

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institutional policies and practices rather than a commitment to decolonization and unlearning racism and colonialism as systems of oppression that influence everyone in their “care” and employment. Of course, I needed to remember the overall function of the CD documents at a practical level, which are to outline the goals of the policy and the roles and responsibilities of all involved parties. WOS could have gone further with this section on historical trauma on Indigenous parenting, especially considering how the program started as a pilot project at the Healing Lodge, and that there are high numbers of incarcerated Indigenous women in CSC’s custody in Canada. A more in-depth explanation of what happened in the past and what continues to happen to many Indigenous parents, children, and families or providing tools/links to other sources that go into more detail on these issues would have shown a greater commitment to being transparent, taking responsibilities for one’s actions, and for decolonization more generally.

The next step involved identifying the linguistic and rhetorical mechanisms used in the text (Schneider, 2014: para. 20). This means looking at how the various statements function at the level of language (Schneider, 2014: para. 20). By looking at the words (i.e., nouns, pronouns, verbs, & adjectives) employed in the text, this shows the perspective that the text operates from (Schneider, 2014: para. 20). At this stage of the analysis, researchers are also asked to think about what function quotations serve in the document (Schneider, 2014: para. 24).

For me, this step of the analysis served a great and insightful function because I wanted to look at how the language used in the CD and other documents changed over time. When first reading through the documents, I noticed different words (nouns) were being used to talk about the participants in the program. For instance, in the older CDs (2001 & 2003), the word “inmate” was used almost universally across the CD, whereas in 2016 and 2020, the word “mother” was

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used far more frequently. I also noted an interesting shift from using the term “Aboriginal” to “Indigenous” when discussing these populations and their uniquely negative experiences with parenting due to colonization and governmental interference. I also noticed a change in the use of pronouns over time; in 2001 and 2003, traditionally female pronouns (she/her) (CSC, 2001, 2003) were used when talking about participants in the program, however in the later versions, these binary pronouns were changed to gender neutral options including they/them/their (CSC, 2016, 2020). Quotations were not used in the CD over time; however, a few were used in the other forms of data I received from the ATI request, including the WOS review of the MCP in 2008, where they cited a participant in the program talking about their positive experience (WOS, 2008: 8). Two different quotations were used at the end of the review to convince the reader of the positive impact this program has on incarcerated mothers. It should be noted that names of the participants are not provided, and the second quotation has parts blanked out by the ATIP sector.

Step nine of the discourse analysis process involved interpreting the data and making sense of what it all means (Schneider, 2014: para. 27). At this point in the analysis process, everything comes together, and the researcher needs to think about what the discourses mean and how they work (Schneider, 2014: para. 27). By looking at the meanings of the discourses and how they were structured/formatted, the researcher can focus in on the position of whomever created the document and their position based on the language employed (Schneider, 2014: para. 27). The researcher should also consider how the text(s) draw from commonly accepted knowledge on the subject and who benefits from the discourses employed in the text(s) (Schneider, 2014: para. 27).

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With my research questions in mind, the themes and discourses found within my dataset demonstrate that the policy has been more difficult for incarcerated mothers to access and that although there are some instances where colonial issues and histories are addressed, the policy continues to be dominated by the colonial and penal discourses that define the CJS and CSC as an actor of the state. My analysis demonstrates that there has not been much thought or consideration on how the eligibility criteria and other aspects of the policy (i.e., child welfare system) would impact Indigenous mothers differently. CSC has clearly been more focused on the inner workings and daily functions of the organization within prison walls and the hierarchy within, rather than a commitment to decolonization and decarceration for justice involved mothers.

By remembering that CSC wrote this policy, the briefing notes, and memorandums, it is clear that their position is to have this program reduce recidivism and to keep the children who participate in the program safe. Their argument that comes across in the documents is that the program is effective and safe, since there are many safeguards in place for the children who live within the institution with their mothers (i.e., oversight by employees, child welfare involvement, background checks, forms, and mental health assessments). These documents also drew from Attachment Theory and the theory's logic to uphold the program itself and justify its existence. Due to the evidence Attachment Theory provided, "correctional" environments pushed for these programs to lessen the negative impacts of separation for mothers and their children. CSC also followed the action of other countries who developed mother-baby prison programs years before the MCP. Since there is not a program like this for fathers, this program reinforces the traditional gendered divisions of labour, whereby women must do the caring work/childrearing, whereas men contribute to their families financially by doing physical labour outside of the home. By

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upholding these sexist, colonial, and penal discourses, CSC, and the CJS benefit the most because if they argue the residential MCP reduces stress, sadness, and recidivism rates in women “offenders”, then this argument could be expanded to include prisons overall, thereby properly serving women and children in prisons under state control, rather than in the community where they belong.

The final step in this analysis process is to present the findings (Schneider, 2014: para. 28). Presenting one’s findings in a logical manner is essential to the expansion of knowledge. This step involves the writing up of my final thesis and the defense process whereby I stood before colleagues and experts in the field and discussed my work.

As shown by my descriptions of each of the ten steps, my discourse analysis was feminist in nature, guided by my theoretical orientations and commitment to decolonization. My findings were grounded in the literature on this topic and the context in which the documents were created. I looked into the historical and social contexts/histories of the documents to connect the changes to the program to changes happening in the CJS in Canada. This step grounded my findings and made them more applicable to other fields of study and social issues of concern. These ten steps helped me navigate the challenging method of discourse analysis as a novice researcher, and I slightly altered the steps to fit my feminist perspective.

Coding

In this section, I briefly described how I coded the data and how many themes came out of the coding process. Prior to starting the coding process, I read over all my data to make myself familiar with my dataset (Powell, 2020: 44). Upon the second reading, I made short summary-type notes to remind myself quickly of any details that stood out. I also chose to exclude certain sections of data. More specifically, I chose to use the CSC/journalist emails as contextual

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information rather than data to be analyzed because the emails were short and not very detailed; they also did not include any new information that was not already in the policy documents themselves except for the numbers of mothers who have participated in the program. These participation numbers were also present in a study about the MCP that I read (Miller's study). The language used in the emails also pulled from the CD themselves, where approved phrases were continuously recycled in responses to journalists.

Since the method of analysis conducted (FCDA) relied heavily upon the theoretical framework, the coding process therefore also relied heavily upon the theoretical framework for this project (Clarke & Braun, 2019: 22). The data was coded for language that surrounded Indigeneity, race, ethnicity, spirituality, and culture. Additionally, the lack of information or inclusion of Indigenous mothers in policies was also coded and considered in the broader historical-cultural colonial context (Dalton, 2019: 3). Some codes I created were 'good mother', 'bad mother', 'mental health', 'colonial legacy', 'culturally-inappropriate/inapplicable', among others. More specifically, the codes "inmate", "mother", "inmate mother", "participant", "inmate babysitter", "Aboriginal", "Indigenous", "she/her", "they/them", and "good/bad mother" made up the language of "corrections" category. The codes "security", "danger", "risk", "assessment", "mental health", "offense", "stable", and "violent" were grouped together under the eligibility theme. The codes "child safety", "priority", "screened", "consultation", "background check", "child searches", "environment", and "separation" were grouped into the child welfare involvement theme. Lastly, the codes "Elder", "spiritual support", "residential schools", "sixties scoop", "colonization/colonialism", "colonial legacy", "cultural awareness", "historical policies/actions", "trauma", "Aboriginal parenting practices", and "Indigenous parenting

practices” were grouped together to form the Indigenous-specific considerations theme. In the next section, I discussed the ethical considerations for this project.

Limitations of DA & FCDA

After reviewing studies that used similar forms of data or methods of analysis, I discussed some limitations of discourse analyses and FCDA specifically. Antaki and colleagues (2003) warned scholars about the easy mistakes which can be made when conducting a discourse analysis. These errors lead to a lack of analysis in their opinion (Antaki, Billig, & Potter, 2003). These shortcomings of discourse analyses, include under-analysis through summary, taking sides, over-quotation, circular identification of discourses, false survey, and spotting features (Antaki et al., 2003).

Firstly, they explained that a discourse analysis is much more than a summary of the data; the analysis should include coding and finding themes that provide answers to the project’s research questions (Antaki et al., 2003: 3). I avoided merely summarizing the data by posting my research questions above my desk and continuously looking back at the data I had already coded to make sure my coding was consistent and to ensure I did not miss an important piece of data. I also referred back to my theory chapter and my notes on the theories I used to ensure I was using them, and only them, as lenses. If I felt like I was saying something that my theories would not allow me to “see”, I read my notes and went back to that section of data and started coding again. At the end of my coding, I had come up with themes that provided relevant information to answer my research questions.

Secondly, they advised researchers not to take sides when looking at their data (Antaki et al., 2003: 4-5). By this, they mean that sometimes the writer added in their own personal feelings (morals, politics) when talking about a text; if this is not backed up by the incorporated

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theoretical framework, these claims are therefore baseless (Antaki et al., 2003: 4). I will admit that I struggled with this at first with commenting on if the MCP was a good or bad program, however, I needed to remind myself and be reminded by my committee, that is not the role of the researcher to judge if something is good or bad. It was also not the goal of my project or research questions. Instead of only focusing on whether the program was good or bad, I turned my attention back to my research question to ground and guide me. I focused on how the policy themselves (all final versions) reinforced and/or challenged colonialism, and this helped me to stay away from that binary good/bad mentality.

They also caution novice researchers to avoid the use of too many quotations without commenting on those quotations (Antaki et al., 2003: 6). The analysis is not only in pointing out relevant quotations from the dataset but by making connections with theoretical or conceptual elements of the research design. On the other hand, they also have seen studies where discourse analyses were conducted where evidence (quotations) were missing or lacking (Antaki et al., 2003). Researchers in qualitative research need to provide quotations to justify their creation of codes and themes in their dataset (Antaki et al., 2003: 9). I minimized this issue by commenting after each quotation and by moving large, quoted sections of data (i.e., all mothers eligibility over the years) to the appendix to leave more room for analysis and to not confuse the readers.

Fourthly, the authors called out circular arguments used in studies that conducted discourse analyses (Antaki et al., 2003: 7). The authors called out arguments that claim racism, for example, exists; racist discourses exist in the document analyzed, and therefore racism exists (Antaki et al., 2003: 6). This is not representative of a completed or rich analysis that discourse analyses should yield. Due to the nature of the program and my specific approach for this project (critical, feminist, decolonial), I feared I would fall into this trap by saying colonialism and

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racism exist in our society, and there are racist and colonial discourses in the texts and stop there. However, I took this simplistic argument much further and provided an analysis by pointing out specific points (eligibility, mental health, prison security classification system, and child welfare involvement) based on my theoretical framework to make these claims and arguments. I also connected my data and analysis to other sources and events (OCI annual reports, news articles, and Lisa Whitford's case) to ground the results in related discourses.

Additionally, the authors cautioned novice researchers from making their studies sound like surveys conducted with participants, when they were not (Antaki et al., 2003: 9). Sweeping statements should be avoided and limitations of discourse analyses with documents must be recognized, in that the researcher cannot know the thoughts or feelings of the author/creator of the document in the same way as through interviews or surveys (Antaki et al., 2003: 9). This limitation/mistake was one that I feared at the beginning because I had originally wanted to interview mothers who had participated in the program about their experiences. However, when I started working with the documents I received from my ATI request, I reminded myself that I did not interview or survey the creators of this policy and therefore, could not know what they were thinking. I could only make sense of the words on the page by using my theoretical framework as a lens to determine what the documents were saying and what they mean in relation to my research scope and questions.

Lastly, Antaki and colleagues argued that single instances or quotations cannot be used to prove something the researcher wanted to be relevant when it was really not (2003: 9). Similarly, simply identifying features of a text, does not mean an analysis was done; connections need to be made and explanations, descriptions, or explorations must be completed (Antaki et al., 2003: 10). They reminded researchers that good research includes analyses that go back and forth between

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the general and the specific as well as the data and theory (Antaki et al., 2003: 10). I did not find myself tempted to try to make a theme relevant when it was not relevant or present because I went into this study open minded and prepared to find different discourses than ones I would have thought at the beginning. Due to my research questions, I knew I needed to look at the eligibility criteria in all the versions of the policy to see how it changed over time, however my decolonial approach came about half-way through my project and the mental health theme was not one I was expecting to find.

Ethical Considerations, Positionality as a Researcher, and Reflexivity

As it goes against my anti-colonial feminist orientation, I chose not to list off the ways in which I am privileged, however, I am not Indigenous, nor do I ever claim to be (Smith, 2013). According to Smith, listing off the ways in which a researcher is privileged reinforces the colonial order and continues to suppress Indigenous peoples, denying them agency and land-claims (Smith, 2013: 267). I acknowledge that Indigenous scholars and searchers, as Absolon calls herself (Absolon, 2011), have many important and rich contributions to make to any and all fields of study (Smith, 2013). I attempt to make this evident by citing Indigenous knowledge makers throughout this thesis. My findings are not the end all be all of this conversation; any other scholar, especially Indigenous and BIPOC scholars are encouraged to continue inquiries into this specific prison program and others, not because it is their responsibility or duty to “fix” the colonial CJS of this country, but because their worldviews, knowledge, and methodologies would provide rich analyses that could lead to important institutional changes for affected Indigenous peoples (Absolon, 2011).

Damaged-Centered Research

Another important concern for this project, and others involving marginalized populations, is the tendency for non-Indigenous researchers to focus on pain and trauma, in what has been called ‘damage-centered research’ (Tuck, 2009). Research that only focuses on the trials and tribulations Indigenous peoples have endured minimizes them as humans, dismisses their strength and movements of resistance (Tuck, 2009: 422). Damage-centered research is also often conducted by non-Indigenous researchers without the involvement of the particular Indigenous community, thereby rendering Indigenous communities over researched and yet invisible at the same time (Tuck, 2009: 413).

Even though I worked with written documents instead of people in this project, I was careful not to frame Indigenous peoples as ‘other’ or as a ‘vulnerable’ group (Tuck, 2009; Arditti, 2015). I made sure to use appropriate terminology like Indigenous, rather than Aboriginal, and avoided terms like inmates, prisoners, or offenders, due to my feminist and penal moderate stance. Language used in the social sciences surrounding working with ‘vulnerable populations’ or ‘at-risk populations’ is problematic, although probably well-intentioned (Arditti, 2015: 1568). Framing research participants in this way infantilizes them and makes it seem like they do not have agency and are not able to make decisions for themselves in regard to what they are comfortable doing or saying for the purposes of research (Arditti, 2015: 1568). Many of these so called “vulnerable populations” are categorized as such due to the systemic inequalities they may experience due to their intersecting identities, including their gender, race, class, religion, sexual orientation, and so on. The purpose of labelling specific research participants or groups as ‘vulnerable’ reminds social scientists that their research projects are not completely risk-free for their participants (Arditti, 2015: 1570). Arditti challenged researchers in the social sciences to be aware of the potential risks their research could cause their participants but to not get stuck on

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the ‘vulnerable’ or ‘at-risk’ labels (2015). Instead, she actively invited researchers to critically reflect upon their research designs to make them as innovative as possible in order to minimize the risks to research participants (Arditti, 2015). Working with these marginalized populations also allowed for researchers to tap into their emotions, which is especially important in qualitative research (Arditti, 2015). Although I did not work with living, breathing participants, the written documents were created by people, and they affected- and continue to affect- real people’s lives who were/are involved in the CJS. Incarceration, the entire CJS, and its colonial roots are upsetting topics, therefore engaging my emotions was important for this project and they were almost impossible to keep at bay.

My Brief Work History at CSC

Other than not being an Indigenous scholar, I will also disclose that I did work at CSC for a summer on a contract in 2019. My fourth year of my undergraduate degree at Carleton University, I completed a co-op at CSC in the Women Offender Sector; I was hired for that summer to continue the work I was doing. This was where I learned about the MCP for the first time and became interested in the topic. I thought this was important to bring up to avoid any external bias of my policy analysis. I am not affiliated with CSC anymore; the goal of this project is not to prove the MCP is efficient, or that prisons are effective, more generally. As demonstrated by my Indigenous feminist and penal moderate theoretical perspectives, this project took on a critical view of the program and of prisons to explore the underlying roots of oppression that have been entrenched in the MCP policy which ignore Indigenous family structures and parenting styles.

Project Changes

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When I first started this project, I was very ambitious, in that I wanted to conduct interviews with mothers who had participated in the MCP during their incarceration. Although this would have made for an interesting and important project that would have highlighted the voices of those with lived experiences, at the master's level, this would almost be impossible to complete. Access looked like it was going to be an issue, because so few women have participated in the program, the program is in all women's institutions across Canada, doing research inside prisons was not an option, and finding mothers who completed their sentences seemed difficult and unethical. In the midst of this research crisis, the Covid-19 pandemic started here in Canada, which then really took interviews off the table for this project. It probably would have been difficult to get approval for a project like that from an ethics board because I am a novice researcher, I have never interviewed anyone before, and there could be many instances for these women to feel triggered and emotionally traumatized by my questions about their experiences of incarceration and separation from their families. Another issue I would have had is that I am an outsider to this population; other than being a woman, I have nothing in common with my would-be participants- I am not a mother, I have never been separated from my child(ren), I have not been criminalized, and I have not been incarcerated.

This would have become potentially even more complicated if I would have interviewed Indigenous women since I experience many forms of privilege. I would not have wanted my project to be “on” incarcerated Indigenous mothers and their experiences of the MCP; I would have loved for the project to be collaborative in nature, guided by the needs, interests, and goals of the community (Absolon, 2011). I recently learned a phrase, “Nothing about us, without us”, that illustrates the harm research has caused Indigenous communities historically and pushes for the co-creation of knowledge by working with Indigenous peoples (Ball, 2005).

Since I could not work collaboratively with research participants for this project, I turned to documents to answer my research questions. By looking to documents, I did not bother people by involving them in research where some answers could be found in textual data that already existed (Tuhiwai Smith, 1999: 148). This was particularly important when thinking about Indigenous populations who have been subjected to many Western studies where they have gotten nothing in return for their participation and may have even been harmed by their “participation” (Tuhiwai Smith, 1999).

Ethical Considerations Working with Documents

Since I worked with pre-existing documents for this project and not human participants, this project did not need formal ethics approval in order to be conducted. However, even though I did not work with humans, this project still required me to think of informal ethical considerations (Guillemin & Gillam, 2004). Since the documents were written by people and may have contained names, their names were not used in the analysis or featured in the write-up of my thesis. This is especially true for the emails I received through the ATI request; any names of CSC employees or journalists were not included in my thesis. Even though anyone can submit an ATI request and ask for emails, this data is not necessarily public or done with the knowledge by the respondents that their emails could be used for research purposes (Morrow, Hawkins, & Kern, 2015). Since the emails I collected from my ATI request were used more for background information instead of a focal point for the analysis, I decided to exclude the names of the creators. I did not think naming them would benefit my overall analysis where I tracked discursive changes over time. Online ethics complicate and blur the lines between participants and informed consent, whereby it is not necessarily required by ethics boards, but creates some ethical red flags for some qualitative feminist researchers, like myself (Morrow et al., 2015).

Morrow and colleagues recommend being open and honest about the researcher's positionality and how research "participants" in online spaces are being constructed (Morrow et al., 2015: 537).

Reflexivity

In the same vein, reflexivity has become an important part of the overall qualitative research process and practice (Hammersley, 2004). This concept has been used differently by various authors in different fields, however, the way I engaged with reflexivity is through the understanding that researchers cannot be removed from their research and that they must reflect upon the impact they have on the research process (Hammersley, 2004). In addition to the researcher's identity and involvement in the research process, the context in which the research was conducted must also be considered (Hammersley, 2004). Researchers are urged to provide rich details in their written work of the research process so that the readers could judge the validity and reliability of the research results themselves (Hammersley, 2004). One of the main arguments that supports the use and practice of reflexivity in social research is that reflection upon the decisions made in the research process allow for better decisions to be made in the next steps and in future studies (Hammersley, 2004). Scholars recognize that research is not a simple or straightforward process that can be completed by simply following rules and steps from a textbook; it is much more complex and therefore requires innovation and reflection (Hammersley, 2004).

As mentioned above, reflexivity is an important tool and practice that feminist researchers use in order to connect emotionally and politically with justice-related issues for research that includes being aware of your own position as a researcher and the personal assumptions brought to the research problem (Hesse-Biber, 2014: 389-390). Reflexivity is not

only important in the field, rather, researchers should continue to reflect on the overall research experience and their involvement in it as they write up their findings (Lincoln & Guba, 2000: 183-184). The notion of reflexivity was especially important for my feminist project because of my settler identity and the nature of this research which focused on institutionalized colonialism.

Feminist and Indigenous scholars have made a point to insert themselves in the research process as a rejection of typical positivist objectivity and to recognize that culture, spirituality, identity, and history impact the research process in that research does not happen in a vacuum (Tuhiwai Smith, 1999; Absolon, 2011; Hesse-Biber, 2014). Indigenous methodologies celebrate their various cultures and traditions which could not be possible without reflexivity (Absolon, 2011; Nelson, 2021). Many Indigenous scholars engage in self-reflexivity whereby they locate themselves in relation to power structures as well as prioritizing Indigenous politics and worldviews (Nelson, 2021: 4). Importantly, reflexivity is not only about the researcher's positionality, but also how the researcher engaged with other people, as well as how community values were poured into the overall experience (Nelson, 2021: 4). As a white settler, it is not my place to take on Indigenous methodologies, however, reflexivity can be practiced in a manner that supports Indigenous communities, values their knowledges, and works toward decolonization (Herising, 2005; Nelson, 2021; Russell-Mundine, 2012; Nilson, 2016; Castell, Bullen, Garvey & Jones, 2018). Reflexivity, in an anti-colonial or decolonial approach to research, requires researchers to question and challenge knowledge claims and projects that operate willingly in colonial processes instead of opposing them (Herising, 2005).

The concept of self-reflexivity has been critiqued by Indigenous scholars for its individualistic nature, which reinforces colonial and capitalist structures (Nelson, 2021: 5). However, some anti-colonial and Indigenous scholars argue its benefits of reflection and

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improvement can be done toward decolonization (Nelson, 2021). Upon changing the focus of this project to hidden or entrenched colonialism, as a white researcher, I needed to be reflexive about any assumptions about colonialism, Indigenous people, or incarcerated people in general I may have held (Nilson, 2016). I made sure to have a paper journal throughout the entire research process, especially when analyzing the data to jot down any emotional triggers or any problematic thoughts that came to mind (Nilson, 2016). Even though this project used documents as data, I had to remind myself of the cultural differences between myself and incarcerated mothers who may have participated in the MCP (Nilson, 2016).

I needed to be open to understanding or viewing the documents from different worldviews by engaging with Indigenous texts about research, prisons, and Canada's history itself (Nilson, 2016). Throughout this project, I needed to pause and reflect on my whiteness and the privileges that come with it, and how I look at the documents through the lens of whiteness. I needed to question my own point of view in order to see the injustice, inequality, resistance, and attempts at reconciliation in these documents (Russell-Mundine, 2012).

Flexibility and Openness

In addition to being reflexive about my privileged identity and how that impacted the research process, I also had to be flexible and open to different findings than I originally expected (Arditti, 2015). Due to my theoretical orientations and critical perspective of the CJS in general, I had a rather negative perspective of the program's policy in terms of access; however, I needed to be open to the very real possibility that this program was beneficial and life changing for some incarcerated mothers. I also needed to consider how Indigenous mothers may have been resisting the system when they chose not to apply/participate in the MCP. If I only looked at the MCP as a colonial document that excludes Indigenous women before conducting the analysis, I

could have missed instances of resistance by Indigenous mothers or inclusion on CSC's part (van den Hoonaard, 2015).

Dissemination of Research Results

Dissemination of research results with public organizations has been a contested element of academia (Henne & Shah, 2020). Criminology as a discipline has much to offer to society overall, however, some scholars claim that this knowledge is not being used in the appropriate spaces where real change can be made (Currie, 2007). Some public criminologists argue that making real change requires making alliances with organizations or at least sharing research results with organizations other than universities (Currie, 2007; Piché, 2015; Henne & Shah, 2020). Others critique Public Criminology for its alliances with government agencies and organizations instead of working with people who are most affected by discriminatory policies and criminal justice practices (Piché, 2015; Henne & Shah, 2020). Although the ideal situation for this project would have been to work collaboratively with incarcerated or previously incarcerated women in Ottawa, it was not possible this past year. If I choose to go on in my studies and continue to feel passionate about this topic, I would love to work collaboratively with incarcerated women to see their varying perspectives on the MCP, because they would have lived experiences that I do not possess which would be very beneficial to the analysis and to this project overall (Piché, 2015: 71).

CSC in the Women Offender Sector would have an interest in my project because it uses their policy and, more specifically, it may point to why mothers are not using this program. If they are truthful in their goals for the program (CSC, 2020) and Creating Choices (CSC, 2015) more generally, they should want women to be connected and reconnected with their children in order to reduce pain and trauma as well as recidivism. In order to maintain as truthful to the data

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as possible, I chose to share my results with them at the end of the research project in the form of a report with an executive summary and a presentation in order to hopefully inform policy in the future for the next revision of the policy (Tombs, 2011).

I wanted CSC staff, specifically WOS staff, to see how their policy comes across in terms of reinforcing colonialism by using an Indigenous feminist and penal moderate approach (Stanko, 2007). If they review my short, provided documents, they will have the knowledge in order to make meaningful changes to the policy's eligibility criteria and the overall wording of the program to make it more inclusive and anti-colonial in nature and praxis (Chancer & McLaughlin, 2007; Currie, 2007; Petersilia, 2008). Although a reformist strategy is not the main end goal of this project, (Piché, 2015: 80) penal moderates would argue keeping women in the community with their children in the first place is better than incarcerating them and having a mother-child program or prison nursery. However, penal moderates also acknowledge that the number of mothers in Canada entering the prison system continues to grow, and there needs to be an inclusive and culturally relevant program to keep families together, regardless of their pasts or identities.

Conclusion

In this section, I outlined the major parts of my research methodology including my overall approach to decolonial research by acknowledging the problematic colonial roots of Western research for Indigenous Peoples. I discussed my research questions and goals for this project which focused on outlining the changes of the MCP over time to determine whether the program has become more or less accessible for incarcerated mothers in Canada. I also described how I went about producing an ATI request for CSC to gather information about my topic over the years. I highlighted the ways in which relying on ATI requests could be beneficial for

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qualitative researchers like myself, and how they could also be limiting by the organizations who fulfill the requests. To properly analyze the collected data, a FCDA was conducted. This approach allowed me to focus on the gendered and racialized aspects of the program while connecting the changes in the program to social events or cultural shifts (i.e., Whitford case). I outlined my coding process, which began by reading over the data, making notes in the margins, and noticing how the codes could be grouped into themes. Many codes were about motherhood, cultural appropriateness, and colonialism's legacy. I ended this section by discussing the many ethical considerations I had to think about throughout this entire research process, including how the data was collected, if names of CSC employees should be included in my thesis, if it was appropriate to employ IF as a white woman, and how the research would be received by various populations (i.e., academia, incarcerated populations, Indigenous populations, and CSC). Lastly, I was committed to having this research, and its findings, go beyond the academy, therefore I wanted this project to partake in Public Criminology. In order to achieve this goal, I needed to plan which publics I would like to engage with and how I would engage with them. I decided CSC would benefit from the findings of this project, therefore I planned to contact the WOS after the final draft of my thesis was approved and send them a summary of my project and the results so that they can reflect on their practices and perhaps discuss the findings as a group in order to make changes in the future that do not reinforce colonialism.

Chapter Five: Results & Discussion

Introduction

In order to better understand the MCP, I begin this chapter with an overview of the program, including its goals and main sections. I then discuss the key results and themes and their significance. The four themes include: language of “corrections”, eligibility- including security classification, offence committed, and mental health status of the mother, the partnership with Child Welfare Agencies, and Indigenous-specific considerations.

Recap on the MCP, Commissioner’s Directive 768

CSC defines the MCP as,

“a continuum of services and supports which aims to foster positive relationships between mothers incarcerated in women offender institutions and units and their child and to provide a supportive environment that promotes stability and continuity for the mother-child relationship” (CSC, 2020).

This policy allows eligible federally incarcerated mothers to reside with their small children and infants in the institution during their sentence. It came as a result of many incarcerated mothers expressing their pain due to separation from their children while serving time in the Prison for Women (Creating Choices, 2015). With the creation of regional facilities, and therefore more room for the growing “female offender” population, beds were allocated for some of the women’s children.

The program started as a pilot project in the mid-1990s and was fully implemented at the Okimaw Ochi Healing Lodge (OOHL) in 1997, where children were slowly accepted into the institution and stayed for up to two weeks. According to a briefing note to the Solicitor General from 1996, the healing lodge was chosen as the initial location for the MCP pilot due to the fact that lower security inmates were housed there, there were not any incidents of self-mutilation or assault, they did not have transition problems after moving women from the Prison for Women

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to regional facilities, there was an equipped on-site daycare and a specialist who was already hired at the time, and the participation of the Elders in the women's daily routines made their days quite structured (Watson, 1996). After the pilot project went over well, the program was instated in all women's institutions in Canada, capacity dependent.

The Commissioner's Directive (CD) 768, outlines eligibility criteria for women and their children, as well as program goals, duties and responsibilities of staff, including the Institutional Head and the Mother-Child Coordinator, protocols for searches of children and their personal belongings, technical details of what happens when a mother needs to leave the institution with their child for a medical emergency, the financial costs of the program in terms of responsibilities for the institutions and the mothers, and protocols for the termination of program participation.

My research focus naturally made some of the CD's sections more important and interesting than some others. For example, the sections on eligibility for mothers and children were of more interest and relevance to my research questions than a section about the duties for the parole officers. Although I did analyze some sections in greater detail than others, I made myself aware of the language used in the overall document. For instance, I noticed a change in pronouns from older versions to newer versions where "she/he, her/his" were used but were then replaced by "they/them, their" especially when outlining eligibility for mothers and duties of institutional actors.

Importantly, CSC defined mothers as the biological or adoptive mother, legal guardian or stepmother of children participating in the MCP (CSC, 2020: 19). This definition is significant because it differs from other international policies for mother-baby programs in prisons where the biological mother is the only person eligible to apply for such programs with their children

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(Warner, 2015: 66). The definition of “mother” was expanded upon from initial drafts of this policy when staff at the Healing Lodge urged the policy makers to consider Indigenous parenting and family/community structures that may look different from others, which may involve multiple key caregivers (Vanneste, 1997). As a result, the definition was expanded to include legal guardians.

The residential program has two levels of participation: full-time or part-time. Full-time residency involves the child living in the institution on a full-time basis, whereas part-time residency involves the child residing in the institution on a part-time basis, such as weekends, holidays, or days off from school (CSC, 2020). It is also important to note that CSC does not specify a limit to how many children one mother can apply to live in the prison with them, although CSC mentions the program is dependent on institutional capacity at the time of application (CSC, 2020: para. 13). There is also a non-residential component to the program where the mother and child can continue to bond through video visitation, phone calls, scheduled private family visits, recording stories, and the storage of breast milk (CSC, 2020: para. 75).

I discuss eligibility for the residential component of the program in great detail in the next section, however, in order to understand how the policy changed in 2008, it is necessary to know what it was like before 2008. Briefly, eligibility criteria for the MCP in the 2001 and 2003 CDs were the same for mothers and their children, “Only women inmates classified as minimum or medium security and who are housed in institutions that offer the program are eligible to participate” (CSC 2001, 2003: para. 17). Additionally,

“Women convicted of a crime involving a child are not eligible to participate in the program unless a psychiatric assessment, completed by a psychiatrist selected by the Institutional Head (after consultation with the child welfare authorities), determines that the inmate does not represent a danger to her child” (CSC 2001, 2003: para. 18).

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Children were eligible to participate in the residential component of the program on a full-time basis if they were four or younger, and on a part-time basis if they were twelve or younger (CSC, 2001, 2003: para: 19-20). The CD also included a possibility to include children of other ages, “Alternate age limits may be considered; however, the request and rationale must be presented in writing and must be approved by the Deputy Commissioner for Women and the Regional Deputy Commissioner” (CSC 2001, 2003: para. 21).

In this section, I provide an answer to my research questions; how has the MCP policy evolved over time and how have the policy changes represented a (de)colonial approach to criminal justice policy? I argue that although the policy and other corresponding MCP documents may be more politically correct and timely in terms of the language used, the policy does not truly represent a decolonial approach to women’s “corrections” in practice. To support this argument, I turn to the increasingly restrictive eligibility criteria, the longstanding partnership with Child Welfare Services, and the lack of meaningful engagement with issues of colonialism in the documents I received from my ATI request.

Language of “Corrections” and the Construction of Colonialism

This theme addresses my first research question about how the program evolved over time through language. After reading all the data a few times, I started to notice a shift in the terminology used to describe participants in the program.

In the pilot program, participants were either referred to as “women” or “mother(s)” (McClung, 1997: para. 1-2). In the 2001 and 2003 CDs, participants were referred to as “women” or “inmate(s)” or “mother(s)”, however the most common word used was “inmate(s)” (CSC, 2001-2003). In the 2008 documents of my data, participants are referred to as “women”, “mother(s)” and “offender(s)” (Director General, 2008: 1-2). The News Release put out by

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Public Safety relied on the term “offender” the most. The Review of the program by WOS utilized the term “offender” the most but also used “mother”, “women”, “inmate(s)” and “participant(s)” to describe the participants of the MCP (WOS, 2008). In the 2016 CD, terms used included “inmate(s)” and “mother”, where inmate was the most common term used (CSC, 2016). Lastly, in the 2020 version of the CD, the term “mother” was employed the most, with a few remaining lines which used the word “inmate” (CSC, 2020).

It should be noted that other departments or other CDs mentioned in this specific policy, used the term “inmate” in their name, for instance, “Inmate Movement”. It should also be noted that the employment position of “inmate babysitters” did not change the name of the position since it was introduced in the 2001 CD.

In addition to the terminology used to name participants of the program, the CDs, and other data, used pronouns when describing the mother or an institutional actor’s responsibilities. Until 2020, the pronouns used were gendered (she/he, her/his), however they changed to gender neutral pronouns (they/their/theirs) to accommodate people with different gender identities in the 2020 version of the CD. Moreover, “mother” was used to replace “women” in the latest CD (2020) to make the CD more gender fluid and to allow room for participants who may not identify as a “woman”.

I thought the shift in language employed in the 2020 CD was interesting; the change from “inmate” to “mother” makes the policy much more about the bond between a mother and their child than about the crime committed. I expected the word “inmate” to be in the CDs throughout the years because this is typical of “corrections” to employ language that focuses on the individual and responsabilizes them for their incarceration (Ellis, 2016: 3). As a formerly incarcerated person, Ellis (2016) argued that if words like inmate, convict, prisoner, or offender

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are used to describe a person over and over again, the person will begin to believe this is all they can be (4). Ellis (2016) believes in the power of language so much, that the organization he helped found (The Center for NuLeadership on Urban Solutions) urges organizations, publications, and individuals to stop using this offensive and dehumanizing language; Ellis (2016) calls for recognizing the humanity of incarcerated and formerly incarcerated people, by calling them “people” (4). For the most part, the data I collected does not use this humane language, however, in the same vein, by acknowledging that these incarcerated women are more than just “inmates” or “offenders” and that they have lives and loved ones whom they care for outside the prison walls, must be a step in the right direction. This is especially true for many Indigenous women, many whom believe in the importance and power of a motherly position in their communities, which were originally matrilineal in nature (Anderson, 2010: 83; Udel, 2001: 45). The word “mother” and the tasks/responsibilities that go along with it, are especially important to Indigenous women, who have been stripped of this role by the Canadian Government historically, through the sixties scoop and residential schools, and presently through the disproportionate apprehension of Indigenous children by Child and Family Services (Udel, 2001: 44).

In addition to recognizing the role of motherhood for incarcerated women, the latest CD (2020) also changed the term “Aboriginal” to “Indigenous”. This is a significant change for an organization like CSC, who has always referred to the native peoples of these lands in that way. The term “Aboriginal” has been problematized by Indigenous communities because it is an English word that settlers created to refer to this subset of the population (Marks, 2018: para. 3). More specifically, the term Aboriginal is not a term that these populations use to refer to themselves. Instead of meaning “the first inhabitants” or “from the beginning” like most people

think, the prefix “ab” in Latin actually means “away from” or “not” which would make the term mean “not original” (Marks, 2018: para. 4; Animikii, 2020: para. 4). Therefore, the term Aboriginal denies these Peoples of their long histories on these lands before settlers arrived. Similarly, the term “Aboriginal” fails to account for the diversity between these groups of people, because it is used as an umbrella term or a sweeping statement (Animikii, 2020: para. 5). Umbrella terms used for convenience hide the complexities and uniqueness of each Peoples of Canada in terms of their languages, traditions, and cultures (Animikii, 2020: para. 5).

“Indigenous” is now the most common and accepted term- in the English language- to describe the original inhabitants of Canada for a few reasons. Firstly, despite its English origin, the term “Indigenous Peoples”, recognizes that there are many different groups instead of just one like “Aboriginal” describes (Monchalin, 2016: 2; Animikii, 2020: para. 6). In Canada, there are 86 different Indigenous languages which are still spoken today, which speaks to the number of Indigenous communities there are (Monchalin, 2016: 1). Languages are fundamental to the identity of a group of people, and they reflect the “unique histories, cultures, and identities linked to family, community, the land, and traditional knowledge” of Indigenous Peoples (Monchalin, 2016: 1).

Secondly, “Indigenous” comes from the Latin word “indigena”, which means “sprung from the land; native” (Animikii, 2020: para. 7). Thus, the physical make-up of this word acknowledges the colonial stealing of Indigenous lands by settlers, which has never been permitted, nor have the lands been given back.

Although “Indigenous” is not a perfect term because it is still used much like the term “Aboriginal” was to describe a large yet diverse group of people, it shows progress. Most Indigenous peoples refer to themselves using their specific “nation, treaty, or ancestral heritage

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or background” such as “Mohawk from Tyendinaga” or “Cree from Treaty Eight” or “Algonquin” (Monchalin, 2016: 3). Although I recognize the colonial and settler origins of the term “Indigenous”, to my knowledge, it is the best and most respectful term there is for me, as a settler, to use when referring to all Indigenous nations in Canada. If specific Indigenous people want to refer to themselves as “Indians”, for example, because that is how they have identified themselves their whole lives, or they want to reclaim colonial terms such as this, who am I to deny them this action as an uninvited settler? However, as a white person, I do not employ those terms in this thesis for their colonial histories and derogatory meanings (Monchalin, 2016: 3).

Despite these significant shifts in language employed in the MCP CD over the last twenty years, this is unfortunately where the progress toward decolonization stops. Although I do see the value in language, labelling, and pronouns, there are still deeply entrenched colonial and carceral values in the program that have not been addressed by the terminology changes.

Eligibility Criteria

For an overview of the eligibility criteria for mothers over the years in the words in the documents and CDs, please refer to Appendix C. Briefly, security classification was an important element from the first CD, whereby only mothers classified as minimum or medium security could apply to the program. This criterion has not changed very much over the course of the program’s existence, as is explained in more detail below. In terms of the type of crime a mother committed, there has always been a mention of crimes against children, due to the nature of the program. Where there has been some fluctuation is the inclusion of a caveat for mothers who committed an offence against a child to undergo a psychiatric or psychological assessment by a mental health professional (psychiatrist or psychologist) in order to determine whether the mother would be a risk to the child. In addition to requiring mental health assessments for

women who committed crimes against children, the CDs became increasingly concerned with a mother's ability to parent their child due to mental health reasons on their behalf or their child's. Later CDs posit that if a mother lives in a special mental health unit of the prison to receive moderate mental health treatment, they cannot participate in the full-time residential component of the MCP.

As demonstrated by the overview of the eligibility criteria for the MCP over time, it has become increasingly detailed and complex, which can be seen by the numbers of subpoints when comparing the first CD (2001) to the latest (2020). The program's eligibility criteria went from pregnant women who were going to give birth during their incarceration who did not have their previous children (if any) taken away by Child Services, however, if they did, Child Services would need to approve this infant's participation in the program (McClung, 1997: para. 1) to a-f eligibility requirements in 2020. In these upcoming sections, I argue how security classifications, the types of offences committed by imprisoned mothers, and their mental health status become institutional, colonial barriers that prohibit incarcerated women from participating in the program.

Security Classification Levels

Due to the structural multilevel nature of prisons for women in Canada, as well as the safety and best interests of the children, security classification is a key aspect of gaining access to one's children in prison through the MCP. Although not directly mentioned in the 1997 pilot project eligibility criteria, being a minimum or medium security classification has been a requirement since the birth of the program. Despite the policy update in 2020 that accounted for maximum security women who were being considered for medium security reclassification, their eligibility ultimately rests on whether they can be "managed" in medium security environments.

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This effort to add nuance to the policy was noted, however, security classification still acts as a barrier for many women. The fact that maximum security level women are automatically excluded from participation in the program significantly reduces the number of mothers eligible to bond with their children in prison. This is especially the case for many Indigenous women who are classified as maximum security upon entering the system. Due to colonial measuring tools, which view needs as risks, Indigenous women are more likely than non-Indigenous women to be classified as maximum-security “prisoners” (Monchalin, 2016: 145). In addition to being overrepresented in the overall incarcerated population in Canada, Indigenous women are also overrepresented in maximum security units, where they make up 45% of that population (Miller, 2017: 12).

One of the main reasons for this overrepresentation of Indigenous women in maximum security is the Custody Rating Scale, a measurement tool to assess “criminals” to determine which security level they belong at, when taking various factors into account such as their criminal history, mental health status, past personal trauma, and addictions (Miller, 2017: 12). Although this rating scale seems to be neutral, it is not appropriate for many Indigenous peoples because it fails to take systemic and structural discrimination into account (Miller, 2017: 12). In this way, the scale was designed with white men in mind and has only been tested for this specific population, which fails to take gender and cultural considerations into account. Since the scale was not designed with Indigenous women and men in mind, it completely excludes Indigenous specific life circumstances brought on by colonialism, such as intergenerational trauma from the Indian Act, residential schools, the sixties scoop, and other racist governmental policies. Most specifically, this scale fails to consider the many systemic barriers Indigenous women face that often result in their involvement in the CJS, such as discrimination and racism,

poverty, victimization and abuse, mental health struggles and addictions with alcohol, and other substances, used typically to numb the pains brought on by colonialism and its legacy. This scale, and others like it, therefore, see these symptoms of intergenerational trauma and genocide as risk factors that make the individual more dangerous or difficult to control in a “correctional” setting (Miller, 2017: 12). Instead of these signs of abuse and distress being coded as avenues to help incarcerated Indigenous peoples, they become used against them, resulting in a higher security classification compared to non-Indigenous people (Monchalin, 2016: 145). Although,

“No amount of tinkering with prisons can heal the before-prison lives of the Aboriginal women who live or have lived within their walls. Prison cannot remedy the problem of the poverty of reserves. It cannot deal with immediate or historical memories of genocide that Europeans worked upon our people. It cannot remedy violence, alcohol abuse, sexual assault during childhood, rape and other violence Aboriginal women experience at the hands of men. Prison cannot heal the past abuse of foster homes, or the indifference and racism of Canada’s justice system in its dealings with Aboriginal people” (Adelburg & Currie, 1993: 79).

Changing the scale to acknowledge and make room for these historical and real struggles Indigenous women face would make their experiences of incarceration more about healing than inspire rage (Adelberg & Currie, 1993: 79). Indigenous women should be highly involved in this process of creating a more representative scale since no one knows their unique struggles more than they do. As long as CSC uses scales that were not intentionally designed for Indigenous populations, Indigenous women will continue to be overrepresented in the maximum-security units in the prisons and they will continue to be denied access to their children, further exacerbating the effects of colonialism and the Child Welfare system.

Offence Committed: Unspecified Violent Offences and Battered Indigenous Women

Due to the nature of the program, policymakers were cognizant of the type of environment children would potentially be living in, including the people they may be around. As seen in the outlined eligibility criteria above, throughout the years of policy updates, there has

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been a rather constant focus on women who committed crimes of a violent nature and offences against children as it pertains to the appropriateness of their participation in the MCP.

Before 2008 and the Lisa Whitford manslaughter case, where physical and emotional abuse were at play by the hands of her partner, the CD was clear that women who committed an offence against a child were not eligible to apply for the program. However, violent offences in general were not made explicit until the 2008 changes, when women convicted of violent offences, sexual offences, and/or offences against children were deemed ineligible to apply (Director General Women Offender Sector, 2008: para. 1). Most likely caused by Ms. Whitford's case and the public uproar that came with it, the Minister of Public Safety called for a review of the program and recommended changes be made immediately in order to "ensure mother-child relationships are fostered without endangering the safety of a child" (Public Safety, 2008: 1).

This change disproportionately affected Indigenous women because 75% of Indigenous women in federal custody have violent offences on their records (Miller, 2017: 13). By automatically excluding mothers who committed violent offences, without making exceptions or workarounds to account for the context of the violence in the first place, this does a disservice to women who are abused in their intimate relationships and punishes them for trying to get out of them alive (Monchalin, 2016: 175). Women involved in the CJS generally have been abused or mistreated in some way, where intimate partner violence is almost a shared burden among the population. This is especially true for Indigenous women; 15% of Indigenous women in a 2009 survey reported being abused by a romantic partner, while 6% of non-Indigenous women reported experiencing spousal violence (Monchalin, 2016: 175). Indigenous women are almost three times more likely to be victimized in a violent manner than non-Indigenous women in Canada (Monchalin, 2016: 175). Indigenous women are also more likely to be injured and to

report their injuries than non-Indigenous women. When they do report their stories of victimization, Indigenous women report severe forms of violence, which included being “sexually assaulted, choked, beaten, and threatened with a gun or knife” (Monchalín, 2016: 175). Based on Colleen Cardinal’s- an Indigenous woman who was taken from her family during the sixties scoop- experiences, who experienced all the terrible violence mentioned above, she explained that due to the abuse she suffered as a child at the hands of her foster father and her partners during young adulthood, she expected all men to be mean and abusive; she thought she deserved the abuse because she did not expect anything else from men until much later in life (Cardinal, 2018).

Indigenous women who kill their abusers, more often than not, plead guilty to the charge, compared to non-Indigenous women; Indigenous women are more likely to receive longer prison sentences despite their histories of abuse and trauma (Sheehy, 2013: 189-193). Indigenous women are more likely to plead guilty for a multitude of reasons, which include not wanting to be seen as uncooperative, not understanding the inner workings of the court system, they may have an existing criminal history, or they may have been intoxicated or killed their partner during a blackout (Miller, 2017: 14). If this was the case, since many Indigenous women use substances to numb their pain and trauma often rooted in their childhoods, the criminal defense of self-defense does not apply to them as easily (Sheehy, 2013: 196). According to Sheehy (2013), Indigenous women should have a better chance of being acquitted for the killing of their abusive partners because there are often witnesses to the violence they experience, such as by friends, family members, and community members (197). Additionally, despite the many instances of violence and mistrust between Indigenous peoples and the police, Indigenous women are more likely than other battered women to call the police for help and are more likely to kill their

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abusive partners in the midst of a violent altercation (Sheehy, 2013: 197). Despite the generally increased amount of evidence and testimonies to support abused Indigenous women, due to the colonial structures of the CJS, Indigenous women who killed their abusive partners are failed by the systems meant to protect them, costing them the chance of further bonding with their children during their incarceration.

In the 2016 CD, the eligibility criteria for “inmates” changed to broaden eligibility for the program. Importantly, in 2016, the CD states that an “inmate” is eligible to apply for the program if “she has not been convicted of an offence against a child or an offence which could reasonably be seen as endangering a child” (CSC, 2016: para. 13a). They also include that “if the inmate does not meet this eligibility criterion, [they] may be considered for participation if a psychiatric or psychological assessment determines that the inmate does not represent a danger to her child” (CSC, 2016: para. 13a).

This addition to the CD, years later after Lisa Whitford’s case, seems vague, as it could be interpreted in many ways. What is an offence that could reasonably be seen as endangering a child? What is a reasonable assumption here? According to whom? In what context? Without taking a holistic approach to the nature of women’s offences, relevant context is glossed over, thereby painting everyone with the same brush. Although the CD was changed to exclude the language around violence itself, this paragraph still invokes colonial narratives that clearly demonstrate a lack of concern or critical thinking when it comes to how women become involved in the justice system.

This line in the CD may seem like it would allow more mothers to participate in the program, however its ambiguity, wording, and coming after the 2008 changes, make it seem as though this line is an extension of the 2008 agenda- to exclude mothers who committed violent

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offences from being eligible to apply to the program, further restricting access to the program, especially for Indigenous mothers, many of whom experience violence themselves.

Mental Health and the Structured Living Environment (SLE)

In addition to security classification and offence committed, the MCP CD often referenced the mother's mental health status. Mental health or, by extension, psychiatric assessments, were first introduced to the MCP policy in 2001, the first official CD for this program. It was included for women who had committed a crime against a child and the psychiatric test would determine whether or not they would be a danger to their child. This requirement was also present in the 2003 version of the CD.

In 2008, CSC conducted a review of the MCP at the request of Public Safety; the Women Offender Sector (WOS) took issue to the fact that women convicted of crimes against children could participate in the program if a psychiatric/psychological assessment deemed it was safe to do so; they recommended that this caveat be removed to automatically exclude women who committed a crime against a child (WOS, 2008: 4).

In the 2016 CD, there was the addition of a Chief of Mental Health or delegate to be consulted after an application to the program "to identify whether there [were] any concerns from a mental health perspective" (CSC, 2016: para. 5). There was also a change to the eligibility criteria for women who committed a crime against a child, since the mental health assessment was reinstated,

"an inmate who does not meet this eligibility criterion [committed a crime against a child] may be considered for participation if a psychiatric or psychological assessment determines the inmate does not represent a danger to her child" (CSC, 2016: para. 13a).

Another change to the eligibility criteria was that full time residency was not an option for women living in the Structured Living Environment (SLE);

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“an inmate is eligible to apply for the residency component of the MCP with her child if she is not residing in the SLE (except if she has a child who is eligible for participation in the part-time residency program using the private family visiting unit location” (CSC, 2016: para. 13c).

According to CSC, the Structured Living Environment is “a living unit within the perimeter of a women offender institution that provides intermediate mental health care for minimum and medium security inmates with mental health concerns” (CSC, 2016: 17).

Lastly, in the 2020 version of the CD, there were more mental health requirements women had to meet in order to be eligible to apply to the program. Instead of only needing to meet three eligibility criteria requirements, mothers now had to check off six boxes in order to be considered for participation in the program. The mental health requirements included, “mothers are eligible if there is no current assessment from a mental health professional indicating that the mother is incapable of caring for their child due to a documented mental health condition of the child or the mother” (CSC, 2020: para. 14d). The mental health assessment is still currently required for women who committed a crime against a child (CSC, 2020: para. 14e). There was a change regarding women who live in various special units in the prison for mental health purposes and their ability to partake in the program;

“an offender may apply for the residential component of the MCP while in the Structured Living Environment (SLE), Structured Intervention Unit (SIU) or Enhanced Support House (ESH) but cannot participate in the full-time program while residing in one of these areas; they can be considered for participation in the part-time program residency program using the private family visiting unit location” (CSC, 2020: para. 15).

It is well documented that incarcerated populations struggle more than the non-incarcerated population with mental health issues, and this is especially true for women (CSC, 2019). Research shows that women are twice as likely (21.8%) to have a mental health diagnosis at admission to the institution than men (10.4%) (Public Safety, 2009). Additionally, studies have shown that criminalized women are much more likely to suffer from major mental health

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issues compared to criminalized men, these include “schizophrenia, posttraumatic stress disorder, depressive disorders, various personality disorders (with the exception of antisocial personality disorder), and substance abuse” (Blanchette & Brown, 2006; Bloom, Owen, & Covington, 2003). It is also well documented that criminalized women generally come from lower socioeconomic backgrounds, have less education, are raising small children almost solely on their own, and many have histories of childhood trauma, including abuse and neglect (Barrett, Allenby, & Taylor, 2010; Blanchette & Brown, 2006; Bloom et al., 2003).

It is important to note that Indigenous women also experience high rates of mental health issues while in federal custody; 44% of Indigenous women are prescribed psychiatric medications at intake, which is an increase from the early 2000s (CSC, 2010). Indigenous peoples are also more likely to suffer from substance abuse, due to the many negative impacts of colonization, residential schools, and other racist policies that separated families and attempted to eradicate Indigenous cultures (Derksen, Booth, Taylor, & McConnell, 2013). The use of alcohol and drugs in incarcerated Indigenous populations has remained steady, averaging 95% since 2003 (CSC, 2010).

According to my research, the SLE is a unit that has eight beds for women who need mental health support, and this unit exists at each of the regional women’s institutions except for the healing lodge (CSC, 2013: 2). Although I could not find longitudinal or current data as to whom resides in the SLE in terms of race or ethnicity, from the other statistics which point to the high rates of Indigenous women’s mental health needs, it is fair to assume that they are overrepresented or at least present in the SLE as well.

If there have been Indigenous women in the SLE, or other units like it, their chances of being in the full-time residential component of the program are none. The exclusion of mothers

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with mental health problems, like anxiety and post-traumatic stress disorder, punishes Indigenous women for living in a society that is sexist and colonial in nature and structure, as it fails to account for the roots of their pain and trauma. Housing Indigenous women in the SLE, SIU, or ESH, and denying them full time access to their children continues the colonial legacy and mission of severing Indigenous families even further, first by incarceration and then the special units. Indigenous people did not ask for intergenerational pain and trauma; it was imposed onto them by the State and other institutions in society that perpetuate colonial ideologies.

The decision to exclude mothers with mental health problems when they reside in the SLE, and other units, sounds like a way to reduce staff workload rather than ensure the bond between incarcerated mothers and their children, which is the goal the CD explicitly highlights. If these units housed women with severe mental health problems where they could not manage to care for themselves, let alone a child, I would be more understanding of this point. Or if it housed maximum security women, I could see how one could argue a child would be put at risk in such an environment- if the scale was not inherently racist and sexist in its design. However, this is not the case and excluding women in the SLE, SIU, and ESH continues the cycles of pain and stigma against women with mental health needs.

The Necessary Involvement & Partnerships with Child Welfare Agencies

Since the birth of the program, the participation of the relevant provincial child welfare services has been an integral part of the program. The safety of all the participating children has always been at the forefront of the policy, even more so than the mother-child bond itself.

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The CD also clarifies and details how mothers who participated in the program, who return to custody, and who maintained the care of their child(ren), are eligible for an expedited re-application process (CSC, 2020: para. 40).

The necessary involvement of Child Welfare Services and CSC's partnership with them are extremely relevant and problematic for Indigenous mothers because Indigenous parents have their children taken away from them by child welfare services more than non-Indigenous parents (Miller, 2017: 15). In addition to systemic racism and stereotypes about Indigenous parents being bad parents, many Indigenous children often live in poverty due to health problems their parents have and/or racist hiring policies that make it difficult for Indigenous adults to find work that pays well enough to live comfortably (Cardinal, 2018: 98-99). Living in poverty, being homeless, or living in shelters attracts the attention of the child welfare services more so than non-Indigenous people with children who do not live in these circumstances.

Due to the 60s scoop and residential schools, Indigenous peoples are also less likely to have had constant good parental role models, since many Indigenous children suffered at the hands of their white foster parents (Cardinal, 2018: 38). Due to the historical trauma and continued removal of Indigenous children from their families and communities by child protective services, many Indigenous mothers may not wish to apply to the MCP even if they meet the other eligibility criteria (Miller, 2017: 15). They may fear that if they apply to the program, their children could be taken from them in the institution or that their other children could be apprehended because of their incarceration. These fears and barriers are unique to Indigenous women because of the colonial policies that allowed for and ordered the removal of Indigenous children from their families and communities to attend residential schools or to be "adopted" into white families to become less Indigenous and more like the white children (Cardinal, 2018: 37).

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This distrust and fear are not only rooted in historical experiences for Indigenous peoples, since Indigenous children are continuously disproportionately removed from their communities by child protective services, compared to non-Indigenous children (Turner, 2016: para. 3). Although Indigenous children under 14 years of age represent only 7% of the Canadian population, they represent 48% of children in the foster-care system (Turner, 2016: para. 3). In addition to being apprehended by child protective services more than non-Indigenous children in Canada, Indigenous children and families are failed even further by this service because Indigenous children are amongst the population that die in the “care” of these organizations the most (Miller, 2017: 16). In Alberta, Indigenous children make up about 9% of the child population in the province, but they make up 78% of the children who died in foster care since 1999 (Hendon, 2014: 1). These are not historical data; these numbers and statistics represent a sustained cultural phenomenon based on white supremacy that devalues Indigeneity and actively tries to eradicate it wherever possible. These staggering statistics which keep many Indigenous women away from applying to the program, demonstrate the complete and utter disregard the Canadian Government has for Indigenous peoples, their cultures, and their children.

By CSC partnering and adopting the child welfare agency’s “philosophies” (WOS, 2008: 7) about risks when it comes to children, the agency also adopts all of the distrust, pain, and trauma that the Child Welfare Services carry with them for Indigenous peoples. With the high rates of Indigenous peoples incarcerated in Canada and the settler construction of the legal system in general, CSC does not need help in the “distrust” department when it comes to Indigenous communities. Although children need protecting in the penal environment and CSC cannot be an expert in every single field, there could have been another organization or agency who could have completed an assessment to determine what the best interests for the child are, especially in

the case of Indigenous mothers and their children. Despite the language change in the 2016 CD (which carried over into the 2020 CD) to include child welfare agencies and/or health professionals with a specialization in child care when it came to providing the Institutional Head with an assessment to determine whether participating in the residential aspect of the program was in the best interests of the child, this is not tailored enough to Indigenous communities and their needs, if using an Indigenous Feminist or decolonial approach to criminal justice. CSC could have hired an Indigenous child specialist to take over the tasks traditionally done by the child welfare agencies or the health professional with a specialization in childcare. This distinction is important due to the historical and current issues the child welfare system causes Indigenous peoples, their childrearing, and their families.

Another interesting point I thought about when reading through my data was that despite the many negative feelings toward child welfare systems, the pilot project for the program began at the healing lodge with a strong reliance on the child welfare agencies to allow these women access to their children. From the data I gathered, the reasons given for starting the program at the Okimaw Ochi Healing Lodge in 1996 were outlined in a briefing note and are as follows:

“Following my visit to the Healing Lodge and after having met with the National Aboriginal Advisory Committee, I propose that the mother-child program be implemented as a pilot project at the OOHL this summer for the following reasons:

- the Healing Lodge is accommodating only lower security inmates (medium and minimum only);
- they have not had the transition problems experienced at the Edmonton Institution for Women;
- there have been no incidents of self-mutilation or assault;
- the program and the participation of the Elders in the daily routine of the women is quite structured;
- there is an equipped, on-site day care centre and a day care specialist has already been hired”(Watson, 1996: 2).

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I may possibly be missing some correspondence or documents further explaining this decision and the position of the Healing Lodge, however, I wonder why there was no mention of this apprehension about the intensive involvement by the child welfare agencies. I cannot claim to understand this apprehension, because I am not Indigenous nor am I a mother, nor can I claim to know more about these issues than people on the National Aboriginal Advisory Committee, but from the articles I have read about the atrocities Child Welfare Agencies have put Indigenous families through, including Colleen Cardinal's life story, I expected to see resistance or discomfort about the level of involvement these agencies have in the program.

By having such a strong connection and level of involvement with child welfare agencies for the MCP, in an already colonial and carceral setting, it is not possible to achieve a decolonial approach to "corrections" when program elements (child welfare) disproportionately and negatively affect Indigenous women and other women of colour. In addition to requiring input from the appropriate child welfare agency to approve participation in the MCP, CSC also glossed over important considerations that could have made the program more decolonial in nature if taken seriously.

Indigenous-Specific Considerations/Accommodations

This theme highlights the considerations- or lack thereof- for Indigenous mothers who participated in the MCP over the years. I already mentioned the necessary involvement of the Child Welfare Agencies and how that could be problematic for incarcerated Indigenous mothers who wish to apply to the program. However, this section specifically focuses on the specific steps CSC has taken to consider Indigenous women's cultural heritage and how these were woven into the policy. More specifically, I discuss the inclusion of Elders in the CDs and their roles and responsibilities as actors involved in the running of the MCP.

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Like in the 2016 version of the CD, there continues to be a separate section outlining the responsibilities of the Aboriginal Liaison Officer, except the name of this position has changed to the “Indigenous Liaison Officer”. Their duties remain the same (CSC, 2020: para. 7).

In the making of the pilot project, the Healing Lodge reached out to the Commissioner and explained that the definition of ‘mother’ should be expanded due to the differently organized structure of many Indigenous families and child-rearing strategies. The definition in the 2001 CD and onwards for ‘mother’ included biological, adoptive, step-parents, and legal guardians. Legal guardians were added to the definition as a result of the staff at the healing lodge’s request. Although this did open up the definition, thereby making more women eligible for the program, I question whether it made a big difference for Indigenous women specifically due to the nature of their communities and how children are raised by multiple people at the same time, most likely without any specific legal label or obligation (Anderson, 2010: 83).

In the 2001-2003 CDs, Elders were only mentioned briefly in two paragraphs, and they were in brackets, which made the entire incarcerated Indigenous population sound like an afterthought on behalf of CSC, despite their overrepresentation in Canadian institutions. Without a proper section for the roles and responsibilities of Elders, the program was clearly not made with Indigenous mothers in mind. Instead, it was designed using internalized colonialism, thereby thinking of only non-Indigenous participants and infusing the policy with white family standards and norms (Million, 2013: 173). CSC must have realized this as well since they added a specific section in 2016 for Elders.

It should be noted that the changes to the program in 2008 were introduced in part by an Indigenous woman, Lisa Whitford, when she killed her abusive partner when she was pregnant with his child. Although I cannot point to a certain section in the CD, Whitford’s case is

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significant because it changed the eligibility criteria and other important elements of the program for all future applicants. The fact that the mother who brought the MCP into the light of the media was Indigenous probably made the public even more upset because they would have relied on stereotypes about Indigenous women as bad mothers who were addicted to drugs (Cohen, 2015: para. 9-10). Although it is unknown whether Whitford's race had a significant impact on the way the public reacted to the case and bringing her baby to prison, as a critical feminist scholar, I must question whether there would have been as much uproar if the woman was white.

Another interesting element of the data I collected in terms of Indigenous specific considerations (or lack thereof in this instance) is that in the 2008 review of the program by WOS, they asserted that program participation is not a "right" for any woman with a child, because there were (and still are) many criteria that the mothers need to satisfy in order to be considered eligible for participation in the program. The word choice of "rights" is significant because this word is very much representative of Western feminism and its efforts to achieve equality for women (mostly white women) (Udel, 2001: 60). More specifically, the concept of motherwork asserted that women of colour, including Indigenous women see their roles and tasks associated with motherhood as "responsibilities" rather than "rights" (Udel, 2001: 60). This language in the review also reinforced the Western ideology of individualism over many Indigenous communities' communal harmony (Yeo, 2003). Similarly, this review of the program prepared by CSC acknowledged that the program is very difficult to get into. This is interesting when considering the historical trauma on parenting, the government, and other agencies, have had on Indigenous parenting practices and familial structures.

In the 2016 CD, some important changes were introduced to the policy with the separate section for the responsibilities of Elders. By having their own section, Elders become officially

part of the program and Indigenous mothers' cultural and spiritual needs are at the forefront. Even though Elders have been working within prison walls for a long time, they recognize that "the prison could never be fully decolonized; the goal was to help prisoners survive a colonial institution, because the only way to fully decolonize the prison was penal abolition" (Adema, 2014: 258-259). Despite this significant change that acknowledges the cultural and spiritual needs of incarcerated Indigenous women, the roles, and responsibilities of the Elders themselves may have been written using a well-meaning yet colonial lens, nonetheless. Much like Black scholars and other critical race scholars have called out the assumed necessary teaching of racism to white people (Wilson, 2020: para. 1), this CD reads similarly in terms of Indigenous people (Elders) teaching CSC prison staff about "cultural awareness" in terms of "long-standing historic trauma on parenting" among other things (CSC, 2016: para. 6a). Although I do not advocate for a white person training staff about colonialism and government policies directed at the assimilation of Indigenous cultures, and I admit that staff need to be trained on such issues, it seems unfair to place this burden on the Elders, especially that there are so few who work with CSC and that they get paid so little (Lafferty, 2021: para. 24; Adema, 2014: 263). Some Elders took issue with the notion of payment because it went against their teachings and traditional ways of doing things in the community, where they are supported financially by other community members (Adema, 2014: 263). Although Elders add immense value to the "correctional" system because criminalized and incarcerated Indigenous peoples have voiced that their cultural and spiritual needs were not being met before the introduction of the employment of Elders in prisons, CSC should educate their own personnel before having the Elder come in to teach personnel about colonialism, racism, and discrimination. The Elder's services could then be used to expand on events or concepts that the personnel already learned about, or they could

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be there to answer specific questions, as they pertain to their job and the MCP. Although punishment and the criminal justice system should be used sparingly according to my theoretical and philosophical positionality, the training of staff on these important historical and contemporary issues faced by marginalized people in society, as well as the dominant/normal way of seeing the world in colonial terms, should be applied to the prison system to make the experience of incarcerated people inside as humane as possible. Learning about and respecting other cultures, ways of life, traditions, languages, and understanding their histories and unlearning racism and colonial ways of viewing the world are important steps toward decolonization.

Despite this separate section for Elders that remained from the 2016 version of the CD, “Elders” are not defined at the end of the CD when all other actors in the administration of the MCP are (i.e., alternate caregiver, inmate babysitter, Mother-Child Coordinator etc.). Although a definition may seem like a small detail, CSC and Indigenous communities have had differing views on who qualifies as an Elder (Adema, 2014: 245). Elders were traditionally recommended by the community and determined by the community; with the introduction of employment with CSC, an Elder became an Indigenous chaplain or therapist, which was not representative of their mission in the prison (Adema, 2014: 261). Framed using Eurocentric language, religious views, and expectations of Indigenous spirituality, Elders consistently faced many hardships in penal environments. CSC also hired Elders like they would hire for any other front-line position, by posting the position and waiting for applicants to apply, thus eliminating the voice of the community (Adema, 2014: 262).

Additionally, although the Service mentioned policies that led to the devastation of Indigenous families and parenting strategies, like residential schools and the sixties scoop, the

fact that the mother is in a penal environment with CSC deciding the mother's fate in terms of parenting their children, is a continuation of colonial government involvement in Indigenous familial affairs. Interestingly, these events that the CD mentions (residential schools and the sixties scoop) are not defined or explained in the CD as key terms. I thought that there would at least be a link connected that led to another government page explaining these awful practices, however this was not the case. Rather, terms like "child welfare agency" and "child welfare registry" are defined at the end of the CD (CSC, 2020: 19). By defining these terms in the 'definitions' section of the CD, CSC demonstrated where their loyalties lie by solidifying their relationship with colonial institutions that continue to stereotype and sever Indigenous families. The inclusion of a brief explanation of what these events were and how they still impact Indigenous families today would be extraordinarily useful to CSC staff who may not have learned about this before or who are looking to understand the ways Indigenous peoples become involved in the criminal justice system and are not trustworthy of the system of its staff.

If looking at these sections of the CD from an IF and penal moderate approach, it would appear that by keeping information on the practices of residential schools and the realities of the 60s Scoop minimal, CSC avoids responsibility and decides not to engage with the important task set in front of all Canadians, including institutions- decolonization.

Conclusion

This chapter highlighted the supporting arguments that emerged from the data I collected in relation to my research questions around how the policy evolved over time. I was able to answer my research questions: how has the MCP policy evolved over time and how have the policy changes represented a (de)colonial approach to criminal justice policy? In this section of my thesis, I argued that the MCP policy became even more restricted over time, especially in

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terms of who is eligible to apply for participation in the program. I also concluded that beyond the language shift employed in the most recent CD (2020), this policy has not represented a decolonial approach to criminal justice policy. I came to this conclusion by analyzing the 1) eligibility with subthemes of security classification, offence committed, and mental health status of the mother, 2) the partnership with Child Welfare Agencies, 3) and Indigenous-specific considerations. Tracking the discourses and program changes over time, I saw changes in the wording around colonialism and MCP participants, including calling them ‘mothers’ rather than ‘inmates’ (for the most part). When it came to eligibility criteria, the way the policy is written would keep Indigenous mothers from applying because many of them, due to systemic racism and colonialism, are classified as maximum security, commit violent offences, and many of them have mental health problems which could put them in the SLE, making them ineligible to apply for the full-time residential aspect of the program. CSC’s partnerships with provincial Child Welfare Services could also deter Indigenous mothers from applying to the program due to past and current trauma with the disproportionate removal of Indigenous children by such agencies. Lastly, other than beginning the pilot program at the Healing Lodge, there were not any specific measures taken to challenge colonialism or work toward decolonizing the program. As the CD evolved, Elders were included in the program to help guide Indigenous mothers on their cultural and spiritual journeys to a crime-free life after incarceration. Although the Elders’ involvement in the program can be seen as a victory for Indigenous “offenders”, it is important to remember that the Elder’s role was appropriated from the community and adapted to fit into the colonial structure of the prison. Despite the changes on paper that could seem to point to CSC taking a decolonial approach with this policy- by calling participants “mothers”, labelling Indigenous people and actors “Indigenous”, changing the eligibility criteria to broaden the type of offences

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(no offences against children or other offences that could reasonably be seen as endangering a child) women could be convicted of for applying to the program, and providing written responsibilities for Elders in the running of the program- these changes do not combat the internal colonialism of prisons and the criminal justice system in general that makes it possible for Indigenous women to be over classified (maximum security), many of them committed violent offences, typically against their abusive partners, which could be seen as endangering a child, many of them struggle with mental health issues due to personal colonial trauma, racism, or intergenerational trauma, meaning they could end up being placed in the SLE, making them ineligible for the full-time residential component of the MCP. These surface level changes also do not make up for the violent and racist actions by Child Welfare Agencies over the years toward Indigenous families. By continuing to work with these colonial agencies that continue to destroy Indigenous families, CSC allows for the disruption of Indigenous families, cultures, and traditions even more by incarcerating their mothers. Lastly, by adding a section in the CD for Elders, CSC appropriated this important role from Indigenous communities and molded it for the punitive, colonial environment. By only briefly mentioning the historical trauma residential schools and the 60s Scoop had on Indigenous parenting, CSC glosses over this important opportunity to admit fault and to work toward a better future where Indigenous peoples are not overrepresented in Canadian prisons and colonizers do not decide who gets to raise their children, within the prison walls and beyond.

Chapter Six: Conclusion

Introduction

In this final chapter, I discussed my personal interest in the topic of study, including how I came to employ a decolonial approach. I also highlighted the significance of the research and what the findings mean for federally incarcerated mothers and CSC. Lastly, I suggested possible solutions to some of the colonial barriers to the program as well as future research directions on this topic.

The Researcher's Personal Interest

As I mentioned in the Research Methodology chapter (Chapter Four), I did a placement at CSC during my fourth year of my undergraduate degree in the Women Offender Sector. I chose this specific sector because of my niche interests in feminism and criminology. During my time there, I was introduced to the MCP, and I was immediately fascinated and perplexed. I thought it was interesting that some incarcerated women and children in Canada were able to reside together in the prisons. It seemed forward-thinking for its reformative, women-centered approach, however after a few weeks, I began thinking about how the program reinforced patriarchal notions of motherhood and traditional gender roles for women. This program's existence interested me despite my complete personal disconnection from the area, as I am not a mother, nor have I ever been incarcerated.

My interest in the program became spiked even more when I was told by my co-workers that there has not been very much research done on the program. At this time, I knew I wanted to pursue a master's degree; therefore, this news came at an excellent time. I came home from work one day and started researching the MCP, prison nurseries, and mother-baby prison programs and found very few articles that specifically analyzed the MCP. There were many articles and books about prison nurseries and such programs in the United States and around the world,

however I struggled to find articles about the MCP. The few articles I found about the program highlighted its minimal use by incarcerated mothers since its inception (Brennan, 2014) and one article provided an overview of the barriers to the program for Indigenous women (Miller, 2017).

After reading this article, knowing that Indigenous women are overrepresented in Canadian prisons, and that many of them are mothers, I changed my strictly feminist focus to a decolonial one committed to decolonization, healing, and reconciliation. This change also happened at the time when I knew I could not conduct interviews with mothers who had gone through the program, due to an inability to access these women, an ethical conundrum of whether these women should be found and interviewed, and the Covid-19 pandemic made it increasingly difficult to meet with people face to face how interviews were traditionally conducted. I was really hung up on the idea of conducting interviews because I wanted the mothers to express themselves in their own words, and have the power dynamic shift, so that they were the experts and I was listening to their stories, and together we made something by interweaving their experiences to give a better overall picture of the program. However, in the end, in addition to the items I already mentioned, I knew I was not ready to conduct interviews in a professional manner like this because I would get too nervous and would jump in to break the silence.

After I finally realized that I did not need to conduct interviews in order to have a feminist project, and I could use materials that already existed instead of bothering busy people, I thought focusing on how the documents reinforced or challenged colonialism would make the most sense and provide for the richest analysis, since there are often biases, stereotypes, and racist scripts built into cultural artefacts, like policies (Lazar, 2007; Monchalin, 2016). Despite the potential for racist undertones or unequal opportunities, I wanted to give the policy (CD 768)

the opportunity to resist these problematic notions and take on a decolonial approach to criminal justice, where I thought it would be beneficial to look at the same policy to see how it changed (or did not change) over time.

Significance of the Research and What it Means

This research is important because it analyzes a program in prisons for women that does not get much attention from scholars. Furthermore, this research provides a unique focus and perspective by focusing on the colonial underpinnings of penal policies. It demonstrates that although there have been government apologies and reforms to the CJS to include Indigenous Elders and ceremonies, colonialism runs deep within the foundation of the interlocking systems of the criminal justice system in Canada (Monchalin, 2016: 143). In this way, the prison system reinforces colonialism and colonial ideologies by using colonial scripts in the written documents, making it more difficult for Indigenous mothers to be eligible for the program.

Additionally, this research emphasized the need for revisiting “correctional” tools and scales for potential cultural or gendered biases that overclassify certain people, where needs are instead coded as risks (Monchalin, 2016: 143). It also brought to light that the foundational theories which guide parenting programs in prison are outdated, sexist and classist in nature, and do not account for the experiences of racialized mothers (Birns, 1999; Yeo, 2003). It is problematic when the theory guiding the prison program is flawed and centered on a privileged white position when many incarcerated mothers do not share these traits.

It also demonstrated the flaws with penal reformist strategies that simply try to reshape a system that works the way it was intended to work (Davis, 2003; Piché, 2015). Moreover, this study demonstrated the need for a better solution to incarcerating mothers and their children for

crimes that they committed to stay alive in an abusive relationship, provide for their families, or due to past trauma (Baldry et al., 2015: 168; Monchalin, 2016: 145).

Possible Solutions

The easiest solution would be to change the language used in the CD. Although in the 2020 version of the CD, most of the language used in the sections changed from “inmate” to “mother”, for respect of their humanity and important roles as mothers, “inmate” should be completely eliminated from their vocabulary and the CD (Ellis, 2016: 4).

Next, I would suggest updating the theory and the mindset around the foundational theory that does not account for other parenting/childrearing strategies and methods typically used by many Indigenous communities (Yeo, 2003). A new, more inclusive theory should be selected to represent the diverse groups of incarcerated mothers across Canada and their differential parenting approaches and traditions. For instance, the policy could be changed to allow more than one “inmate babysitter” per child to emulate community-style parenting found in many Indigenous communities in Canada (Yeo, 2003).

Thirdly, the tools and measurement scales should be reevaluated using an anticolonial lens and be changed in order to account for Indigenous peoples’ experiences of past trauma, where these experiences are not coded as risks, but as pathways towards healing. Shifting the language from risks to needs or ways to help women, changes the overall mindset for institutional staff.

Additionally, the policy should be changed to allow for full time residential participation by mothers in the SLE. If they have minimal to moderate mental health needs in the SLE, they should still be able to live with their children on a full-time basis. Allowing women with mental

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health issues access to the program would remove a barrier and stigma against mental health issues, especially in the cases of many Indigenous women who unconsciously changed their behaviours due to childhood trauma (Cardinal, 2018: 168-169).

Perhaps one of the biggest colonial barriers to the program was (and is) the involvement of the Child Welfare Agencies, due to its colonial history and disproportionate targeting of Indigenous families. Once a child lives within the walls of the institution, CSC becomes responsible for them, which explains why there are so many safeguards for children prior to making that decision. However, as my analysis demonstrated, this requirement does not carry the same weight for all incarcerated mothers who want to participate in the program. Due to this history and continued separation of Indigenous families by Child and Family Services, Indigenous mothers may not want to get themselves, their children, or families involved in the process to apply out of fear, anger, or distrust (Miller, 2017: 15; Cardinal, 2018: 135). Instead of solely relying on the opinion of the specific provincial Child Welfare Agency, CSC should work directly with the specific Indigenous community of the mother and child to help determine whether participation in the program is in the best interests of the child. CSC could ask the community or a community representative that the community chooses to provide an assessment of whether they think the child would benefit from participating in the program with their mother. This way, it would not be an agency the community may not trust deciding the fate of the child and the mother, rather it would be a community effort.

In addition, CSC should find another way to train their staff about the historical maltreatment of Indigenous peoples in Canada instead of relying on the Elder to do this extra work they do not get paid enough to do (Lafferty, 2021: para. 24; Adema, 2014: 263). Staff should do their own learning (and unlearning) before placing the burden of teaching them about

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what colonialism and racism are on Elders. After doing the work on their own, CSC can then bring in an Indigenous person or Elder, who is willing to share their experiences or provide techniques or background information that would help the staff do their job in a more just way than if they had not known this information. This way, the lessons learned are more meaningful, because it requires more effort on the part of the staff to critically think about how colonial thoughts often dominate their minds and places. Those who do not wish to learn Canada's history or about how the justice system creates barriers for Indigenous people, or show disrespect toward the Indigenous teacher, should have their employment terminated.

Lastly, and perhaps most importantly, there should be a method for keeping mothers in the community despite their criminalization. If there was a program where criminalized mothers could reside with their children in the community, or even from their own homes, and report to someone in the "correctional" field, this would solve many issues with the program, including the risk of allowing children to live in federal institutions, the punitive, colonial environment that the program takes place in, and the separation anxiety ineligible mothers feel. Having a program like this in the community is the most penal moderate and decolonial solution to the many colonial barriers that the prison environment presents to criminalized mothers.

Suggestions for Future Research

It would be useful for an independent researcher to conduct a quantitative analysis to find out how many mothers have participated in the program since 2012- when Brennan's analysis stopped- to determine whether the minimal use of the program is a continuing trend. It would also be beneficial to add race/ethnicity as a variable to this statistical study to determine which mothers are able to make use of the program, and which ones are not. This way, in addition to seeing how many mothers have been able to use the MCP, it would indicate if Indigenous

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women, or any other racialized women, experience barriers to the program if many of them have not participated in the program.

Also, it would be interesting to conduct interviews with family members of incarcerated mothers who participated in the MCP to gather their views on the value/benefits or downsides of the program. Interviewing “correctional” staff such as primary workers and other actors involved in the running of the MCP like the Mother-Child Coordinator and Elders, would also be useful to see whether staff get enough or adequate training on how to work with mothers and their children, especially for Indigenous mothers.

Additionally, it would be useful to conduct a longitudinal study that follows mothers and their children after participation in the program to see if there were any long-term benefits or harms (mostly for the child) by participating in the program in a penal environment. Interviewing adults who participated in the program as children would also be interesting for the same reasons mentioned above. It would also highlight CSC’s fear of stigma for the child if they lived at the institution at an older age (12) before the policy changed. The adult could then attest to these concerns and describe their experiences in the program to suggest any changes to be made for the sake of the future participating children.

Lastly, an independent researcher from outside of CSC could conduct interviews with the mothers themselves who have participated in the program, or who are still currently participating in the program. This would provide insight into the application process, the benefits or downsides of the program and policy, if there were any barriers to overcome, their thought process before applying to the program, and much more. If possible, Indigenous mothers should be interviewed, even if they did not end up participating in the program. If they had a child who fit the eligibility criteria or they wanted to apply but were not eligible themselves, this

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information would be important to collect to highlight the colonial barriers to the program that could affect Indigenous mothers. It would also provide an opportunity for mothers to express their choice not to participate in the program and whether this was in fact an act of resilience or resistance against the colonial structure of the CJS.

Although prison nurseries and mother-child prison programs are reformist strategies that do not take the roots of imprisonment, such as colonialism, racism, or poverty, into account, such programs make the experiences of incarceration for mothers of young children more bearable. If penal moderation is a goal for the future, currently incarcerated mothers- and those to come before the minimal use of prisons in Canada and around the world- should have access to their children, to watch them grow, and to teach them their cultural and familial traditions inside institutional walls as well as in the community.

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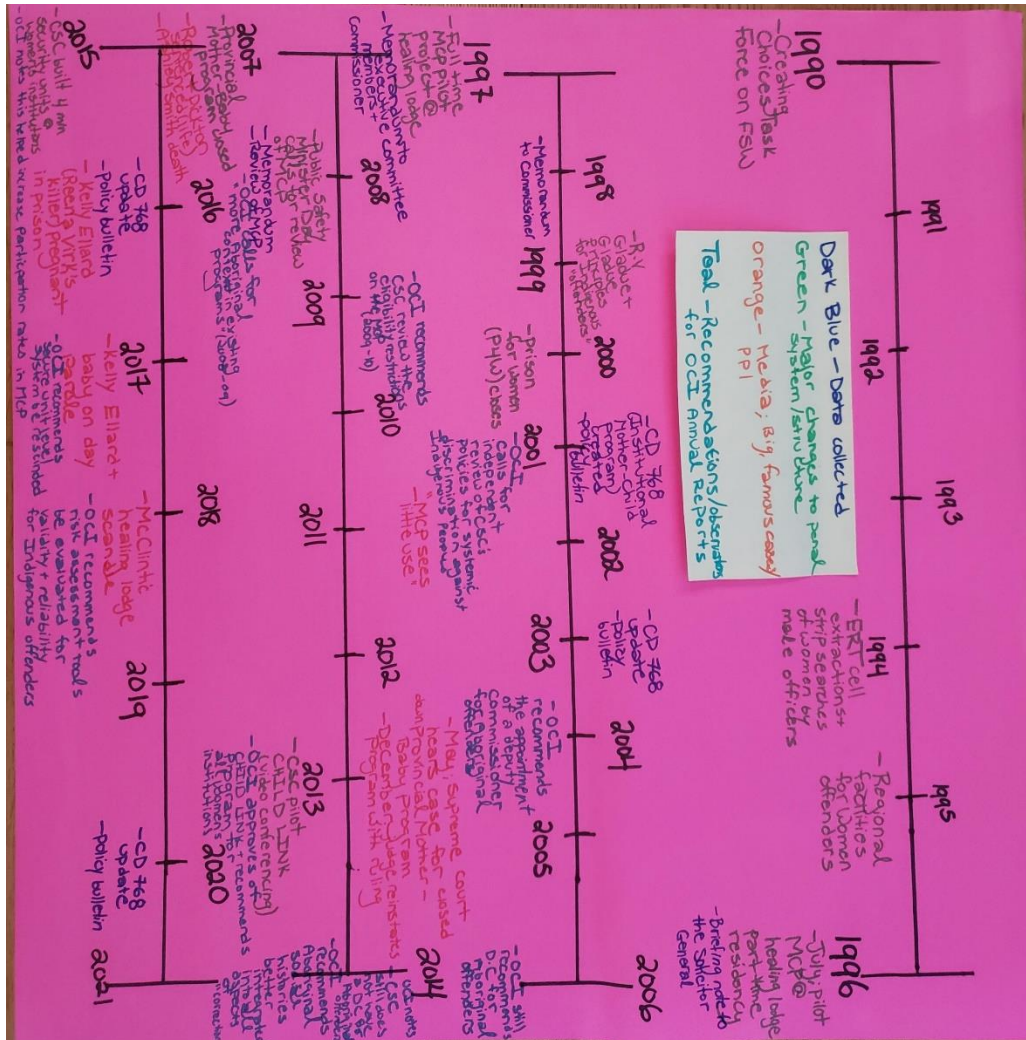
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Appendix A

Figure 1

MCP Timeline



Note. This figure of a timeline or map represents the progression and evolution of the MCP as well as the relevant contextual and societal shifts which lead to program changes from 1990 until 2021. I highlighted important changes/shifts in the Canadian CJS, cases made famous in the media concerning criminalized women, recommendations to CSC from the OCI concerning women and Indigenous “offenders”, and my data I collected.

Appendix B

Figure 2

Dear Alyssa Grégoire:

I am writing in response to your *Access to Information Act* request, received on July 13, 2020, for the following information:

1. All final versions of CD 768 (Institutional Mother Child Program) from January 1st, 1996 to present date
2. Statistics (official numbers) illustrating mother and child participation in the Institutional Mother Child Program from January 1st, 1996 to present.
3. Meeting notes/minutes from meetings held by the lead program senior policy officer regarding the development of the Institutional Mother Child Program dating from January 1st, 1996 to December 31st, 2005 in the Women Offender Sector
4. Meeting notes from meetings held by the lead program senior policy officer regarding highlighting changes to CD 768 (Institutional Mother Child Program) from January 1st, 1996 to present

Please exclude records that are not attainable at this time due to the current Covid 19 related pandemic. Please also note which records are being excluded from the current request so that I may ask for it again in the future."

Please find enclosed the records you have requested. You will note that certain records or portions thereof have been withheld pursuant to subsection 19(1), paragraph 20(1)(b) and section 23 of the *Access to Information Act*. I am enclosing, for your information, a copy of the subsection, paragraph and section.

It should also be noted that our Office of Primary Interest (OPI) provided several notes regarding the records provided. One note stated that records for part 3 of your request could not be provided as they no longer exist due to the retention period passing. It was also noted that most meeting notes for part 4 of your request could not be retrieved as they are physical notes written on draft CDs that cannot be accessed due to the current COVID 19 circumstances. However, our OPI did note that in addition to the few electronic notes provided for this part of your request, they have included all policy bulletins related to Commissioner's Directive 768, which highlight relevant policy changes.

Canada

Note. This image is a screenshot of the response from the ATIP Coordinator at CSC, confirming my ATI request, with their recommended terminology changes.

Appendix C

Eligibility Criteria for Mothers for MCP over time

Pilot Project 1997: Post-Natal Infant Residency

“Women who deliver children while incarcerated, shall be permitted to keep their children with them on a full-time basis subject to the following.

- Women whose previous children have been apprehended by the child welfare authorities will only be permitted to keep their children with them, if those authorities agree. Case specific measures to ensure the safety and well-being of the child recommended by those authorities shall be addressed in the management plan referenced in paragraph 2 below.
- Women convicted of crimes against children shall not be permitted to keep their children” (McClung, 1997: para. 1).

“Prior to approving a post-natal residency, the institutional head shall ensure the completion of:

- An assessment of the mother’s ability to assume full-time responsibility for her child;
- A management plan for the residency period to include such elements as accommodation; support for the mother; provision of equipment/services for the child; monitoring and emergency plan’
- Consultation with the local children’s aid society to ensure that the mother does not present a risk to the child” (McClung, 1997: para. 2).

2001 & 2003 CSC CD Eligibility Criteria

“Only women inmates classified as minimum or medium security and who are housed in institutions that offer the program are eligible to participate” (CSC, 2001: para. 17).

“Women convicted of a crime involving a child are not eligible to participate in the program unless a psychiatric assessment, completed by a psychiatrist selected by the Institutional Head (after consultation with the child welfare authorities), determines that the inmate does not represent a danger to her child” (CSC, 2001: para. 18).

2008 Changes to Eligibility

“I would like to advise you of the following immediate changes to the Mother-Child Program:

- If the mother is serving a sentence for a serious violent offence, a sexual offence or an offence involving a child, she is excluded from applying to the program. Any current applications must be re-assessed in light of the above;
- These exclusion criteria also apply to women who live in the mother-child house and to inmate babysitters. Therefore, co-habitants and babysitters must be re-assessed to verify that they are not serving sentences for any of the excluded offences. If they are, alternate living arrangements will have to be made immediately;
- Co-habitants living in the mother-child house and inmate babysitters will be asked to provide their consent for a background check through their local Child and Family Services national database to ensure they do not pose a risk to the child. Should they choose not to do so, other living arrangements must be made immediately;
- The participation of any offender who refuses to allow her child to be searched for drugs or other contraband before entering the Institution will be immediately re-evaluated;

Please also note that as the Institutional Head you have the final decision-making authority, however no application can be approved without the support of the local Child and Family Services” (Director General Women Offender Sector, 2008: para. 1).

2016 CSC CD Eligibility

“An inmate is eligible to apply for the residency component of the Mother-Child Program with her child if she:

- a) has not been convicted of an offence against a child or an offence which could reasonably be seen as endangering a child. An inmate who does not meet this eligibility criterion may be considered for participation if a psychiatric or psychological assessment determines that the inmate does not represent a danger to her child
- b) is classified as minimum or medium security
- c) is not residing in a Structured Living Environment (except if she has a child who is eligible for participation in the part-time residency program using the private family visiting location” (CSC, 2016: para. 13).

2020 CSC CD Eligibility

“A mother can be considered for participation in the residential component of the Mother-Child Program with their child if:

- a) they are classified as minimum or medium security, or are maximum security and are being considered for medium security
- b) they have been screened against the relevant provincial child welfare registries to verify whether information exists that should be considered in the decision-making process
- c) the child welfare agency is supportive of their participation
- d) there is no current assessment from a mental health professional indicating that the mother is incapable of caring for their child due to a documented mental health condition of the child or the mother

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- e) they have not been convicted of an offence against a child or of an offence which could reasonably be seen as endangering a child. An inmate who does not meet this eligibility criterion may be considered for participation if a psychiatric or psychological assessment determines that the inmate does not present a danger to their child
- f) they are not subject to a court order or other legal requirement prohibiting contact with their child or children” (CSC, 2020: para. 14).

“An offender may apply for the residential component of the Mother-Child Program while in the Structured Living Environment (SLE), Structured Intervention Unit (SIU) or Enhanced Support House (ESH) but cannot participate in the full-time program while residing in one of these areas; they can be considered for participation in the part-time residency program using the private family visiting unit location” (CSC, 2020: para. 15).

Child Welfare Agency Involvement over time

1997 Pilot Project

In a memorandum from September 1997 to the Executive Committee stated that, “women whose previous children have been apprehended by the child welfare authorities will only be permitted to keep their children with them, if those authorities agree” (McClung, 1997: para. 1). CSC also conducted risk assessments of the mothers, and this included a “consultation with the local children’s aid society to ensure that the mother [did] not present a risk to the child” (McClung, 1997: para. 2).

2001 & 2003 CD

This CD outlined the many ways in which the child welfare authorities assisted the Institutional Head with the decision whether or not to allow a mother to participate in the program. The involvement of the child welfare authorities was to determine if participating in the

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residential component of the MCP was in the best interests of the child. The child welfare agency provided a written assessment that included the following:

“the degree of disruption to the child should she/he be removed from her/his present environment, the mother’s ability to parent (if she is a new mother, the assessment should take this into consideration), her relationship with this child and her other children, if applicable, the child’s behavioural, medical, and mental health history (following receipt of the consent of the legal guardian or parent), and where feasible, the wishes of the child” (CSC, 2001-2003: para. 24c).

The CD also indicates that the Institutional Head can terminate a participant’s participation in the MCP if a child requests it or if the child does not adapt to the program, “the Institutional Head may also terminate the program at the request of the child, or when the child has failed to adjust to the program and/or where it is deemed in the best interests of the child. This decision shall be made based on the recommendation of the Program Board and following consultation with the local child welfare authorities” (CSC, 2001-2003: para. 69).

2008 Changes

The major changes to the program that resulted partially from Lisa Whitford’s case was that the cohabitants (other “inmates” living in the mother-baby unit/house) and the inmate babysitters needed to undergo a background check to ensure they did not pose a risk to a child (Director General, 2008: para. 4; Director General, 2008: para. 4). Another significant change was clarifying that the Institutional Head has the ability to make the final decision regarding a mother’s participation, however no application will be approved without the support of Child and Family Services (Director General, 2008: para. 7; Director General, 2008: para. 6). In this way, the support and approval from the child welfare agency was needed before the participation of an offender was approved.

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In a review of the program done by WOS in 2008 after the Whitford case and scandal, WOS reinforced their working relationship with child welfare services, arguing this program should benefit both the mother and the child, but the child's needs come first, "Not all women who apply to the program are accepted...The program is not a "right" for any woman with a child, she must undergo an exhaustive process where the final determination is based solely on whether having the child with the mother is best for the child. Her needs come second" (WOS, 2008: 7). In this review, WOS stated that, "CSC and Child and Family Services work in an integral partnership thus CSC has adopted their philosophy in assessing and managing risk where children are concerned" (WOS, 2008: 7). This can be seen by their commitment to child safety and by putting the needs of the child first.

2016 CD

In this CD, one of the Institutional Head's duties is to "establish protocols for reporting suspected child abuse or neglect to child welfare authorities in accordance with provincial legislation (CSC, 2016: para. 2). This CD also specifies a specific child welfare responsibility for the Mother-Child Coordinator which is to "act as a resource to provide information to, or obtain information from the child welfare agency and/or external health care professional with a specialization in child care" (CSC, 2016: para. 3f). The Mother-Child Coordinator must also request an assessment for mothers who meet the initial eligibility criteria from the child welfare agency (CSC, 2016: para. 22a). This version of the CD reinforces the notion that a decision about participation cannot be made without the support from the specific provincial child welfare agency, "the Institutional Head, upon receipt of all information, including the inmate's rebuttal (if applicable) will render a decision; the local child welfare authorities must support the mother's application in order for the Institutional Head to consider approving it" (CSC, 2016:

para. 26). Volunteers and other actors contracted outside of the institution who are involved in the running of the MCP are also “screened by the relevant provincial child welfare registry to verify if information exists in that registry to indicate that they may pose a risk to a child” (CSC, 2016: para. 66).

2020 CD

In this most recent version of the CD, the policy outlines more duties for the Mother-Child Coordinator when it comes to child welfare, “The Mother-Child Coordinator will guide the residential application process, assisting the mother with any delays or obstacles that may arise and following up with relevant child welfare agencies to help expedite the application process” (CSC, 2020: para. 3b). The Mother-Child Coordinator will also “as necessary, provide information to, and obtain information from, the child welfare agency and/or external health care professionals with a specialization in child care, in the mother’s previous places of residence, pursuant to the Residential Application and Assessment Process set out in this policy” (CSC, 2020: para. 3i). Lastly, the Mother-Child Coordinator will “coordinate and/or facilitate the mother’s interactions and involvement with family/kin, child welfare agencies, lawyers, family court etc., to ensure that the parental and/or legal responsibilities are met and that the best interests of the child remain paramount” (CSC, 2020: para. 3m).

This version of the CD also provides more detail in terms of deadlines for various assessments to be completed, “If the mother meets the initial eligibility criteria, the Mother-Child Coordinator will request a written assessment from the child welfare agency within five working days of the case conference to determine whether participation in the program is in the best interests of the child” (CSC, 2020: para. 24a). The CD also indicates that the Intentional Head has five working days to render a decision about a mother’s participation after receiving all the

rebuttal (if applicable), will render a decision within five working days; the local child welfare authorities (or health care professionals with a specialization in child care) must support the mother's application in order for the Institutional Head to consider approving it. If the decision of the Institutional Head is to deny participation, the circumstances under which the mother may reapply must be indicated in the decision" (CSC, 2020: para. 29).

The CD also explains the protocols for when a woman is pregnant and wishes to apply to the program before the birth of the child, "In instances where child welfare agencies will not open a file and/or complete an assessment until the child is born, the institutional recommendation and decision may include a caveat that the application is approved contingent on the child welfare agency approval after the birth of the child" (CSC, 2020: para. 32).

Indigenous-Specific Considerations

Pilot Project

In a Briefing Note, it was noted that the Healing Lodge "felt that more than just biological, adoptive or step-parents should be eligible for participation in the program as Aboriginal family structures may be somewhat less defined than non-Aboriginal families. This has been done" (Vanneste, 1997: 2-3). It should be noted that between these two sentences, about a line was greyed out by CSC, therefore I could not read it.

2001 and 2003 CD

In these versions of the CD, Elders were only mentioned in two paragraphs which read: "Following receipt of the mother's application, the Program Board (and the Elder where appropriate), shall complete an assessment report for participation in the Mother-Child Program" (CSC, 2001-2003: para. 24). They go on to say, "Based on this assessment, the Program Board

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(and the Elder where appropriate) shall recommend to the Institutional Head whether it is in the best interests of the child to participate in the program” (CSC, 2001-2003: para. 25).

2008 Changes

There were no Indigenous specific changes in the documents I collected indicating the 2008 changes to the MCP policy. However, in the review of the program done by WOS, they note that “note all women who apply to this program are accepted” and that “the program is not a “right” for any woman with a child, she must undergo an exhaustive process where the final determination is based solely on whether having the child with the mother is best for the child. Her [the mother’s] needs are secondary” (WOS, 2008: 7). It should also be noted that these changes came about due to an Indigenous mother and her case (Lisa Whitford).

2016 CD

In the 2016 CD, there was a new section introduced which was section 6, which outlined the roles and responsibilities Elders had in the MCP. These roles included to:

“provide spiritual support, guidance, and cultural awareness to staff working with Aboriginal inmates participating in the Mother-Child Program, including but not limited to the impacts of long-standing historic trauma on parenting; provide spiritual support, guidance, and cultural awareness, including Aboriginal parenting practices, to Aboriginal inmates who have children and who are interested in working with an Elder” (CSC, 2016: para. 6a-b).

This CD also introduced the inclusion of the Aboriginal Liaison Officer whose role is to “document and share the Elder’s observations/assessments of program suitability and program involvement with the Case Management Team when the mother is working with an Elder” (CSC, 2016: para. 7).

2020 CD

In this CD, there was an extra task assigned to Elders and the language changed from “Aboriginal” to “Indigenous”. The CD now reads, “The Elder/Spiritual Advisor will:

- a) provide spiritual support, guidance, and cultural awareness to staff working with Indigenous inmates participating in the program with a particular focus on historical policies and actions/impacts related to Indigenous people, including residential schools and the sixties scoop
- b) educate mothers participating in the Mother-Child Program regarding, among other things, the impacts of long-standing historical trauma on parenting, including, but not limited to, historical policies and actions/impacts related to Indigenous people, including residential schools and the sixties scoop
- c) provide spiritual support, guidance, and cultural awareness, including Indigenous parenting practices, to mothers who have children participating in the Mother-Child Program and who are interested in working with an Elder/Spiritual Advisor” (CSC, 2020: para. 6a-c).