

**Settler Colonialism Continued:
A genealogy of Indigenous regulation and oppression in Canada**

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Thesis submitted to the University of Ottawa
in partial fulfillment of the requirements for the
Master of Arts (MA) degree in Criminology

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Acknowledgements

To my supervisor, Dr. Jon Frauley, thank you for your continuous support, patience, and guidance throughout this process. Your belief in me and my work gave me the energy to continue when I did not know if I could.

To my examiners, Dr. Steven Bittle and Dr. Kathryn Campbell, thank you for your feedback and insights, this project is stronger because of your input.

Thank you to my mum for teaching me the value of education and lifelong learning.

Thank you Mila, for staying by my side during the early mornings and the late nights.

To my partner, David, who encouraged me through every step of this process and continues to support me in every one of my goals. You inspire me to aim higher and remind me it is possible to make change in this world. There are no words to explain how grateful I feel to have you in my life. Thank you for being there and being you.

Dedicated to my dad,

You saw me off to every adventure. Thank you for always standing with me.

Alfred Leonard Bourne

July 17, 1944 - February 14, 2017

Table of Contents

Acknowledgements	ii
Table of Contents	iv
Abstract	vi
Foreward	vii
Chapter 1: Introduction	1
Chapter 2: Literature Review	8
2.1 Western Superiority and Settler Colonial Benevolence in the Doctrine of Discovery	8
2.2 Overview of Residential Schools	11
2.3 Residential School Literature	16
2.4 What Occurred: Memoirs and Historical Documentation	16
2.5 Why it Occurred? The Motivations Behind Residential Schools	18
2.5.1 Stereotypical Dualism - The Noble and Ignoble Savage Dichotomy	20
2.5.2 The Princess and the Squaw Drudge Dichotomy	21
2.6 Who Did it Affect and How?	23
2.6.1 Impacts of Residential Schools	23
2.6.2 Intergenerational Trauma and Impacts of Residential Schools	26
2.7 How Can We Achieve (Re)Conciliation?	28
2.8 Residential Schools and the Prison System	31
2.9 Weaknesses, Limitations, and Gaps in the Literature	33
Chapter 3: Analytical Approach	35
3.1 Post-Colonial Theory - Orientalism and ‘the Other’	37
3.2 Producing Indigeneity	40
3.3 Contemporary Colonialism - Recognition and Accommodation	41
3.4 Genealogy	46
3.5 Foucault and Colonialism	53
3.6 Disciplinary Power	54
3.7 Biopower	56
3.8 Governmentality	59
3.8.1 Settler Governmentality	63

3.9 Conclusion	71
Chapter 4: Analysis	73
4.1 Introduction - Indigenous Agency and Struggles for Recognition	73
4.2 CSC's Approach to Indigenous Corrections	78
4.3 Political Rationalities	81
4.3.1 Political Rationalities - CSC's Approach to Indigenous Corrections	81
4.3.2 Political Rationalities - Residential Schools	88
4.4 Governmental Technologies	91
4.5 Recognition and Accommodation	92
4.5.1 Recognition and Accommodation - CSC's Approach to Indigenous Corrections	92
4.5.2 Recognition and Accommodation - Residential Schools	97
4.6 Dividing Practices	99
4.6.1 Dividing Practices - CSC's Approach to Indigenous Corrections	99
4.6.2 Dividing Practices - Residential Schools	101
4.6.3 Spatial Sequestration - CSC's Approach to Indigenous Corrections	102
4.6.4 Spatial Sequestration - Residential Schools	105
4.7 Incorporating Indigenous Peoples	106
4.7.1 Incorporating Indigenous Peoples - CSC's Approach to Indigenous Corrections	106
4.7.2 Incorporating Indigenous Peoples - Residential Schools	112
4.8 Appropriation of Indigenous Symbols, Language, Teachings - CSC's Approach	113
4.9 Settler Colonial Immersion	117
4.9.1 Immersive Healing - CSC's Approach to Indigenous Corrections	117
4.9.2 Colonial Immersion - Residential Schools	125
4.10 Conclusion	129
Chapter 5: Conclusion	131
References	137
Appendix A	158
Appendix B	159
Appendix C	160

Abstract

Since the release of the Truth and Reconciliation Commission of Canada's final report in 2015, there has been a political and societal focus on the atrocities that occurred in residential schools. The abuse, sexual abuse, murder, and genocide of Indigenous children through the residential school system has become the main focus for many settlers in Canada. However, focusing our attention on the most heinous acts alone can obfuscate manifestations of Indigenous regulation and oppression that are subtler or more covert.

This project takes a genealogical approach to allow for the exposure of naturalized settler colonial logics, while also placing residential schools within a continuum of Indigenous regulation and oppression. This project uses Foucault's concepts of power (disciplinary power, biopower, governmentality) and contemporary colonial concepts of recognition and accommodation to uncover the governmental technologies used within the residential school system and the Correctional Service of Canada's approach to Indigenous corrections. This project challenges the progression fallacy which states our current epoch is more ethical than any other that came before by arguing the political rationalities of Western superiority and settler colonial benevolence that justified the creation of residential schools still exist today.

This project examines the Correctional Service of Canada's approach to Indigenous corrections as a contemporary illustration of how the political rationalities of Western superiority and settler colonial benevolence not only serve as justifications for harmful policies, programs, and initiatives, but also aid in the production of new Indigenous subjects and populations. Although the manifestations of Indigenous oppression have changed throughout time, the political rationalities that underpin them have stayed the same.

Foreward

I would like to start by recognizing that the land on which I wrote this thesis is the unceded and unsurrendered traditional territory of the Algonquin Anishinabeg Nation. The Algonquin Anishinabeg people have lived on this land since time immemorial. I am a settler and “I am aware that I am *illegitimate* on the land, and I know that I am complicit with and benefit from settler colonialism” (Battell Lowman & Barker, 2015, p. 109).

I would like to start by setting an intention for this project: I am writing this thesis to challenge the logics of Western superiority and settler colonial benevolence that still exist in our society today. In this project, my intended audience is other settlers, in an attempt to expose the ways we perpetuate the settler colonial agenda, not only in acts of overt racism and violence, but also in acts of benevolence and reconciliation. Good intentions are not enough, as settlers we must stand in solidarity with Indigenous Peoples and take an active role in decolonizing ourselves to move beyond gestures, techniques, programs, and policies grounded in the logics of Western superiority and settler colonial benevolence. Throughout this thesis I have learned from many Indigenous academics whose works are challenging contemporary colonialism all over the world. Whenever possible, I have tried to include the specific Nation(s) each academic identifies with. The reason I have chosen to do this is twofold: (1) to show that the land we now call Canada has been inhabited since time immemorial by hundreds of different Indigenous communities with their own traditional lands, cultures, customs, and governance systems; (2) as a way of intentionally highlighting the work of Indigenous academics, because their voices should always be brought to the fore when discussing contemporary colonialism and decolonization.

This project does not seek to give voice to First Peoples, as I believe First Peoples can, should, and already are speaking for themselves. Rather, this project is first and foremost an act of personal decolonization. I position myself as a learner and am using this opportunity to educate myself as a settler and an uninvited visitor on this land about the injustices that First Peoples have and continue to face everyday. Beyond that, I hope this research will help educate other settlers about the reality of historical and contemporary colonialism in Canada.

Chapter 1: Introduction

“History records that acts of genocide are most easily concealed in a world atmosphere of complicitous silence; a people is extinguished with a whimper, not a bang”

(Williams & William, 1990, p. 327).

In May 2021, the remains of 215¹ Indigenous² children were found in a mass unmarked grave on the grounds of the Kamloops Indian Residential School in British Columbia. This discovery was not a shock to Indigenous communities, as it simply confirmed the testimonies of many residential school survivors. Nearly six years earlier, the Truth and Reconciliation Commission of Canada (TRCC) called for the State and churches to find burial information for children who went missing or died in residential schools (Truth and Reconciliation Commission of Canada [TRCC], 2015c). Even though the residential school genocide was well documented, this discovery sparked shock, outrage, disgust, and sorrow in settlers living in Canada. Acts of solidarity, activism, public memorials, art installations, and calls for action and justice swept the nation. Prime Minister Justin Trudeau tweeted the discovery was “a painful reminder of that dark and shameful chapter of our country's history” (Trudeau, 2021). However, residential schools

¹ Since this initial discovery, over a thousand unmarked graves containing the remains of Indigenous children have been discovered on other residential school grounds. As other residential school grounds are searched, there is expected to be thousands more graves discovered.

² A note about terminology: I will use the terms ‘Indigenous Peoples’ and ‘First Peoples’ interchangeably. I refrain from using the term ‘Aboriginal’ as it has been rejected by many Indigenous Peoples. Many people think Aboriginal means the ‘original peoples of this land’, but when broken down we can see that the prefix “ab” is the Latin for “away from” or “not” (i.e. abnormal). Therefore, Aboriginal can mean “not original” (Marks, 2014). Moreover, in my choice to use the terms ‘Indigenous Peoples’ and ‘First Peoples’, I am not condoning a ‘Pan-Indigenous’ way of viewing First Peoples. I acknowledge that each nation is unique, but their shared experience of colonization has resulted in shared struggles that spread across nations in a comparable way. Due to this shared experience of historical and contemporary oppression, I use the English terms ‘First Peoples’ or ‘Indigenous Peoples’ in order to discuss the shared impacts of colonialism. Whenever possible, I will identify specific nations in order to acknowledge the cultural diversity that exists between nations.

were not *one* dark chapter in Canada's history, but simply one manifestation of Indigenous regulation and oppression along a continuum of manifestations that began with European arrival on Turtle Island³ and persists today. My motivation for this project is to challenge the 'history of colonialism' narrative that exists in Canada. This narrative tends to focus on historical acts of Indigenous regulation and oppression without serious consideration for how settler colonialism persists today.

Even today, First Peoples are experiencing the residual and continued effects of settler colonialism. Despite the recent attention on the atrocities and abuses First Peoples experienced in residential schools, they continue to be marginalized and discriminated against. In fact, First Peoples continue to face systemic inequalities that result in poorer health, lower levels of education, inadequate housing, lower income levels, higher rates of unemployment, higher rates of incarceration, higher rates of death among children and youth, and higher rates of suicide in comparison to settlers in Canada (Statistics Canada, 2016). Despite these distressing realities, the injustices that First Peoples face in their day-to-day lives are not widely acknowledged by settlers in Canada. As the historical oppression of Indigenous Peoples becomes more widely known and accepted by settlers, historical trauma and intergenerational trauma has become the main explanation for the unequal outcomes for Indigenous Peoples today. Although trauma and intergenerational trauma undoubtedly have an impact on the health and well-being of Indigenous Peoples, this narrative traps Indigenous oppression temporally, keeping it in the past. By trapping the oppression of Indigenous Peoples in the past, settlers are able to evade the guilt they feel for the maltreatment of Indigenous Peoples by rationalizing to themselves: "it wasn't me who did

³ Turtle Island is the traditional name for 'North America' for many Indigenous groups. The name 'Turtle Island' is connected to the creation story.

those things,” “it's not like that anymore,” or “that could never happen today.” This way of thinking actually perpetuates the oppression of Indigenous Peoples because it focuses our attention solely on past harms and distracts us from contemporary harms that are often more covert.

From the long list of oppressive events Indigenous Peoples have been subject to in Canada, the historical wrongdoing that has received the most recognition and media coverage has been residential schools. Although residential schools were operated in plain sight and the offences that happened within them were common knowledge for First Peoples, the treatment of Indigenous children within the walls of these schools came as a complete shock to settlers in Canada. The investigations into residential schools continue to produce evidence demonstrating the multitude of cruelties that took place in these State-funded institutions. This knowledge has been important in validating the experiences of residential school survivors and their families, and has helped some survivors on their healing journeys. Although the conversation about residential schools helped bring awareness to the maltreatment of First Peoples in Canada it also created an illusion that the oppression of First Peoples in Canada is isolated to a few specific historical events. Moreover, one of the problems with the current discussion around residential schools is that it focuses on the most egregious actions: abuse, sexual abuse, neglect, and murder. These actions then and now are undisputedly wrong or *mala in se* (consensus crimes). But this focus on unconcealed forms of violence can have the unintended effect of minimizing acts of Indigenous regulation and oppression that are more covert.

What I will be examining in this project are those more nuanced or covert forms of Indigenous oppression. The harms that are for all intents and purposes not viewed as harm at all,

or might even be seen as benevolent or reconciliatory. These acts come from a logic I call ‘settler colonial benevolence.’ The logic of settler colonial benevolence is inextricably intertwined with the logic of Western superiority, where settlers feel their culture, civilization, and practices are superior to those of Indigenous Peoples. Western superiority breeds paternalistic attitudes which make settlers feel they have a right and duty to ‘help’ or ‘save’ Indigenous Peoples from themselves. Settlers continue the oppression and regulation of Indigenous Peoples through techniques which are seemingly benevolent. Although these acts could be borne out of a desire to help, they are fundamentally grounded in the logic of Western superiority (Williams & Williams, 1990). The same logic of Western superiority that allowed for the creation of residential schools continues to be reproduced through shape-shifting manifestations of settler colonial benevolence.

In the current context, I argue that these naturalized logics of Western superiority and settler colonial benevolence are used to justify the continued regulation and oppression of Indigenous Peoples through the initiatives the Correctional Service of Canada (CSC) has developed to accommodate Indigenous Peoples within the Canadian prison system. I use Foucault’s concepts of power (discipline, governmentality, and biopower) and Coulthard’s contemporary colonial concepts of recognition and accommodation to provide a lens to analyze the statements and implications of statements within *the National Indigenous Plan* and its related documents. CSC refers to *the National Indigenous Plan* as “a national framework to transform Indigenous case management and corrections” (CSC, 2019a, p. 1). *The National Indigenous Plan* is not a standalone document, but rather several other documents, initiatives, and programs that are integrated into it. The documents that inform *the National Indigenous Plan* are: Sections

79-84 of the *Corrections and Conditional Release Act*⁴ (published in 1992) and the Commissioner's directive on Aboriginal offenders (published in 2013). The documents that are integrated into *the National Indigenous Plan* are: the Aboriginal Continuum of Care Model (published in 2003); *the Strategic Plan for Aboriginal Offenders* (published in 2006); *The Establishment and Operations of Pathways Initiatives* (published in 2013); *Correctional Programming for Indigenous Offenders* (published in 2019); *Correctional Programs for Indigenous Offenders* (published in 2019); and a number of job profiles and contracts for Indigenous specific roles (i.e. Aboriginal Liaison Officer, Elders, Aboriginal Correctional Program Officer). For the purpose of this project, *the National Indigenous Plan* and the documents, initiatives, programs, and roles that inform and are integrated into this plan are what I refer to as 'the Correctional Service of Canada's (CSC) approach to Indigenous corrections'.

In this thesis, I argue settler colonialism continues today through the naturalized logics of Western superiority and settler colonial benevolence which justify policies, initiatives, and programs that regulate and produce new populations of Indigenous Peoples. I use CSC's approach to Indigenous corrections as a contemporary illustration of how these logics persist today. I selected CSC's approach because it is seemingly benevolent as it focuses on increasing culturally-appropriate accommodations for Indigenous prisoners. However, this strategy comprises a number of policies, programs and initiatives that are used to both regulate and produce new populations of Indigenous Peoples.

In Chapter 2, I start by introducing the logics of Western superiority and settler colonial benevolence as they were first presented in the Doctrine of Discovery. Then I offer a discussion

⁴ Sections 79-84 of the Corrections and Conditional Release act was first published in 1992 but last amended in 2019.

of existing residential school literature. As the literature review will demonstrate, there is a lot of meaningful research which attempts to make sense of residential schools. The testimonies that have emerged from survivors have left a profound impact on everyone who reads them. The literature can be grouped into four main categories: *what occurred?* (memoirs and historical documentation), *why it occurred?* (motivations behind residential schools), *who did it affect and how?* (the individual and intergenerational impacts of residential schools), and *how can one repair harms and prevent future harm?* (decolonization and (re)conciliation). Although there is a significant body of literature that has emerged and there continues to be research done on residential schools, there are gaps in the literature, one of which I am trying to fill with this project. Since the majority of the literature focuses solely on the residential school system without placing it within a continuum of Indigenous oppression, I intend to demonstrate that the residential school system is simply one manifestation in a pattern of Indigenous oppression and governance that continues to this very day. Although the governmental technologies used to manage Indigenous Peoples may have changed over time, the political rationalities that justify these techniques have stayed the same.

In Chapter 3, I lay out the theoretical framework I will be using to analyze CSC's approach to Indigenous corrections and residential schools. Here, I pair Foucaultian concepts of power (discipline, biopower, and governmentality) with Coulthard's (2007; 2014) contemporary-colonial concepts of recognition and accommodation. The concept of governmentality can be understood in two parts: *gouverne* and *mentalité* (Foucault, 1991). *Gouverne* (or governmental technologies) refers to how power is exercised through practices and techniques to solve particular problems. *Mentalité* (or political rationalities) refers to the particular logics that are

used to justify those techniques (Foucault, 1991). Coulthard's concepts of recognition and accommodation are both compatible with Foucault's concept of governmentality as they can both be understood as governmental technologies used in the regulation of Indigenous Peoples. Foucault's concepts of disciplinary power, biopower, and governmentality are utilized to understand how Indigenous Peoples are grouped together as a collective, problematized, disciplined, managed, and subjectivized within CSC's approach to Indigenous corrections.

Finally, Chapter 4 offers an analysis of CSC's approach to Indigenous corrections. Here I create a genealogy of Indigenous regulation and oppression by showing the links between the residential school system and CSC's approach. This provides an illustration of how Indigenous regulation and oppression manifests historically and in our current context. In this chapter, I discuss how power is exercised in both residential schools and CSC's approach to Indigenous corrections through a number of different governmental techniques. I also offer a discussion of the political rationalities used to justify the regulation and oppression of Indigenous children in residential schools and the political rationalities used to justify the regulation and oppression of Indigenous Peoples today in CSC's approach to Indigenous corrections. Although there are some differences in the governmental techniques used in residential schools and CSC's approach to Indigenous corrections, these techniques are all justified by the same naturalized logics of Western superiority and settler colonial benevolence which continue to justify policies, initiatives, and programs that regulate and produce new populations of Indigenous Peoples today.

Chapter 2: Literature Review

*“It is important to identify all of the old and new faces of colonialism that continue to distort and dehumanize Indigenous Peoples”
(Alfred & Corntassel, 2005, p. 601)*

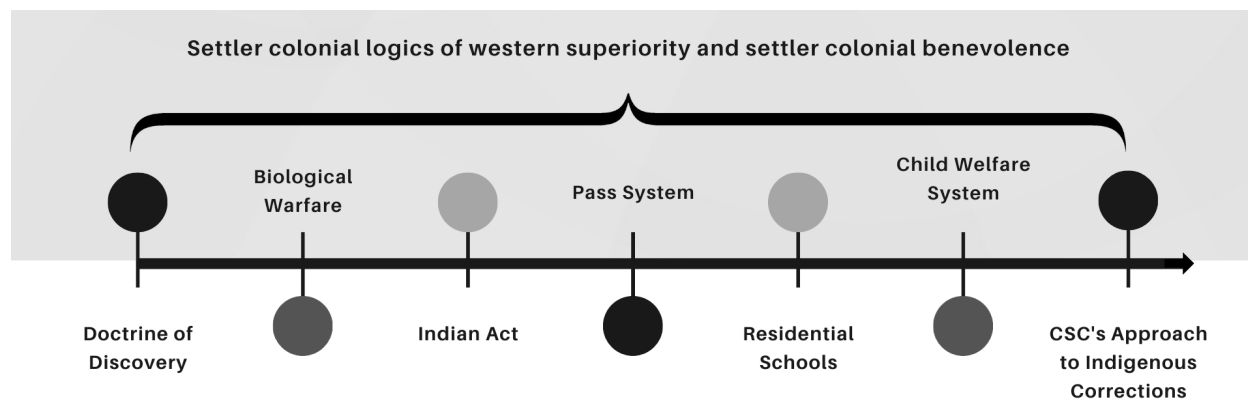
2.1 Western Superiority and Settler Colonial Benevolence in the Doctrine of Discovery

Decades before Europeans came to Turtle Island, they developed a doctrine that gave them “the right to attack, conquer, and subjugate Saracens, pagans, and other enemies of Christ wherever they were to be found” (Rodriguez, 1997, p. 469). A doctrine might be written down but it is not simply a document, it is considered to be an infallible truth. This document is known as the Doctrine of Discovery. The Doctrine also gave explorers the right to take any land deemed *terra nullius*, meaning ‘vacant’ or land belonging to no one. In other words, land occupied by non-Christians or land which was deemed ‘under-utilized’ by European standards could be claimed under the Doctrine of Discovery (Miller, 2019; Monchalin, 2016; Rodriguez, 1997). The Doctrine of Discovery allowed for the acquisition of lands through legal means that would have historically been attained through war, as war was known to be much more costly. The Doctrine of Discovery has its foundation from a series of papal bulls; decrees issued by the Pope which authorized the ‘discovery’ of lands that were not already in possession of a Christian ruler (Miller, 2019). It is important to note the Doctrine of Discovery has its roots in these Christian decrees of superiority as this sets the stage for colonial actions to come. The Doctrine of Discovery is born out of the idea that Europeans and Christians are superior to Indigenous Peoples. The idea that “the West’s religion, civilization, and knowledge are superior to the religions, civilizations, and knowledge of non-Western peoples” (Williams & Williams, 1990, p. 6) justifies the paternalistic actions of colonizers as they fulfill their self-professed mandate of

civilizing Indigenous Peoples. Indigenous Peoples, as non-Christians, “did not have the same rights to land, sovereignty, self-determination, and human rights as did Christians” (Miller, 2019, p.39). The Doctrine of Discovery and its discourse of conquest sees Indigenous Peoples as abnormal, deficient, uncivilized, as well as culturally, politically, and religiously inferior (Todorov, 1999; Williams & Williams, 1990).

The Papal Bull ‘*Inter Caetera*’ also gave Europeans the right and duty to convert non-Christians to Christianity; “to instruct the aforesaid inhabitants and residents in the Catholic faith and train them in good morals” (Pope Alexander VI, 1493). The right and duty to convert Indigenous Peoples or to lead them to salvation comes from the logic of settler colonial benevolence. Although many focus on the acquisition of land and wealth as motivations for setting out towards the 'new world', many explorers also claimed to do so in the name of God (Todorov, 1999). For example, Columbus was determined to spread Christianity in the 'new world', something he made clear in a letter he wrote to the Pope: “I hope in Our Lord to be able to propagate His holy name and His Gospel throughout the universe” (“Letter to Pope Alexander VI,” February 1502 in Todorov, 1999, p. 10). Columbus’ goal to propagate Christianity throughout the world illustrates the point where Western superiority and settler colonial benevolence meet. Columbus even went so far as to bring a group of Indigenous Peoples back to Spain in hopes of converting them to Christianity so “upon their return they might be the interpreters of the Christians and might adopt our customs and our faith” (Columbus, 1492 in Todorov, 1999). Although the laws concerning Indigenous Peoples seem to have evolved, vestiges of this way of thinking can be found in the policies, techniques, and procedures that seek to regulate Indigenous Peoples today. In fact, you can draw a line of Western superiority and

settler colonial benevolence through the various mechanisms and manifestations of Indigenous oppression and regulation from the creation of the Doctrine of Discovery until now (see figure 1).



(figure 1)⁵

Law is a highly regarded tool, in that it is seen to be just and impartial, but as we examine the logics that underpin the creation of laws we start to see how law is used to justify the continued oppression of the First Peoples of Turtle Island (Williams & Williams, 1990). Although the Doctrine of Discovery is often discussed in relation to the dispossession of First Peoples and land claims in our current context. I argue that the reach of the Doctrine of Discovery extends far beyond this. The logic of Western superiority and settler colonial benevolence found in the Doctrine of Discovery and its discourse of conquest have been naturalized through time. Through this naturalization process, the logics of Western superiority and settler colonial benevolence have become imbued into our policies, practices, and institutions. This makes these logics harder to identify, but with intentional examination, these

⁵ These are some examples of how Indigenous regulation and oppression have manifested in through time, this is not an exhaustive list.

logics can still be found in both historical and contemporary techniques of Indigenous oppression like residential schools and CSC's approach to Indigenous corrections.

2.2 Overview of Residential Schools

Although efforts to assimilate First Peoples have been present since the initial arrival of the Europeans, residential schools are unique because this was the first time that the assimilation process was focused at Indigenous children as a population. The residential schools were in operation from 1831 to 1996 (Ing, 2011; Stout & Peters, 2011, p. 9). The schools were developed by the Canadian government, but administered by the Anglican, Presbyterian, United, and Roman Catholic churches. This partnership was formally recognized in 1883 when the federal government opened three residential schools in the west of Canada (TRCC, 2015b). The relationship between the federal government and the churches continued on until 1969, but the last residential school did not close its doors until 1996 (Regan, 2014; TRCC, 2015b). For more than a century, Indigenous children were stripped from their families and traditional ways of living through forced attendance at residential schools. More than 150,000 children in 125 schools endured the atrocities of residential schools (Barkan, 2003). In 1920, attendance was made mandatory under the Indian Act, and refusal to send children to residential school resulted in fines or imprisonment of the parents (Furniss, 1995; Hanson, Gamez, & Manuel, 2020). During this time, there was a growing famine, and when parents refused to send their children to residential school, government food rations were withheld from the parents (Fournier & Crey, 2006). When parents sent letters to their children, they were either withheld or censored. Parents were also discouraged from visiting their children in the schools (Fournier & Crey, 2011). The

Truth and Reconciliation Commission of Canada (TRCC) on Indian Residential Schools has attempted to document these abuses with the testimonies of over six thousand residential school survivors from coast to coast (TRCC, 2015b).

In residential schools, the children were taught that being Indigenous was wrong and in order to be accepted, they had to adopt the values of the settlers. While in residential school, children were separated from their siblings and friends and exposed to Western, Christian principles and teachings. Upon entry into the schools, the children's hair was cut short or shaved off and each child was assigned a number and an English name (Fournier & Crey, 2006). Children were only allowed to speak English or French and were punished if they spoke their first language (Ing, 2011). Haig-Brown (1988) describes how her father was punished for speaking Tseshaht by having a sewing needle pushed through his tongue. In fact, this punishment was commonly reported by a number of residential school survivors (Haig-Brown, 1988; Ing, 2011). Many survivors reported being hit, strapped, spanked, yelled at, or forced to eat soap if they were caught speaking their first language (TRCC, 2015b). One survivor remembers wetting herself in class because she did not know how to ask to go to the washroom in English and was scared to ask in her first language (TRCC, 2015b). Inside the residential schools, children were emotionally, verbally, physically, and sexually abused.

Reports of physical and sexual abuse are common amongst survivors. Some children witnessed and survived sadistic acts of sexual abuse. Raynie Tuckanow describes one of these acts in his statement to the Truth and Reconciliation Commission:

I watched the young man. They tied him. And I know him today, I see him today. They tied him by his ankles and they tied him to the [heat] register and they put him out the

window with a broomstick handle shoved up his ass. And I witnessed that (TRCC, 2015b, p. 154).

Fournier & Crey (2006) share the story of Emily Rice, a residential school survivor that endured severe sexual abuse at the hands of her jailers. During her time in residential school, Emily was sexually and physically abused by the priests and the nuns that ran the schools:

she had been repeatedly assaulted and sexually abused by Father Jackson and three other priests, one of whom plied her with alcohol before raping her. A nun, Sister Mary Margaret, known for peeping at the girls in the shower and grabbing their breasts, was infuriated when Emily resisted her advances. “She took a big stick with bark on it, and rammed it right inside my vagina,” recalls Emily. “She told me to say I’d fallen on the stick and that she was just trying to get it out.” The girl crawled into the infirmary the next day, too afraid to name the perpetrator. Nevertheless, when Emily returned to the dorm a few days later, the beatings by Sister Mary Margaret and the other nuns resumed without pause. In the years that followed, Emily would have to twice undergo reconstructive vaginal surgery (Fournier & Crey, 2006, p. 142).

The children knew that if they told anyone the reality of what was happening in the schools they would be punished. On a trip home from the residential school Father Jackson “suspended [Emily’s sister] Rose by her feet over the side of the boat, threatening to release her into the freezing waves unless she promised to stay silent” (Fournier & Crey, 2006, p.142). Emily’s story represents one of thousands of children that suffered abhorrent abuses while attending residential schools.

The children were often threatened into silence, being told that they would “go to purgatory” or be punished by God if they were to say anything (TRCC, 2015b, p. 160). Other children were coerced into performing sexual acts. One priest would make children touch his penis in exchange for candy (TRCC, 2015b). Survivors described some children becoming pregnant after being raped by a priest and the baby being thrown into a furnace after being born (Kirkup, 2021; Monchalin, 2016). Other survivors remember being woken up in the middle of the night to dig graves for their classmates (Radio Canada, 2021).

Within the schools, the children were also malnourished (Miller, 2016), some schools were even subject to unethical, non-consensual research experiments. In the 1940s and 1950s, Indigenous children were subjected to nutritional experiments that involved keeping the children on starvation-level diets and denied certain foods, vitamins and minerals for research purposes (Mosby, 2013). Dental services were also withheld because researchers did not want healthier teeth and gums to affect the results (Mosby, 2013). These studies were approved by the federal government of the time (Mosby, 2013).

We also know that children in residential schools were dying at staggering rates. There was a 42% national death rate for Indigenous children in residential schools (Fournier & Crey, 2006). Canadian residential schools can only be described as genocide. Although some may argue that Canada never institutionalized the killing of First Peoples, the reality is that the killing of a group is only one of the ways that genocide can be established (Chrisjohn, Young & Maraun, 1997). An analysis of Article II of the United Nations Convention on genocide demonstrates that residential schools did fulfil a number of requirements that prove genocide (Chrisjohn et al., 1997). The actions residential schools fulfilled were “(b) causing serious bodily or mental harm

to members of the group, and (c), deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part” (Chrisjohn et al., 1997, pp. 60-61). It is with this knowledge that the direct and intergenerational impacts of this event cannot be denied or ignored.

Within our discussion of these atrocities, we must resist the urge to pathologize the individual actors that carried out these indignities. We must also resist the urge to condemn specific institutions. This is not to say that their actions are excusable or any less deplorable, but these are not the actions of a few evil people, but actions that were justified through the naturalized logics of Western superiority and settler colonial benevolence. In order to understand how such atrocities could occur, one must understand how these logics came to be and how they have been sustained through time. The logic of Western superiority is evident in the development and mandate of residential schools as the state and church collaborated to assimilate Indigenous children by removing their culture and forcing them to adopt Western religion, customs, and culture. But the logic of settler colonial benevolence is also at play here as “the road to hell is indeed paved with good intentions” (Regan, 2014, p. 3). As Regan (2014) explains there were many “educators, government and church officials who sought to educate and assimilate Indigenous children into mainstream Canadian society “for their own good”” (p. 5). I mention this not in an attempt to excuse or rationalize the actions of these individuals, but to highlight that even in residential schools, that we can now see as the heinous acts of violence that they were, the logic of settler colonial benevolence was used to justify the oppression, regulation, and elimination of Indigenous Peoples.

2.3 Residential School Literature

The literature about residential schools can be grouped into four main categories: *what occurred?* (memoirs and historical documentation), *why it occurred?* (motivations behind residential schools), *who did it affect and how?* (the individual and intergenerational impacts of residential schools), and *how can one repair harms and prevent future harm?* (decolonization and (re)conciliation).

2.4 What Occurred: Memoirs and Historical Documentation

There is a large body of literature that takes a narrative approach to residential school research. The aim of this research is to create a historical record of the experiences of survivors. The sentiment behind this type of research seems to echo the aphorism of the Spanish philosopher, George Santayana: “those who cannot remember the past are condemned to repeat it” (College of Liberal Arts and Human Sciences, 2021). Many academics have set out to create a historical record of residential schools as they believe this will ensure these atrocities will not be repeated.

The 1996 Royal Commission on Aboriginal Peoples (RCAP) was the first government funded commission to record the testimonies of survivors. The Truth and Reconciliation Commission of Canada was the second government funded commission that aimed to create a historical account of residential schools and these testimonials have been archived and are open to the public. In 1994, the Assembly of First Nations developed a report that gathered the experiences of 13 residential school survivors called *Breaking the Silence*. This report highlighted incidents of sexual, physical, and psychological abuse to which the children who

attended residential schools were subjected (Assembly of First Nations, 1994). There are also numerous biographies and autobiographies written by individual survivors. Wab Kinew, the leader of the Manitoba New Democratic Party and host of CBC's television documentary '8th Fire', wrote a book that chronicled his life and some of the painful experiences his father survived during his time in residential school. In his memoir, *The Reason You Walk*, he responds to settlers who say "why don't you just get over it?" by saying "you know what, I am over it. My dad was raped in a residential school by a nun, I'm over it. but it doesn't mean that we should forget it" (Kinew, 2015, p. 102). Furniss (1995) and Haig-Brown (1988) both use case studies in order to illustrate the realities of residential schools by recounting the stories of former students. Fontaine (2010) shares his traumatizing experiences in residential school and the difficult road to healing in his memoir, *Broken Circle: The Dark Legacy of Indian Residential Schools*. There are numerous survivors who have taken the brave step to break the wall of silence built by settlers and share their harrowing tales, in hopes of healing themselves and educating others.

However, there is a challenge that arises when we consume memoirs and historical documentation in the absence of analytical inquiry. Without analyzing and understanding the conditions and logics that were present in order for something like residential schools to happen, we are undoubtedly condemned to repeat history. In fact, I argue that we are repeating history. Even though the last residential school was closed in 1996, the very same logics persist in our society today and allow for contemporary manifestations of Indigenous oppression and regulation. This is to say that this body of literature is missing the type of conceptual analysis that is necessary to understand how the individual biographies of residential school survivors and the political rationalities that allowed residential schools to take place are connected. Moreover,

we need to understand how these settler colonial political rationalities persist in our society today and how they continue to produce different mutations of oppressive, assimilative institutions like residential schools.

2.5 Why it Occurred? The Motivations Behind Residential Schools

One of the conflicting arguments in the literature has to do with the motivations behind the residential school system. Although there are few formalized arguments about the motivations behind the development of residential schools, there are some general patterns that have emerged. Many critical Indigenous scholars argue residential schools were an attempt by settlers at extinguishing First Peoples, with the hopes of overtaking their land and resources (Wolfe, 2006). Others argue, although misguided and ignorant, the motivations of settlers to develop residential schools were benevolent (Furniss, 2002). European settlers viewed First Peoples as genetically and morally inferior. With this idea in mind, and the Doctrine of Discovery in hand, settlers saw the “aggressive civilization” of First Peoples as their moral and religious duty (Smith, 2001). The construction of the ‘Indian’ and the subsequent bifurcation of First Peoples into good and evil has been taking place since Europeans first arrived on Turtle Island.

The Europeans saw First Peoples through their own Eurocentric lens. This lens distorted the image of First Peoples, warping their image into that of a ‘savage’. The actions of First Peoples were foreign and did not make sense to them, so they deemed them illogical. Through these interactions, a number of discourses began emerging that separated First Peoples from Europeans. Interestingly, many of these discourses bifurcated First Peoples into one group that was deserving of salvation and one that was not (Hall, 1996). First Peoples were categorized by

their “adherence to racialized conduct within a settler colonial binary: European/liberal (good) and Indigenous/traditional (bad)” (Monaghan, 2013b, p. 492).

The construction of this binary opposition between European and First Peoples serves two purposes. The first purpose is to strengthen the European sense of identity as they contrast themselves against the ‘uncivilized other’ (Hall, 1996). This reinforces the European disposition of superiority and as a result, situates First Peoples as inferior. The second purpose is to separate First Peoples from Europeans; the further removed First Peoples are from the European conception of normality, the easier it becomes to construct them as ‘the Other’. With the creation of the Indigenous Other, it becomes easier to justify violence and aggression towards them (Cunneen & Stubbs, 2004). Even in the absence of any moral justification, acts of violence towards First Peoples can be justified through routinization and dehumanization (Monchalin⁶, 2016). This idea was exemplified in the letters that Christopher Columbus wrote to document his voyages. His perceptions of First Peoples were formed through the lens of the ‘Old World’ and painted a picture of ‘savages’ that were placed slightly higher than animals but definitely below human (Day, 2000). Columbus’ travels mystified the ‘New World’ and the ‘savages’ that existed within it, the voyages also “clearly mark an important bifurcation in the European discourse on diversity, as ideas from the Old World were applied to the New, and later explorers were told what to expect in their own travels” (Day, 2000, p. 68).

⁶ Lisa Monchalin identifies as “mixed descent, a combination of Algonquin, Métis, Huron, and Scottish” (Monchalin, 2016, p. XVII).

2.5.1 Stereotypical Dualism - The Noble and Ignoble Savage Dichotomy

Europeans brought their own distinctive cultural categories to the 'New World' (Hall, 1996). Through the lens of the European milieu, First Peoples were dichotomized into two groups: the noble and ignoble savage (Hall, 1996). For example, the Spanish separated First Peoples into two discrete groups: "the 'peaceful' Arawaks and the 'warlike' Caribs" (Hall, 1996, p. 214). The Caribs or the ignoble savages were said to wage war on the Arawaks in order to steal their wives and conquer their territory (Hall, 1996). The Arawaks or the noble savages were characterized by their acceptance of the Europeans and their willingness to convert to Christianity (Hall, 1996). Many Europeans were outraged by a (perceived) lack of morality on the part of the First Peoples. They were said to be addicted to incest and sodomy, to be uncivilized, and with an aversion to religion. All of these attributes were condensed into a single symbolic image of their supposed cannibalism (Hall, 1996). This idea of the beastly cannibal was so entrenched that the name given to First Peoples dubbed 'ignoble' was 'Carib' which came to be used as a term which referred to individuals who were thought guilty of consuming human flesh (Hall, 1996). As a result, we today have the word 'cannibal', which is actually derived from the word "Carib" (Hall, 1996, p. 214-215). An example of this can be found in one of Columbus' letters, where he reported (January 13, 1493) that during his time in the 'New World' he met a warlike group, whom he concluded "must be one of the Caribs who eat men" (Columbus, 1493 in Motohashi, 2014, p. 96).

Many Europeans spread stories of the ignoble savages. For example, before the English travelled to Turtle Island, Richard Eden published an English translation of letters that Amerigo Vespucci had written about his travels to the 'New World' (Williams & Williams, 1990). In these

letters, Vespucci divided Indigenous Peoples into two categories the cannibalistic and the non-cannibalistic. He described the cannibalistic Indigenous Peoples as “flesh-eating, barbarous peoples” and the non-cannibalistic Indigenous Peoples as “meek and humane people, who freely imitated the kneeling posture of the praying Spanish sailors” (Williams & Williams, 1990, p. 127). This image of the ignoble Carib was also represented in Van der Straet’s (1600) illustration entitled ‘Europe encounters America’ (Hall, 1996). In this composition, Van der Straet sketches Amerigo Vespucci, standing firmly on the ground, draped in opulent attire, with a Spanish flag surmounted with a crucifix in one hand and an astrolabe in the other (Hall, 1996). Across from Vespucci is a naked Indigenous woman lounging in a hammock curiously reaching towards Vespucci. Behind Vespucci and the nude Indigenous woman are a few Indigenous Peoples, also naked, preparing a cannibal feast (Hall, 1996). The juxtaposition of Vespucci’s fully clothed body with the naked Indigenous woman in *Europe encounters America* brings to the fore the European sexualization of Indigenous women and the construction of Indigenous women in general.

2.5.2 *The Princess and the Squaw Drudge Dichotomy*

The dichotomization of First Peoples is further compounded when examining how Indigenous women are sexualized in Western society. Through colonial discourse, Indigenous women have been sorted into two main groups: the ‘Indian princess’ and the ‘ignoble squaw’ (Monchalin, 2016; Smith, 1987). Again, bifurcating First Peoples into those deserving and un-deserving of salvation. The Indian princess was seen as “childlike, naturally innocent,

beautiful, and inclined toward civilization, Christianization, and to helping and mating with white men” (Smith, 1987, p. 65). On the other hand, the ignoble squaw was seen as

a squat, haggard, ugly, papoose-lugging drudge who toiled endlessly while her husband sported in the hunting fields or lolled about the lodge. She lived a most unfortunate, brutal life. Furthermore, she fought enemies with a vengeance and thirst for blood unmatched by any man (Smith, 1987, p. 65).

Where the princess was exotic and sexualized, the ignoble squaw was homely and repulsive.

According to a British officer, Lt. James W. Steele, most Indigenous women were squaws and were homely due to lives of hard labour (Smith, 1987). Many Europeans felt the so-called ‘haggard’ appearance of Indigenous women was due to Indigenous men allowing their women to work and their inevitable life of savagery (Smith, 1987). The ‘Indian princess’ or ‘Pocahontas’ trope fuels male settlers’ sexual fantasies and when Indigenous women do not conform to this symbolic representation, violence against them can be justified and legitimized (Cunneen et al., 2004; Monchalin, 2016; Smith, 1987). Both the princess and the squaw tropes are used as “depersonalized symbols, devoid of humanity” (Smith, 1987, p.65), making the dehumanization of Indigenous women a natural progression. The sexualization of Indigenous women has become normalized to the point where that image is proliferated throughout popular culture and the media. An example of this is Disney’s *Pocahontas* where Pocahontas is portrayed as a sexualized Indigenous barbie doll, when in reality, Pocahontas was a twelve year old girl (Monchalin, 2016).

To many Indigenous academics, the sub-human image Europeans developed for First Peoples has become one explanation for the human rights violations that followed. In 1920, Duncan Campbell Scott, the Deputy Minister of Indian Affairs infamously exclaimed:

I want to get rid of the Indian problem ... Our object is to continue until there is not a single Indian in Canada that has not been absorbed into the body politics and there is no Indian question, and no Indian Department (Scott, 1920 in Miller, 2004, p. 35).

This statement has become known as admission of malignant intent on the part of the Minister. However, there is still dissent about whether the goal was to assimilate or exterminate First Peoples.

2.6 Who Did it Affect and How?

The literature examining the impacts of residential schools can be grouped into two categories: the individual impacts of residential schools and the intergenerational impacts of residential schools. The former covers the physical, psychological, and emotional affects of attending residential schools, whereas the latter discusses how these impacts can be passed on from one generation to another, even if the younger generation had no firsthand experience with residential schools. This has been well documented and continues to be uncovered 25 years after the last residential school was closed.

2.6.1 Impacts of Residential Schools

Much of the literature focuses on the individual impacts of the residential school system. The impacts include: physical (Barton, Thommasen, Tallio, Zhang, & Michalos, 2005; Kasper,

2014; Potvin, 2015), psychological and emotional well-being (Barnes, Josefowitz, & Cole, 2006; Brasfield, 2001; Elias, Mignone, Hall, Hong, Hart, & Sareen, 2012), rates of violence (Abadian, 1999; Faine, 1993; Furniss, 1995; Knockwood, 1992; Nuu-chah-nulth Tribal Council, 1996) and involvement with the criminal justice system (INAC, 1996; TRCC, 2015c), as well as interactions with child protective services (TRCC, 2015c).

In 2013, the National Collaborating Centre for Indigenous Health (NCCIH) conducted an investigation in the health of Indigenous Peoples in Canada. After their investigation they developed a report that found Indigenous Peoples are disproportionately affected by major health concerns. These include:

high infant and young child mortality; high maternal morbidity and mortality; heavy infectious disease burdens; malnutrition and stunted growth; shortened life expectancy; diseases and death associated with cigarette smoking; social problems, illnesses and deaths linked to misuse of alcohol and other drugs; accidents, poisonings, interpersonal violence, homicide and suicide; obesity, diabetes, hypertension, cardiovascular, and chronic renal disease; and environmental contamination (for example, heavy metals, industrial gases and effluent wastes) (National Collaborating Centre for Indigenous Health [NCCIH], 2013, p.4).

This report relates the health disparities in Indigenous populations to the loss of traditional health knowledge through the process of colonization (NCCIH, 2013).

Other studies have compared the physical health of residential school survivors, against that of First Peoples who had not attended residential schools, and the physical health of settlers. They found First Peoples in general have lower levels of physician-recorded health as compared

to settlers (Barton et al., 2005). However, amongst First Peoples, there was no significant difference between residential school survivors and those who did not attend residential schools (Barton et al., 2005). That being said, residential school survivors did have poorer self-reported health (Barton et al., 2005). The recorded effects of residential school are so traumatic and pervasive that Brasfield (2001) coined the term ‘Residential School Syndrome’ to describe the Post-Traumatic Stress Disorder (PTSD)-like symptoms that many residential school survivors experience from their time spent in the residential school system. Some of the symptoms of ‘Residential School Syndrome’ are “recurrent intrusive memories, nightmares, occasional flashbacks, and quite striking avoidance of anything that might be reminiscent of the Indian residential school experience” (Brasfield, 2001, p. 79).

Many residential school survivors experienced a loss of identity as a result of attending residential schools. The Truth and Reconciliation Commission of Canada confirmed that the Government of Canada committed cultural genocide against First Peoples through the institutionalization of Indigenous children in residential schools (TRCC, 2015c). MacDonald & Hudson (2012) characterize residential schools as cultural genocide due to settlers’ attempts to annihilate Indigenous cultures, religions, and languages. Woolford & Gacek (2016) use the concept of genocidal carcerality to explore residential schools. Woolford & Gacek (2016) explicate and differentiate between genocidal carcerality in the context of ‘the camp’ and residential schools. Although other scholars have compared residential schools to the Nazi concentration camps, Woolford & Gacek (2016) argue that this is an over-simplification.

Although there are similarities between the two⁷, the notion of the camp is not able to fully

⁷ i.e Indigenous children seen as homo sacer (Agamben) in both institutions and experience physical, sexual, emotional abuse.

explicate the “entangled spatialities” (Woolford & Gacek, 2016, p. 407) of the residential schools.

One intergenerational impact of residential schools is that Indigenous women are disproportionately victims of violence (Stirbys, 2016). This is consistent with the finding of Elias et al. (2012), that women were more likely to be survivors of childhood sexual abuse and therefore more likely to experience the sequelae of these types of trauma (i.e. suicidal ideation, suicide attempts, mental health issues).

In 1990, the Chief of the Albany First Nation described how fear, loneliness and self-hatred afflicted those who attended residential schools (Milloy & McCallum, 2017). The literature that discusses the effects of residential schools on survivors covers many facets of their lives, from their mental and physical health to their ability to form and maintain meaningful social relationships. However, the research shows that the effects of residential schools did not stop at survivors themselves.

2.6.2 Intergenerational Trauma and Impacts of Residential Schools

The impacts of residential schools reach far beyond survivors themselves. Rather, they have a ripple effect whereby trauma is passed from one generation to the next. There is a large body of literature that goes beyond the direct impacts of residential schools to explore the intergenerational effects of the residential school system.

For one, the Royal Commission on Aboriginal Peoples (RCAP) produced a report in 1996 that found that First Peoples experienced a lower life expectancy and education levels as compared to settlers (Indigenous and Northern Affairs Canada [INAC], 1996). The report also

revealed that rates of illness, substance abuse, victimization, unemployment, and incarceration were all higher amongst Indigenous versus non-Indigenous peoples (Bombay, Matheson, & Anisman, 2014; INAC, 1996). The RCAP also showed that many First Peoples live in overcrowded, inadequate housing with no access to clean water (INAC, 1996). These are just a few examples of how the trauma of residential schools has been passed on from one generation of First Peoples to the next.

Bombay, Matheson, & Anisman (2014) found evidence to suggest that descendants of residential school survivors experience the symptoms of historical trauma. Bombay et al. (2014) note the cumulative impact of residential schools by testing psychological distress among individuals who had zero, one, or two previous generation(s) who attended residential schools. They found that the greater number of generations who attended residential schools, the higher the levels of psychological distress amongst the following generation. In effect, the impacts of residential schools are not only passed down from one generation to the next, they compound with each surviving generation.

Evans-Campbell (2008) explores the idea of 'group trauma' in her article *Historical trauma in American Indian/Native Alaska communities: A multilevel framework for exploring impacts on individuals, families, and communities*. She posits trauma has a compounding effect that is not bound by the confines of time (Evans-Campbell, 2008). That is to say, that multiple traumatic events that happen at different times throughout history converge to become one "single traumatic trajectory" (Evans-Campbell, 2008, p. 321). Whereas other scholars examine the residential school system experience and their effects in a vacuum, Evans-Campbell's (2008)

places residential schools back into the broader context of colonialism by showing how multiple traumas can accumulate over time.

There is also the study of epigenetics which explores how trauma can be passed on from one generation to the next on a genetic level (Brockie, Heinzelmann, & Gill, 2013; Swan, 2018). In other words, there are actually physiological pathways that allow for the effects of trauma to be passed from parent to child (Swan, 2018). The study of epigenetics explains how genes can effectively be turned off or silenced by trauma and the silencing of that gene can be passed from one generation to the next. For example, there are genes that protect us against stress-related illnesses (i.e. PTSD, depression, anxiety). Through a traumatic event, a gene can be silenced, increasing one's risk for stress-related illnesses (Brockie, Heinzelmann, & Gill, 2013; Swan, 2018).

2.7 How Can We Achieve (Re)Conciliation?

Amagoalzk (2008) discusses the difference between reconciliation and conciliation. He argues that the relationship between settlers and the First Peoples of Turtle Island has never been harmonious. Rather, the relationship between settlers and First Peoples has been “marked by crushing colonialism, attempted genocide, wars, massacres, theft of land and resources, broken treaties, broken promises, abuse of human rights, relocations, residential schools, and so on” (Amagoalzk, 2008, p. 37). The group of literature that deals with (re)conciliation and healing acknowledges the past harms and focuses on the importance of repairing relations between First Peoples and settlers.

The Canadian government has provided an apology and compensation⁸ for the physical and psychological harms inflicted upon residential school survivors. However, the state has yet to make reparations for losses First Peoples have experienced as a whole, such as, loss of culture as a result of cultural genocide (Mallam, 2010). Mallam (2010) suggests two ways the Canadian government could make reparations for the cultural loss experienced by First Peoples:

(1) legislative enactment, be it constitutional or otherwise, recognizing Aboriginal language rights in areas where numbers warrant; and (2) establishment of culturally relevant institutions, i.e. schools, with grassroots training and programming that would allow and train Aboriginal groups to actively run and, in the case of schools, set significant parts of the curriculum (Mallam, 2010, p. 4).

Mallam's (2010) suggestions for reconciliation have to do with restoring the culture lost through residential schools. Other Indigenous academics argue that restoring culture lost is problematic because this makes the legal rights of First Peoples retrospective. They protect traditional practices but do not provide a space for Indigenous culture to be promoted, to grow, and thrive (Alfred, 2005; Corntassel & Holder, 2008).

On the other hand, Alfred (2005) views what are presented as acts of reconciliation, such as the 2008 apology by Prime Minister Harper, as cheap and disingenuous. Alfred (2005) goes on to explain that any act of reconciliation without restitution of land and financial compensation for past harms is an act of injustice in and of itself and will simply enshrine the colonial injustices

⁸ The settlement agreement that came out of the class action suit by residential school survivors consisted of two parts: the 'common experience payment' and the 'independent assessment process'. For the common experience payment, residential school survivors were compensated with \$10,000 for the first year they spent in the schools and an additional \$3,000 for every subsequent year (Marshall & Gallant, 2020). Survivors who were sexually or physically abused in residential schools were also assessed separately through the Independent Assessment Process (Marshall & Gallant, 2020).

that it sought to reconcile. Cornassel & Holder (2008) are also critical of Truth and Reconciliation Commission as they find there is a discrepancy between what the State says it is going to do and what it does in practice. They explain the intended goal of truth commissions are to ameliorate the relationship between Indigenous Peoples and settlers while also signifying an end to wrongdoings and the beginning of a harmonious existence between groups. However, the reality proves to be quite different, in that States develop “rigid material and symbolic” (p.1) parameters for truth commissions to ensure “political and legal stability” (p. 1). Another issue taken with truth commissions is they are a way of marking the end of wrongdoings (Cornassel & Holder, 2008). In the act of using a formalized process such as the TRCC to mark the end of wrongdoings, the State is effectively silencing First Peoples by denying or ignoring the current issues (Cornassel & Holder, 2008). Cornassel & Holder’s (2008) investigation found truth commissions did not deliver on their promise to repair Indigenous-settler relationships and they only managed to confront past harms in a limited way.

Although much of the writing that exists around reconciliation is authored by individuals of Indigenous ancestry, Regan (2010) was one of the first to write about reconciliation and decolonization from a settler’s perspective. In her book, *Unsettling the Settler Within*, Regan does a thorough investigation of what it means to be a settler living on stolen land in an attempt to educate other settlers about the oppression First Peoples experience in Canada. Regan (2010) explores Canada’s history of colonialism while also taking a look at her own decolonization journey.

In the article, *Residential Schools, Respect, and Responsibilities for Past Harms*, Borrows (2014) grapples with settlers’ opinions about reparations for residential schools. He notes in the

discussion of residential schools, settlers will often shirk responsibility as it was not them that perpetrated those acts against First Peoples or it was not their ancestors that participated in these genocidal acts. Borrows (2014) quotes a letter to the editor by an Ontario lawyer by the name of Peter Best. In his letter, Best describes settlers in Canada as ‘the completely blameless descendants of the people who long ago did these bad things’ (Best, 2013 in Borrows, 2014, p. 64). Best goes on to suggest that “instead of looking backwards all the time, [First Peoples] should be focusing on the future and suggesting concrete ways by which the tragic demoralization and dependency of our aboriginal peoples can be ended” (Best, 2013 in Borrows, 2014, p. 64). The opinion of Peter Best is not an outlier, rather his opinion mirrors that of many settlers in Canada. However, my response to Peter Best and others who hold this opinion is: this is not in the past. The oppression of First Peoples continues today, and the belief that attempts to assimilate, manage, and regulate First Peoples is in the past, actually allows for Indigenous oppression to continue and thrive.

2.8 Residential Schools and the Prison System

Research done by CSC and the Government of Canada reflects a narrative that tends to emphasize the *difference* between Indigenous and non-Indigenous prisoners. This body of research states that Indigenous prisoners tend to be younger (Barnum & Gobeil, 2012; Kong & AuCoin, 2008; Trevethan, Moore, & Rastin, 2002), have higher recidivism rates (Bonta, Rugge, & Dauvergne, 2003; Gobeil & Barrett, 2007), more issues with substance abuse (Perreault, 2009), and have more needs concerning their family lives (Gobeil & Barrett, 2007; Kong & AuCoin, 2008; Perreault, 2009) relative to non-Indigenous prisoners. These issues are further

compounded by the fact that Indigenous prisoners tend to have less education (Perreault, 2009; Trevethan et al., 2002), less employment experience (Perreault, 2009), and fewer employment skills (Trevethan et al., 2002) than non-Indigenous prisoners. There is even CSC funded research that denies any link between surviving residential schools and recidivism: “attendance at residential schools does not appear to be related to recidivism” (Sioui & Thibault, 2002, p. 51).

Some academics argue prisons have taken on the role of a modern day residential school (Martel, Brassard, & Jaccoud, 2011; Alfred & Corntassel, 2005). After failed attempts by the government to ‘take the Indian out of the child’ in residential schools, prisons have stepped in to try to dictate the type of ‘Indian’ that is acceptable. After an individual is convicted of a crime and sentenced to time in prison, a risk assessment tool is used in order to determine the individual’s risk/need. Martel et al. (2011) explain these objective risk assessment tools are more likely to produce a high-risk/ high-needs results for Indigenous Peoples than non-Indigenous peoples. In some cases, practitioners will err on the side of caution and overestimate risk as an act of insurance. In turn, many First Peoples are disproportionately deemed high-risk and sent to high-security facilities (Martel et al., 2011).

Upon entry into prison, identifying as an Indigenous person is a “risk-enhancing factor” (Martel et al., 2011, p. 241). First Peoples can reduce their risk level through achieving ‘cultural revitalization’ in prison. They may choose from a selection of ‘culturally-appropriate’ Indigenous programs developed and implemented by the Correctional Service of Canada (CSC). Many of these programs are facilitated by individuals that are not of Indigenous ancestry; it is “non Natives giving programs on how to be Native” (Martel et al., 2011, p. 243). Not only are programs about Indigenous culture being developed and instructed by non-Indigenous people,

but these programs are developed based on a Pan-Indigenous vision of culture. Many of the cultural programs in prison are a generalized rendition of Indigenous spirituality with no regard for individual or historical biographies (Martel et al., 2011). Each nation has their own unique and distinct set of practices, but these programs are produced without a serious consideration or understanding of this. Moreover, for prisoners of Indigenous ancestry, prison is often the first time they are exposed to any semblance of cultural identity, due to generations of assimilative practices.

2.9 Weaknesses, Limitations, and Gaps in the Literature

Throughout the course of Canadian history, First Peoples have survived attempts at assimilation, eradication, and genocide. Much that has been written about this topic lacks the ability to connect the regulation and oppression of Indigenous Peoples from the time of contact until the present day. Instead, much of the literature focuses on residential schools specifically without showing residential schools as part of a continuum of oppressive practices and logics that started long before the inception of residential schools and which continue to this day. Demonstrating the continuity of Indigenous oppression from the time of contact until now, shows that the atrocities of the residential school system were not an anomaly, but rather one manifestation of Indigenous oppression amongst a continuous effort to eliminate First Peoples.

The recent focus and fascination with the residential school system, although important in curing settlers of their shared ignorance, has the unintended effect of minimizing incidents of Indigenous oppression that occurred before and after residential schools. Moreover, residential schools did not happen in a vacuum. There were cultural values, political rationalities, and

conditions that allowed this to happen; values and conditions that still exist in our current context. This fixation on one particular event, makes it seem as though Indigenous oppression is a thing of the past, and in order to move forward settlers simply need to recognize, record, and repair that historically oppressive event. After this, reconciliation can begin and all can be restored to what it once was. However, even the term ‘RE-conciliation’ is a misnomer, as it suggests the relationship between First Peoples and settlers was once peaceful and respectful, but this is not the case. In fact, the relationship between settlers and First Peoples has always been based on control, deceit, and paternalism (Amagoalik⁹, 2018). In order to start the process of conciliation, there has to be a fervent and continuous effort to develop trust and respect between Indigenous Peoples and settlers. However, this can only happen once settlers begin to understand how Indigenous oppression manifests today and how settler colonial logics are used to justify the continued oppression of Indigenous Peoples. Then, we must make serious efforts to dismantle the logics and systems that keep Indigenous Peoples at a place of disadvantage.

⁹ John Amagoalik was born Tasiak near Inukjuak, Nunavik. He is often referred to as the “Father of Nunavut” for his work in advocating for Inuit rights and the creation of Nunavut (“John Amagoalik”, 2014).

Chapter 3: Analytical Approach

*“Men have always divided the world up into regions having either real or imagined distinction from each other”
(Said, 1995, p.39).*

As discussed in Chapter 2, the research on residential schools can be grouped into four main categories: *what occurred?* (memoirs and historical documentation), *why it occurred?* (motivations behind residential schools), *who did it affect and how?* (the individual and intergenerational impacts of residential schools), and *how can one repair harms and prevent future harm?* (decolonization and (re)conciliation). This research is important in its own right, but it does not help us understand the broader context of settler colonialism and the covert ways it persists today. While there is a growing body of literature about residential schools, there is still a lot left to understand about how these schools and the cruelty that existed within them came to be, and how the logics that allowed them to come into existence continue to be reproduced in our current context.

Many settlers have only recently started learning about Canada’s history of colonialism. Shortly after the release of the Truth and Reconciliation Commission of Canada’s final report in June of 2015, educators began to develop and discuss curriculum for teaching the history of residential schools in Canada (Reith & Stewart, 2015). That is to say, the majority of adults in Canada have little to no formal education regarding residential schools or colonialism in Canada. With that said, even new curricula presents Indigenous oppression as something that occurred in the past (Kabatay & Johnson, 2019). Teaching about the oppression of Indigenous Peoples as an historical event further perpetuates the idea that First Peoples have been oppressed in the past, without acknowledging how the systemic oppression of First Peoples continues to this very day.

The dispossession, cultural genocide, and oppression of First Peoples has compounded over time to create a horrifyingly bleak situation for First Peoples today. However, historical events such as residential schools, the Sixties Scoop, or the pass system, although temporally, spatially and topographically different, are all integral in developing an understanding of how Indigenous oppression has developed and how it is maintained through ever evolving techniques in our society.

In this chapter, I start by offering a discussion of Post-colonial theory. This discussion helps to understand how Indigenous Peoples are constructed as inferior or ‘the Other’ through the logic of Western superiority and how this justifies the historical and continued domination and regulation of Indigenous Peoples. Then I offer of discussion of contemporary colonialism, which is particularly useful in settler colonial contexts, such as Canada. Contemporary colonialism helps us understand how the manifestations and techniques of Indigenous oppression can change over time, but the structure and logics of settler colonialism stay the same (Wolfe, 1999; Alfred & Corntassel, 2005). I introduce Coulthard’s (2014) concepts of recognition and accommodation and how they are used in the regulation and pacification of Indigenous Peoples as they resist and call for change. Then I present Foucault’s method of genealogy and how it will allow us to problematize logics that have been naturalized through time, like the logics of Western superiority and settler colonial benevolence. Finally, I explore Foucault’s concepts of power (disciplinary power, biopower, and governmentality) which will be useful in helping us understand how the regulation and production of new Indigenous subjects and populations manifests today.

3.1 Post-Colonial Theory - *Orientalism* and ‘the Other’

Naturalized values and ways of knowing exist far beyond the departure of colonizers which Edward Said (1989) refers to as “dreadful secondariness” (p. 207). In Canada, we live in a settler colonial society where colonizers never left and colonialism continues, or as Wolfe (1999) puts it “invasion is a structure not an event” (p. 163). With this said, there is still an idea that once historical events of Indigenous oppression have been acknowledged, Indigenous Peoples can emerge anew and “get over it” (Bresge, 2021, para 1). Post-Colonial theory acknowledges and studies the impact of colonialism on the colonized and also explores how colonialism continues to dominate and oppress colonized peoples. Post-Colonial theory can be defined as a “theoretical resistance to the mystifying amnesia of the colonial aftermath. It is a disciplinary project devoted to the academic task of revisiting, remembering and, crucially, interrogating the colonial past” (Gandhi, 1998, p.4). Gandhi (1998) suggests the only way to overcome the effects of colonization is to purposefully and rigorously inspect our pasts.

One of the founders of Post-Colonial theory, Edward Said (1979), wrote the influential book *Orientalism*, that breaks down and challenges assumptions that the Western world has about the east (specifically the middle-east). Orientalism has to do with the construction of ‘the Other’. Orientalism is a “corporate institution for dealing with the Orient- dealing with it by making statements about it, authorizing views of it, describing it, by teaching it, settling it, ruling over it: in short, Orientalism is a Western style for dominating, restructuring, and having authority over the Orient” (Said, 1978, p. 11). Said’s (1979) work helped dispel Western produced myths about the East that represented people from ‘the Orient’ as ‘the Other’ and ultimately inferior.

In *Orientalism*, Said (1979) outlines and examines how the attitudes held by the west about the Orient came to be; he dissects the development of Orientalism and explains how Western academics developed opinions about Islam and the middle-east. Orientalist works by Western scholars become the authority for understanding the East. Many Orientalist scholars had not so much as visited the east, but they felt they had the authority to describe, scrutinize, and create the image of the Orient in using the Occident as the opposing picture. The creation of a field of study (i.e. Orientalism) is integral in the way a culture is viewed by other parts of the world. Orientalists are tasked with deciphering the actions of the group being studied and disseminating that information. There are European academics who have made it their goal to uncover and understand everything there is to know about the middle-east, and then use their interpretations to educate other Europeans. In fact, knowledge delivered to the Western masses about the East was almost exclusively filtered through Orientalist Academics. Although academia often has the illusion of being impartial or unbiased, the reality is, Orientalism is “knowledge of the Orient that places things Oriental in class, court, prison, or manual for scrutiny, study, judgement, discipline, or governing” (Said, 1995, p. 41).

At the beginning of the 1800’s there was a rise in Oriental studies and professors. This began to shape an image of the Orient that dichotomized the West “us” and the East “them” (Said, 1995, p. 43). There is a pattern of Western academics practising binary opposition when examining other cultures: the occident vs. the orient; the west vs, the east; us vs. them. However, the examination does not stop at this bifurcation; the occident, the West, or ‘us’ are all ranked above the Orient, the East, or ‘them’. Orientalists describe ‘Orientals’ as “irrational depraved (fallen), childlike, “different”” (Said, 1979, p. 40); whereas “the European is rational,

virtuous, mature, “normal” (Said, 1979, p. 40). This impulse to hierarchize groups is a consequence of Eurocentrism; the Westerner’s belief that it is “his human prerogative not only to manage the nonwhite world but also to own it, just because by definition ‘it’ is not quite as human as ‘we’ are” (Said, 1979, p. 108). This way of thinking is the epitome of dehumanization (Said, 1979). With this in mind, almost any action can be justified when a group of people are painted as inferior, illogical, and less evolved. Along with colonizers’ air of superiority, they also carry with them an invisible badge of benevolence. Colonizers are able to justify their actions by claiming it is in the best interest of the colonized.

Myths about the East are created and perpetuated through discourse. Sometimes the prejudice is overt and other times it is covert (Said, 1979). Like a bizarre game of telephone, these myths are passed on and distorted from writer to reader, again and again. With so few people having actual knowledge of or contact with the East, Orientalists had a monopoly on the construction of the Orient. They were able to form and distort an image of the East with little to no opposition, and without any contradictory materials, the public took this image as fact. Said’s (1979) work can serve as an example for understanding the construction of Indigeneity and how this image has been constructed and naturalized in our society. The hegemony of views about the East reinforce Western superiority by labelling Eastern practices as backwards. This idea can be seen in the hegemony of views about First Peoples that continue to reinforce the logic of Western superiority by identifying Indigenous ways of knowing as strange or backwards.

The construction of ‘Indianness’ or Indigeneity is a form of Othering¹⁰ that justifies acts of Indigenous oppression (Doxtator, 2011). In the eyes of settlers, a true ‘Indian’ is one that lives

¹⁰ Another important contributor to Post-Colonial theory is Gatratri Spivak (1988) who coined the term Othering for the way in which colonial discourse produces ‘the Other’.

in a historical vacuum in the absence of modern conveniences (i.e. paved roads, television, the internet). This conception of First Peoples not only amplifies existing Eurocentric stereotypes, but it also allows for the justification for past harms. A common explanation for acts of Indigenous oppression surround the idea that settlers brought First Peoples the gift of modernity. In Gayatri Spivak's (1988) essay *Can the Subaltern Speak?*, she expands on the paternalistic nature of settlers. Spivak's (1988) influential piece 'can the subaltern speak?' uses Gramsci's (1978) concept of 'subaltern¹¹ classes' (subordinate groups) to challenge the lack of representation and discussion of race and class in the Western academy. She criticizes colonizers' attempts to help or save the subaltern by imposing their values onto them. Spivak (1988) views this as an act of subordination as the colonizers take away the subaltern's voice by choosing to speak for them. Spivak (1988) shines a light on academics investigating subaltern classes and presenting themselves as experts of subaltern consciousness.

3.2 Producing Indigeneity

In *Orientalism*, Said (1979) explains how the image of the Orient came to signify danger and threat in the Western culture. The construction of Indigeneity can be divided into two different categories: the way Indigeneity is produced in the mind of the settler and the way Indigeneity is imposed on Indigenous Peoples. The former is achieved through the assessment of Indigenous Peoples through the eyes of the settler. The settler comes to terms with who an Indigenous person is by finding a place for them in the Western experience. This image is formed in opposition to who the settler is. The image of the settler becomes the norm. Once the

¹¹ Subaltern: A term coined by Antonio Gramsci for a person of lower rank in society.

foundation of Indigenous identity is formed, settlers fall victim to the confirmation bias as they search for instances that continue to reinforce their idea of what an Indigenous person ‘should’ be.

Indigeneity is also imposed on First Peoples through a myriad of settler colonial systems. After attempts to assimilate First Peoples failed, settlers began to ‘promote’ Indigenous culture through state developed and sponsored programming (i.e. prisons, schools, social services, healthcare system, legal system etc.), in an attempt to create the type of Indigenous Peoples that are ‘acceptable’ and ‘productive’ in Canada’s settler colonial society. An Indigenous person who is deemed acceptable and productive by settler standards contributes to furthering the settler colonial agenda and/or does not challenge the status quo. Although there are times that the programs within these systems are created in consultation with Indigenous Peoples, Indigenous Peoples are still in a position of disadvantage and therefore must negotiate these spaces accordingly (Alfred, 2009).

3.3 Contemporary Colonialism - Recognition and Accommodation

Post-Colonial theory has been useful in identifying some of the effects of colonization, but there has been some controversy around the use of the term ‘Post-Colonialism’, especially in settler colonial societies like Canada. For many Indigenous academics, the ‘post’ in post-colonialism implies colonialism is over (Alfred & Corntassel, 2005; Kovach¹², 2009; Smith¹³, 2012). Although Post-Colonial theory can be useful in examining the legacy of colonialism

¹² Maggie Kovach is “of the Pasqua and Okanese First Nations in southern Saskatchewan” (Kovach, 2009, p. 3).

¹³ Linda Tuhiwai Smith is of the Ngāti Awa and Ngāti Porou Māori Nations of Aotearoa (the land now known as New Zealand) (Smith, 2012).

where colonizers have left, for settler colonial countries like Canada, Post-Colonial theory on its own is not sufficient for understanding how settler colonialism continues. The difference between settlers and colonizers is their “intent to stay” (Battell Lowman & Barker, 2015, p. 25). In other words, colonizers have “*animus revertendi*” (intent to return) whereas settlers have “*animus manendi*” (intent to stay) (Veracini, 2010, p.98). Indigenous academics Taiaiake Alfred¹⁴ and Jeff Corntassel¹⁵ (2005) argue for the use of the term ‘contemporary colonialism’ instead of post-colonialism, explaining “domination is still the settler imperative” (p.597) as settlers accomplish their goal of Indigenous domination through subtler means. Settler colonial domination has existed since the initial arrival of the Europeans to Turtle Island, but the techniques and practices have shape-shifted, becoming more covert, institutionally mandated, and increasingly problematic. Contemporary colonialism is a style of ritualized discrimination that is difficult to detect and must be put under extreme scrutiny in order to identify. Alfred (2009) further explains the impact of contemporary colonialism by describing its psychological ramifications: contemporary colonialism is defined by “extremes of self-hatred, fear and co-optation of the mind; the effect has been the creation of a reality and culture in which [Indigenous] people[s] are unable to recognize, much less realize, their value as human beings” (Alfred, 2009, p. 53). Glen Coulthard¹⁶ author of *Red Skins, White Masks*, agrees with Alfred and Corntassel’s assessment of contemporary colonialism and adds more specifically, “since 1969 we have witnessed the modus operandi of colonial power relations in Canada shift

¹⁴ Taiaiake Alfred is from the Kahnawà:ke Mohawk Nation (Taiaiake, n.d.).

¹⁵ Jeff Corntassel is from the Tsalagi Cherokee Nation (Corntassel, 2014).

¹⁶ Glen Coulthard is from the Yellowknives Dene First Nation (First Nations and Indigenous Studies, n.d.).

from a more or less unconcealed structure of domination to a form of colonial governance that works through the medium of state recognition and accommodation” (Coulthard, 2014, p. 25).

Contemporary colonialism challenges the idea that colonialism is a thing of the past, it also sheds light on the shape-shifting nature of colonial tactics. I believe Foucault enhances contemporary colonialism by offering genealogy as a methodological approach to uncover subjugated forms of knowledge, which help us understand how settler colonialism has transformed through time.

Foucault also offers language we can use to understand how power is mobilized to regulate and produce new populations of Indigenous Peoples. Foucault gives us the language we need to investigate the "modes of power by which, in our culture, human beings are made subjects" (Foucault 1982, 777). I discuss this further in the subsequent sections 3.4 - 3.8.

With the release of Truth and Reconciliation Commission of Canada’s (TRCC) final report, and other initiatives, such as the Murdered and Missing Indigenous Women and Girls (MMIWG) Inquiry, there has been a political rhetoric stating the cultural climate in Canada is changing. However, I argue even acts of reconciliation and benevolence are settler colonial strategies to regulate and assimilate First Peoples. Recognition and accommodation are two concepts that are useful for understanding how the regulation of Indigenous Peoples persists today. Techniques such as recognition and accommodation are used to placate and continue the control of First Peoples (Coulthard, 2014). This is because acts of reconciliation (i.e. inquiries, apologies, truth and reconciliation commissions, culturally-appropriate programming) are made without an attempt to change the underlying systems and logics that justify and perpetuate the oppression of First Peoples. First Peoples will only be recipients of recognition if it does not affect the “legal, political, and economic framework of the colonial relationship

itself' (Coulthard, 2007, p.41). With that said, recognition and accommodation, as they currently exist, "promise to reproduce the very configurations of colonial power that First Peoples' demands for recognition have historically sought to transcend" (Coulthard, 2007, p. 2). In order for settlers to maintain the status quo and continue settler colonial systems, First Peoples need to be persuaded to "*identify*, either implicitly or explicitly, with the profoundly *asymmetrical* and *non-reciprocal* forms of recognition either imposed on or granted to them by the colonial-state and society" (Coulthard, 2007, p. 2). In unequal power relationships such as this, recognition is given on the time of the settler and in the interest of the settler (Fanon, 1967). Even with this unbalanced approach to recognition, Indigenous Peoples will develop a "psycho-affective" attachment to settler recognition (Fanon, 1967, p.148). This need for recognition is a response to the settler's perversion of both pre-contact and post-contact history. The settlers' version of history problematizes Indigenous Peoples, and presents settlers as saviours sent to save Indigenous Peoples from themselves (Fanon,1967). This warped version of history is justifiably unsettling to Indigenous Peoples and it is no wonder many Indigenous Peoples will go to great lengths to get the historical record set straight. This "psycho-affective" attachment helps maintain settler colonial systems and the unequal relationship between settlers and Indigenous Peoples.

Recognition is so important that it has been described as a human need and is so vital that if not fulfilled, can inflict serious emotional harm (Chari, 2004; Taylor, 1994). Indigenous Peoples demand recognition from settlers for the simple right to be viewed as human beings (Fanon, 1967). Fanon (1967) states "I have one right alone, that of demanding human behaviour from the other" (p. 229). Attempts to gain recognition from the settler actually perpetuates

Indigenous oppression as recognition is on the settler's own terms (Chari, 2004; Coulthard, 2007; Fanon, 1967). Since the settler holds the power to recognize or not to recognize, Indigenous Peoples can choose to accept recognition on the settler's terms or to become sociopolitically invisible. With this in mind, the identity of Indigenous Peoples is continually determined within the context of the oppressive settler colonial discourse (Chari, 2004, Fanon, 1967). Indigenous Peoples come to view the struggle for recognition as synonymous with the struggle for liberation, emancipation, and sovereignty (Coulthard, 2007). Instead, the struggle for recognition serves as a form of power which keeps Indigenous Peoples oppressed, predictable, and under control (Chari, 2004).

After recognition, settlers use accommodation to show their commitment to reconciliation. Martel et al. (2011) explain "Aboriginalization" or "Indigenization" as the settlers' response to accommodating First Peoples within settler colonial systems. Indigenization is used to modify the systems in place to appease First Peoples without having to actually change the structure of a system that has been created to regulate and assimilate First Peoples (Martel et al., 2011). This technique gives the illusion that the State is participating in reconciliation while leaving the fundamental structure of the systems and the logics that underpin them in place. This allows the systems to continue producing the status quo and keeps First Peoples at a relative position of disadvantage. The concepts of recognition and accommodation are both compatible with Foucault's concept of governmentality as they can both be understood as governmental techniques used in the regulation of Indigenous Peoples (I explore the concept of governmentality further in section 3.8).

The covert nature of contemporary colonialism coupled with idle promises and superficial apologies leaves an empty and deeply unsettling feeling. Settler colonial relations of power are no longer reproduced primarily through overtly violent or coercive means, but through the asymmetrical exchange of truncated forms of state recognition and accommodation. This makes it more difficult to identify systems and understand how those systems continue to assimilate, oppress, eliminate, or produce new populations of First Peoples. The elusive nature of contemporary colonialism requires a systematic examination of current systems in order to understand how these systems perpetuate Indigenous oppression. The concepts of recognition and accommodation are useful in examining CSC's approach to Indigenous corrections as one example of how Indigenous oppression is perpetuated through seemingly benevolent contemporary settler colonial systems.

3.4 Genealogy

There is an assumption that history is linear, and that as years, decades, and centuries pass by, humanity learns from its experiences in a constant state of evolution. There is also an assumption that the current time period, is more progressive and decidedly better than any other period that came before. This is what I call the 'progression fallacy'. The progression fallacy is the idea that, as a whole, humans are constantly using science, logic, and objective truths to advance as a species. This also has the effect of human beings looking back at historical practices with a sense of moral superiority. We reflect in disbelief as to how humans could have been so apathetic, brutal, or barbaric. Foucault critiques these assumptions through the creation of genealogies. Genealogy is a history of the present; a form of history that challenges traditional

histories as well as their implications in the present. Genealogies call into question dominant narratives that have been naturalized over time. Foucault's version of genealogy "problematizes concepts, practices, logics that have been taken for granted and is meant to leave us with doubt and questions" (Koopman, 2013, p. 60). A genealogy can be used to challenge normalized behaviours, ideas, and logics that exist in the present. In this thesis, I examine something heinous like residential schools and something seemingly benevolent like the culturally-appropriate accommodations within CSC's approach to Indigenous corrections to show how these two manifestations of Indigenous regulation and oppression are linked through the naturalized logics of Western superiority and settler colonial benevolence.

History is told as if there is only one singular objective truth, but in reality, there are a multiplicity of truths, discourses, or recounts of the same event. Foucault denounces the idea that history is continuous or represents a single truth. Instead he argues there are a multiplicity of truths that are intertwined throughout history. He used genealogy as an 'anti-scientific' methodology to bring to the fore subjugated truths in such works as *Discipline and Punish* and *The History of Sexuality (Vol. 1-3)*. *Discipline and Punish* is a genealogy of the modern penal system and in it Foucault describes how power was exercised in the treatment of offenders. In *Discipline and Punish* Foucault begins by describing in detail the torture and execution of a criminal, Damians the regicide:

he was to be 'taken and conveyed in a cart, wearing nothing but a shirt, holding a torch of burning wax weighing two pounds'; then, 'in the said cart, to the Place de Grève, where, on a scaffold that will be erected there, the flesh will be torn from his breasts, arms, thighs and calves with red-hot pincers, his right hand, holding the knife with which

he committed the said parricide, burnt with sulphur, and, on those places where the flesh will be torn away, poured molten lead, boiling oil, burning resin, wax and sulphur melted together and then his body drawn and quartered by four horses and his limbs and body consumed by fire, reduced to ashes and his ashes thrown to the winds' (Pièces originales, pp. 372-374 in Foucault, 1995, p.3)

Foucault then contrasts the torture and public execution of Damians the regicide with a detailed timetable from a prison in Paris 80 years later. The timetable lays out all the activities the prisoners should be participating in throughout their days, including instructions on behaviour:

Art. 17. The prisoners' day will begin at six in the morning in winter and at five in the summer. They will work for nine hours a day throughout the year. Two hours a day will be devoted to instruction. Work and the day will end at nine o'clock in winter and at eight in summer.

Art. 18. *Rising*. At the first drum-roll, the prisoners must rise and dress in silence, as the supervisor opens the cell doors. At the second drum-roll, they must be dressed and make their beds. At the third, they must line up and proceed to the chapel for morning prayer.

There is a five-minute interval between each drum-roll. (Faucher, pp. 274-282 in Foucault, 1995, p. 6).

Foucault both demonstrates and explains how genealogies are meant to be "disordered and fragmentary" to allow for the emergences of subjugated knowledges and exposure of naturalized logics (Foucault, 1991). In the example above, Foucault places the example of the public torture and execution against the example of the timetable to offer a discussion about how the exertion of power has transformed in the modern penal system (from sovereign to disciplinary power). On

the surface, this change could be seen as a move towards more humane practices. This is actually an example of mutating punishment from two different epistemes. In Foucault's genealogy, he is concerned with understanding what conditions, assumptions, and dominant narratives allow for these types of practices to be developed, implemented, and widely accepted.

At times, the public torture and executions incited anger towards the sovereign and sympathy for the criminal (Foucault, 1995). If the public felt that the punishment outweighed the crime, they would rise up in protest against the sovereign (Foucault, 1995). The transition from public torture and execution, to public execution only, to execution behind closed doors, to the eventual elimination of corporal punishment altogether, left less room for the public to protest the punishment and treatment of offenders. During certain historical periods, power was exerted in a way that was obviously violent, which left the door open for rebellion and protest. Whereas now, power can be presented as benevolent, which can have a pacifying effect on the public, making populations easier to govern. Foucault discussed the transition from corporal punishment to the timetable as the transition from sovereign power to disciplinary power. Foucault (1980) is ultimately concerned with how subjects are created and "how things work at the level of on-going subjugation, at the level of those continuous and uninterrupted processes which subject our bodies, govern our gestures, dictate our behaviours" and how "subjects are gradually, progressively, really and materially constituted through a multiplicity of organisms, forces, energies, materials, desires, thoughts etc." (p. 97).

Genealogy is type of critical history, that allows for the insurgence of "subjugated knowledges" (Foucault, 1980, p. 81). Foucault (1980) posits "power is war, a war continued by other means" (p. 90). There is an assumption that political control puts an end to war, but

Foucault (1980) would argue political power continues the objectives of war by instilling them in our bodies, institutions, attitudes, and language. The idea that the war of colonialism has ended because the overt attempts to physically eliminate First Peoples has ended, is erroneous. That is to say, the Doctrine of Discovery, germ warfare, the forced sterilization of Indigenous women, residential schools, the Sixties Scoop, and CSC's approach to Indigenous corrections are all examples of how Indigenous oppression and regulation have mutated through time.

What we have now that we did not have 'then' is the context of time. This allows us to do a rigorous examination of a particular history in order to uncover how subjects are formed through what Foucault (1980) describes as a "multiplicity of organisms, forces, energies, materials, desires, thoughts etc." (Foucault, 1980, p. 97). A genealogical analysis of a particular history can actually help us begin to parse apart those elements and start to understand how subjects are gradually created through a multitude of techniques (Foucault, 1980).

Foucault breaks history up into time periods that he calls 'epistemes'. An episteme is a period of time, a set of unconscious epistemological assumptions, that are deeply ingrained into our psyches and affect the way in which we are able to think about things (Foucault, 2018). All of discourse, the entirety of the way that we think and talk is constrained by a set of background epistemological assumptions that were given to us by the historical and cultural conditions into which we were born. Epistemes change over time and have different underlying assumptions, codes, and rules (unconscious or structural). Foucault (2018) points out that the knowledge produced during any particular episteme is influenced by the taken for granted attitudes and norms of that time.

In *Discipline and Punish*, Foucault analyses the practices, techniques, tactics of domination, logics and “the conditions that make these acceptable at a given moment” (Foucault, 1980 in Gillett, 2018, p.44). Foucault uses genealogy as a way of challenging or critiquing widely accepted narratives. By calling into question the assumption that the way we do things now is superior to the way things were done in the past, we are able to conduct a critical analysis of power and the way that it is mobilized and used in our current epoch.

In order to conduct an analysis of power one must ask how power is exercised. When asking this question we find that “power is essentially what it represses” (Foucault, 1980, p. 89). Foucault (1980) first proposes to truly understand and analyze power we must analyze the “mechanisms of repression” (p. 89). His second hypothesis, “that power is war, a war continued by other means” (p.90). This second hypothesis allows us to begin to think about how the war might continue while the mechanisms of war evolve. For example, in the war between the criminal and the sovereign, the war begins with the sovereign torturing and executing Damians the regicide in a public forum, when the torture and execution ceases, the war continues but is now inscribed in and practiced in the prisoner’s timetable. The original war between the criminal and the sovereign continues, but the tactics of war have changed to reflect the values of the current episteme. In this example, Foucault finds the war is continued through a new form of power. Where sovereign power targets the body via brutalization, discipline is a subtler form of power that targets the soul and mind, shaping the person from the inside out. The change from physical war to political power rewrites the principles of war into institutions, language, and customs (Foucault, 1980). In fact, the way power is mobilized in a time of ‘civil peace’ allows

for the “disequilibrium of forces displayed in war” (Foucault, 1980, p.90) to be upheld and continued through politics in a more sustainable way.

In the context of settler colonialism it is helpful to use Foucault’s genealogy to see how the violence or war of colonialism is continued through institutions, practices, language, or attitudes (Foucault, 1980). Vestiges of historical tactics of repression are inscribed into our thoughts, language, institutions, and practices. Foucault (1980) suggests conducting “an *ascending* analysis of power” (Foucault, 1980, p.99) beginning with the most minute of mechanisms to see how they are used, transformed, and mobilized in the creation of subjects. I believe Foucault’s genealogy gives an analytical structure that will be useful in identifying historical and present day mechanisms that contribute to the continuous subjugation of Indigenous Peoples and the production of new Indigenous populations. Historically, there have been more overt tactics used for the oppression, assimilation, and subjugation of First Peoples, but now, in the time of “pseudo-peace” (Foucault, 1980, p. 99) these tactics have become more nuanced and are difficult to identify without rigorous analysis. Settlers in Canada are not immune to the historical amnesia that plagues the Western world; we too are guilty of judging our predecessors. We look back on their actions in disgust and think “how could anyone be so cruel, so barbaric, so destructive?”. We think of those responsible for residential schools as contemptible. They represent a way of thinking so egregious we cannot bring ourselves to see the similarities between us and them. But what if we are not so different from these people? What if we continue to use the same logics that allowed for those heinous acts to transpire? Ultimately we are unable to see our own complicity in the continuation of settler colonialism because the techniques we use for dealing with the “Indian problem” have evolved. I argue, even though the

contemporary techniques used to regulate Indigenous Peoples have become more covert or nuanced, this is not synonymous with progress or a change in cultural attitudes and values towards First Peoples.

3.5 Foucault and Colonialism

In this thesis, I will not be examining the overt forms of control, violence, and inequalities that plague First Peoples today. These are well documented and for all intents and purposes are largely undisputed. What I am concerned with are the often overlooked, mundane techniques and mechanisms that regulate Indigenous Peoples and produce new Indigenous subjects and populations. These techniques and mechanisms are ubiquitous and can be found in many different policies, programs, and practices. On the surface, they may seem unremarkable, benevolent, or even reconciliatory, but in reality they are steeped in settler colonial rationalities and cause just as much harm, if not more harm, than their more overtly violent counterparts. In recent years, a lot of attention has been placed on the violent acts aimed at Indigenous children within residential schools. Exposing these atrocities has served to validate the lived experiences of survivors and the descendants of those survivors. This is long overdue and has value in and of itself. Now, there is a push towards (re)conciliation. For many this means: including the history of residential schools in our shared history, making reparations, and moving forward. Unfortunately, this fails to address how settler colonialism continues today and how it is woven into the fabric of our society. Foucault's concepts of discipline, biopower, and governmentality can help us understand how Indigenous Peoples are regulated and Indigenous subjects and populations are produced in our current epoch using of CSC's approach to Indigenous

corrections as an example. Although Foucault discusses these different forms of power at different times in his life, one does not replace the next. They can actually exist simultaneously and interact with one another. He explains, “if one wants to analyze the genealogy of the subject in Western civilization, he has to take into account not only techniques of domination but also techniques of the self” (Foucault, 1991, p. 203). He goes on to explain that it is possible for techniques of the self to be integrated into “structures of coercion and domination” (Foucault, 1991, p. 203). In this section, I will explain Foucault’s concepts of disciplinary power, biopower, and finally governmentality.

3.6 Disciplinary Power

In Foucault’s (1995) key text *Discipline & Punish* he outlines the development of the modern penal system to demonstrate how punishment and the treatment of offenders has changed over time. Foucault begins by describing how punishment was once directed at the body (i.e. public executions) through sovereign power. Through time, punishment moved away from the body and was redirected at the mind and soul through disciplinary power. The body is no longer manipulated directly, but indirectly through a series of techniques such as: timetables and drills. The concept of discipline has been used to explain how a number of systems and institutions are successful in controlling human behaviour. Discipline creates subjects who are not only predictable but also docile. This concept is important when discussing CSC’s approach to Indigenous corrections to see how seemingly benevolent or reconciliatory acts are used to discipline Indigenous Peoples. Foucault (1995) identifies three main ways disciplinary power is exercised: hierarchal observation, normalizing judgment, and the examination.

Hierarchal observation

Foucault discusses how the surveillance of individuals can serve as a form of discipline. Foucault (1977) uses the example of prisons to demonstrate how the surveillance of individuals can shape behaviour. Foucault examines Jeremy Bentham's architectural design, the 'panopticon': "The perfect disciplinary apparatus would make it possible for a single gaze to see everything constantly... a perfect eye that nothing would escape and a centre towards which all gazes would be turned" (Foucault, 1995, p. 173). The panopticon uses hierarchal observation by positioning guards in the middle of the prison where they have a 360 degree view of all the prisoners. In this structure, prisoners are aware that they are being watched at all times. This has a soul-training effect on the prisoners as they learn to self-discipline in order to avoid punishment. Foucault explains (1995) "an architecture that is no longer built simply to be seen... but to permit an internal, articulated and detailed control – to render visible those who are inside it" (p. 172). Observation is used in a multitude of ways in our society to discipline individuals and shape their behaviour.

Normalizing judgement

Normalizing judgement is the set of standards that serves as a way of categorizing individuals. This outlines acceptable or 'normal' behaviour and differentiates it from 'other' or unacceptable types of behaviour. These behaviours are understood as normal and acceptable, those who conform to these rules are rewarded and those who do not are punished. The normalizing judgement "measures in quantitative terms and hierarchizes in terms of value the abilities, the level, the 'nature' of individuals. It introduces, through this 'value-giving' measure, the constraint of a conformity that must be achieved" (Foucault, 1995, p. 183).

The Examination

The examination is combination of hierarchical observation and normalizing judgement. In fact, “it is a normalizing gaze, a surveillance that makes it possible to qualify, to classify and to punish” (Foucault, 1995, p. 184). Information is collected about the subject by way of surveillance and then measured against what is deemed ‘normal’. Subjects are separated into groups through a process Foucault calls ‘dividing practices’. This is a process where “the subject is either divided inside himself or divided from others. This process objectivizes him. Examples are the mad and the sane, the sick and the healthy, the criminals from the “good boys” (Foucault, 1982, p. 208). The examination reduces each individual into a case that can be observed, separated into parts, evaluated, categorized, and ranked. Foucault (1993) explains “he may be described, judged, measured, compared with others, in his very individuality; and it is also the individual who has to be trained or corrected, classified, normalized, excluded” (p. 191).

3.7 Biopower

In *the History of Sexuality*, Foucault (1978) describes biopower as a form of power that moves away from sovereign power’s to ‘make die and let live’ towards ‘make live and let die’. Unlike sovereign power where there is the threat of death or violence, biopower centres around the management of aspects of life. Biopower includes three main elements: (1) truth discourses, produced by authorities who are considered experts, about the ‘vital’ character of living human beings; (2) Techniques for intervening on a collective (i.e. a race, an ethnicity, a gender) for the purpose of improving life and health; (3) Finally,

modes of subjectification, through which individuals are brought to work on themselves, under certain forms of authority, in relation truth discourses, by means of practices of the

self, in the name of their own life or health, that of their family or some other collectivity, or indeed in the name of the life or health of the population as a whole (Ranibow & Rose, 2006, p. 197).

Subjectification works through freedom. It shapes human behaviour from a distance and encourages subjects to work on themselves without the threat of punishment or death. The iron fist of the sovereign is no longer acceptable. The more nuanced biopolitical strategies of subjectification allows for the governance of collectivities without the risk of political backlash. Subjectification allows for the development of techniques which encourage subjects to become more self-aware as they observe, reflect, and manage themselves.

Subjectification is the process by which human beings are made subjects by working on themselves and aligning themselves according to truth discourses that exist in the market and are dictated by authorities and experts. Foucault (1983) explains subjectification as “the way a human being turns him- or herself into a subject” (p. 208). Individual turns themselves into subjects through technologies of the self, by knowing themselves, and then acting on themselves to bring themselves in line with the social, cultural, political truth discourses of the time.

Foucault describes technologies of the self as techniques that allow

individuals to effect by their own means or with the help of others a certain number of operations on their bodies and souls, thoughts, conduct and ways of being, so as to transform themselves in order to attain a certain state of happiness, purity, wisdom, perfection or immortality (Foucault, 1988, p. 18).

A subject must know themselves in order to be able to govern themselves. Knowing oneself and knowing what one ought to be changes through time and from one social, cultural, political formation to the next. In other words, subjectification is a form of power that

applies itself to immediate everyday life which categorizes the individual, marks him by his own individuality, attaches himself to his identity, imposes a law of truth on him which he must recognize and which others have to recognize in him. It is a form of power which makes individuals subjects (Foucault, 1982, p. 212).

A subject constitutes themselves according to models and ways of acting that are “proposed, suggested, imposed upon him by his culture, his society, and his social group” (Foucault, 1988, 291).

Unlike disciplinary power where the subject is under constant surveillance and every aspect of their environment is controlled (i.e. space, time, activities), biopower seeks to govern from a distance, putting truth discourses in place in order to structure the administration of life, which in turn guides and encourages subjects to want to work on themselves. Biopower seeks to know populations of people rather than individuals and uses science and statistics to gain knowledge about populations. Statistics produces norms and standards which can be used to judge people. Based on these norms, subjects become grouped into collectivities to make them easier to manage. These collectivities, although arbitrary, come to be seen as real. Techniques such as, administrative policies, programs, and initiatives are then developed to target ‘problem’ collectivities who fall outside of what is considered normal (Oksala, 2013).

In the context of settler colonialism, there are a number of different biopolitical techniques used to influence the behaviour of Indigenous Peoples. Biopower is used to promote

the physical and mental health of Indigenous Peoples through specific campaigns which target Indigenous populations. This demonstrates how power is not always repressive, but can also be productive. Power is neutral. It is not good or bad, but can produce harmful results. This is why it is important to vigorously examine not only the technologies of power, but also the truth discourses justifying them (Lemke, 2016).

Indigenous prisoners have become the object of investigation, they are surveilled and studied in order to be understood. Once understood, they can be managed. Biopolitical strategies target Indigenous populations as a collectivity and are used to regulate different aspects of Indigenous Peoples lives. The techniques of regulation are justified by truth discourses produced by experts which make Indigenous Peoples objects of governance (Lindroth, 2014).

Although there is a focus on how settler colonialism eliminates Indigenous Peoples, it is also productive. Morgensen (2011) argues settler colonialism produces life as it amalgamates Indigenous Peoples and absorbs them into the body of the settler nation. I argue settler colonialism uses biopower to produce new populations of Indigenous Peoples that are easier to govern. Biopower is also used to create an Indigenous identity that is palatable and recognizable to settlers (Fullenwieder, 2018). I discuss how biopower is used in CSC's approach to Indigenous corrections to produce new populations of Indigenous Peoples in Chapter 4.

3.8 Governmentality

Governmentality tends to use administrative and managerial techniques when exercising power; decisions about what techniques are used are based on 'scientific' knowledge. However, the knowledge used is not neutral, but a way for government to justify their decisions as logical

and rational (Oksala, 2013). Where biopower can help us understand how the management of Indigenous Peoples has changed and transformed over time, governmentality helps us see not only the governmental technologies that are used to manage Indigenous Peoples, but also the political rationalities that serve as the justification for those techniques. In this project, I adopt governmentality as an analytic tool to help explain how new populations of Indigenous Peoples are being produced through CSC's approach to Indigenous corrections. This will also allow us to see what 'problem' CSC is attempting to solve and what political rationalities are being used to justify this approach. Once we understand this, we can see a continuity of rationalities by linking the political rationalities used within residential schools with those used in CSC's approach to Indigenous corrections.

Governmentality is a concept coined by Foucault that combines "gouverner" (to govern) and "mentalité" (mentality). Foucault (1991) uses this concept to explain how power is exercised through political practices and techniques to solve particular problems (gouverner) and what rationalities are used to justify those techniques (mentalité). Governmental power works through a web of programs, policies, and strategies to shape the conduct and beliefs of populations to achieve desired results. One way of understanding governmentality is the combination of "political rationalities" and "governmental technologies" (Rose & Miller, 2010, p. 273). Political rationalities are the "the moral justifications for particular ways of exercising power" (Rose & Miller, 2010, p. 273) and governmental technologies are "the complex of mundane programmes, calculations, techniques, apparatuses, documents and procedures through which authorities seek to embody and give effect to governmental ambitions" (Rose & Miller, 2010, p. 274).

Matsunaga (2021) describes governmentality as "a concept that describes a form of power that focuses on the conduct or management of populations in order to produce and

strengthen the notion and function of the state” (p. 5). Governmentality can be found in the mundane procedures, techniques, practices, programs, and policies that produce willing participants in their own subjectivity. In order to discuss governmentality, we must understand what Foucault meant by government. Generally speaking, government is often seen as synonymous with the State. However, Foucault does not use the term government in this way. Instead, Foucault sees government as a “variety of authorities [which] govern in different sites, in relation to different objectives” (Rose, O’Malley, & Valverde, 2006, p. 85). It also encompasses “tactics, strategies, calculations, reflections and programmes” that direct and influence the conduct of individuals (Rimke, 2000, p. 71). Foucault moves away from demonizing the State or particular actors, as this will result in condemnation without an understanding of how those acts came to be. Instead I will focus on how political rationalities identify and define problems and then how those problems are then managed through a multiplicity of techniques and procedures. The goal is not to uncover potentially concealed motives or agendas of the authorities making these decisions, but rather to observe what techniques authorities use to exercise power and what rationalities they use to justify those particular choices (Rose & Miller, 2010). This allows us to examine techniques which are not only overtly violent or harmful, but also examine techniques which are seemingly helpful or benevolent.

Media outlets, activists, and even academics often point to abuses of power or neglect by the State when discussing racism and contemporary colonialism. In many of the reports about residential schools, there is a focus or fixation on the death of children in care, and the sexual and physical abuse many survivors endured while living at the schools. This fixation on these offences individuates the acts and places the blame on singular actors. It also obfuscates the

naturalized settler colonial rationalities that underpin the decisions made that determine how to ‘help’ or ‘deal with’ Indigenous Peoples. Fullenwieder (2018) explains “settler colonial biopower conceals the logic of elimination, to the will or power to kill, by investing the development of Indigenous populations through health, identity, and legal cultivation of that category” (p. 427). Although it is important to denounce overt forms of harm, this does not move things forward in regard to the treatment of First Peoples. In fact, when we focus solely on overt forms of discrimination, we unintentionally minimize these everyday practices of Indigenous oppression that can be just as, if not more harmful than overt forms of harm. If we single out or demonize specific actors, specific institutions, or even the State, we are missing the thread of settler colonial logics which passes through all of our minds, all of our institutions, and the entirety of our society. These settler colonial logics have been naturalized through centuries of Indigenous oppression and if left unchallenged will continue to produce devastating results.

Since governmentality works through the assumption of freedom, rather than against it, it can be difficult to identify practices that oppress First Peoples. Governmentality is not only aimed at the individual, but at populations. Governmentality works from a distance by shaping the “conduct of conduct” (Foucault, 1992, p.220). In a neoliberal government, governmentality is the art of governing that diverges from blatant forms of control one might associate with sovereign power. Governmentality works through a multitude of agencies, institutions, and authorities and uses a myriad of techniques to “shape conduct by working through our desires, aspirations, interests and beliefs” (Dean, 2010, p. 11). Governmental power works through establishing experts who produce knowledge. The knowledge is used to establish norms that are reinforced until they become naturalized. Once these norms are naturalized, populations will be

able to self-govern, choosing 'freely' to conform as they have been trained to do so. This form of control is more difficult to identify because on the surface, it appears to be individuals acting of their own volition. Moreover, governmentality is arguably a more efficient form of power because instead of working on each individual, entire populations can be shaped and controlled. When an individual fails to self-govern, they may be labelled as deviant and enter one of the many disciplinary systems established for reeducation/rehabilitation (i.e. child welfare, schools, prisons). Here discipline, biopower, and governmentality work together to reeducate individuals and teach them to self-monitor and self-govern.

3.8.1 Settler Governmentality

Foucault has been criticized for being silent on issues of race and colonialism (Ahluwalia, 2010; Mawani, 2009; Mbembé, 2003; Monaghan, 2013b; Stoler, 1995; Young, 1995). This is important to consider when using his theories of power to discuss the continuance of colonialism and the production of Indigeneity. For this reason, post-colonial and contemporary colonial theories supplement what Foucault offers by adding the context around settler colonialism. The works of Indigenous academics such as Glen Coulthard, Jeff Corntassel, and Taiaiake Alfred complement Foucault's concepts of power by providing a lens with which to look through that considers colonialism and the specific experiences of First Peoples.

Wolfe (2006) posits the main goal of settlers in a settler colonial society is to gain access to territory. He explains, the logic of elimination is used to annihilate obstacles to the acquisition of territory. In the Canadian context, this means the elimination of First Peoples (Wolfe, 2006). There are a multitude of strategies and structures that can be used to eliminate First Peoples, and

assimilation is only one of them (Wolfe, 2006). Germ warfare, enfranchisement, spacial sequestration (reserves), assimilation through residential schools, forced sterilization, and Indigenization are all techniques used to eliminate First Peoples in order to have unfettered access to territory. Wolfe (2006) helps us understand *why* First Peoples are the target of elimination, whereas Foucault's concepts of power help us understand *how* First Peoples are eliminated in the past and in the present. Foucault can help us identify the techniques used to eliminate, regulate and produce new populations of First Peoples. What techniques were used to eliminate, regulate and/or produce new populations of First Peoples in residential schools? What techniques are currently being used that eliminate, regulate and/or produce new populations of First Peoples in prisons? These questions will allow us to map the genealogy of settler colonialism and Indigenous oppression in Canada. Crosby & Monaghan (2012) have taken Foucault's concept of governmentality and married it with the work of post-colonial theorists and have coined the term *settler governmentality* which describes how different settler colonial ideas, practices, and techniques continue to have an impact First Peoples today. First Peoples are bifurcated into 'good' and 'bad'; 'worthy' and 'unworthy' through techniques of surveillance and racialization. First Peoples who are able to adapt to the white settler values are seen as worthy, and those who are not, are seen as unworthy. Before discussing Crosby & Monaghan's (2012) concept of settler governmentality, let us first consider the concept of *colonial governmentality*.

One notable academic who has combined governmentality and the work of post-colonial theorists is David Scott. Scott (1995) takes Foucault's concept of governmentality and applies it to colonialism through the concept of colonial governmentality. Governmentality can be used to

understand how Indigenous Peoples are constructed through practices and projects, which in turn make them easier to govern. Scott (1995) describes colonial governmentality as

the ensemble formed by the institutions, procedures, analyses and reflections, the calculations and tactics that allow the exercise of this very specific albeit complex form of power, which has as its target, population, as its principal form of knowledge political economy, and as its essential technical means apparatuses of security (p. 102).

Colonial governmentality tears down and rebuilds the colonial space in order to be able to govern colonial conduct (Scott, 1999). Colonial governmentality systematically and universally transforms the character of the colonized by influencing morality itself. Monaghan (2013a) points out colonial governmentality is most useful when analyzing situations and countries where the goal of the colonizers was to take control over the people and resources (i.e. India, Sri Lanka). In these cases, the colonizers were outnumbered by the Indigenous Peoples, and the goal was to transform the Indigenous Peoples into labourers to aid in the accumulation of colonial wealth (Monaghan, 2013b). However, in the land now known as Canada, the settlers' goal is to take control of land for the purpose of resettlement in the new colony and this is achieved through the elimination of First Peoples.

Later, Crosby & Monaghan (2012) introduce the term 'settler governmentality' to explain the governance of First Peoples in a settler colonial context. With much of the world having been colonized, there are some key distinctions between colonial societies and settler-colonial societies (i.e. Canada, Australia, New Zealand). Settler colonial societies have their own unique dynamics and challenges. Canada is a settler colonial society, unlike other colonized countries where the goal was to exploit Indigenous labour or resources. The goal of colonizers in settler

colonial societies is to possess and keep Indigenous land (Monaghan, 2013b). Monaghan (2013b) explains:

unlike colonial governmentality, settler governmentality aims to dispossess First Peoples of their land and, once reduced to minority populations, target them with strict population management systems. Based largely on the reservation system, population management within settler governmentality is a biopolitical strategy that, while balancing discipline and reward, seeks to reform the conduct of Indigenous populations according to the model of European normative society (p.493).

On the surface, Canada may no longer resemble their colonial predecessors, but settler colonial relations continue. The same logics of Western superiority and settler colonial benevolence that allowed for the creation of the Doctrine of Discovery and for European's to label Turtle Island as *terra nullius* continues to this day (Asch, 2007). In order for land to be considered civilized, it had to be governed by a set of rules that promoted "orderliness and good conduct" (Bell & Schreiner, 2018, p. 116). Conversely, Indigenous Nations that did not resemble the orderliness of a European nation were seen as "uncivilized, and potentially destabilizing, if not dangerous" (Bell & Schreiner, 2018, p. 116). In Canada's case, there was a long, rich history of Indigenous self-governance before the arrival of settlers. It was the Doctrine of Discovery that evokes the myth that civilization began after European settlement (Asch, 2007). Settlers have internalized these colonial relations that view First Peoples as a source of anxiety and insecurity (Crosby & Monaghan, 2012). As societies change from more overt forms of punishment to a "society of control" (Barker, 2009, p. 332), the maintenance of "perpetual peace and order" becomes the primary goal with a net-widening effect, where all aspects of life are now monitored

and controlled. To settlers, the mere existence of First Peoples is a threat to “perpetual peace and order” (Barker, 2009).

Each epoch carries its own blindspots that make it difficult for institutions, governments, and individuals to see the harm they are causing. For settlers, it can be difficult to come to the realization that we are all complicit in the oppression of First Peoples. The “peacemaker myth” (Regan, 2014, p.34) in Canadian society, is an identity settlers have internalized. Indigenous resistance and expressions of self-determination disrupt the Canadian identity, the same Canadian identity that helps to obfuscate the contemporary ways Indigenous populations are produced, regulated, and eliminated in Canada (Alfred & Corntassel, 2005; Crosby & Monaghan, 2012). The idea that the programs and initiatives meant to undo harm are actually perpetuating the oppression of First Peoples is unfathomable to many settlers. This makes exposing these mundane techniques and practices as harmful, even more difficult. However, upending and questioning these ways of thinking is the only way to uncover the harm that has been done and continues to be done. The ignorance settlers have about the settler colonial rationalities that dictate our way of being is referred to as ‘the settler problem’¹⁷ (Alfred in Regan, 2014; Matsunaga, 2021; Monchalin, 2016; Regan, 2014). This concept “also refers to a large-scale resistance to examining settler bureaucratic systems and how they contribute to colonial violence” (Matsunaga, 2021, p. 7). The concept of the settler problem turns the long standing idea of ‘the Indian problem’ on its head, forcing one to analyze what problems exist within settler colonial society itself, rather than trying to ‘fix’ First Peoples.

¹⁷ Also referred to as the *colonial problem* (Monchalin, 2016).

As we move from one epoch to the next, the progression fallacy converges with the values of neoliberalism to develop new practices that are touted to benefit First Peoples. However, these practices do not in fact benefit First Peoples, but are used to regulate Indigenous Peoples and produce new Indigenous subjects and populations. Neoliberal governance relies on “devices (schooling, the domesticated family, the lunatic asylum, the reformatory prison) that promise to create individuals who do not need to be governed by others, but will govern themselves, master themselves, care for themselves” (Rose, 1996, p.45). In an advanced liberal democracy, citizens are considered “psychologically 'healthy' inasmuch as they are governable, predictable, calculable, classifiable, self-conscious, responsible, self-regulating and self-determined” (Rimke, 2000, p.63).

Rimke (2000) draws upon Foucault’s concept of governmentality to understand how self-help literature is used to produce and govern subjects. This concept can be useful when considering how Indigeneity is produced within penitentiaries through CSC’s approach to Indigenous corrections and ‘culturally-appropriate’ Indigenous programming. Self-help literature places the responsibility on the individual to ‘heal’ or overcome systemic challenges (i.e. racism, sexism, colonialism). Self-help literature, much like institutional programming emphasizes choice. For example, you may not be able to control racism, but you can control the way that you *respond* to racism (Rimke, 2000). You may not be able to control intergenerational trauma, but you can *heal* yourself so you do not pass on your trauma to your children. This logic shifts the responsibility for systemic issues, from the State to the individual. With this logic, individuals are taught self-management techniques and the state is able to take a hands-off

approach, only having to intervene when individuals are not conforming to the self-management norms that have been previously established.

When discussing prisons, discipline is often the form of power that we assume is being used to control prisoners. As previously discussed, Foucault's (1995) *Discipline and Punish* introduces the idea of disciplinary power by discussing the timetable. In the timetable, every minute of a prisoner's day is accounted for, there is no room for choice. In a neoliberal society, the fundamental value that underpins this society is the assumption that individuals have choice and free-will. Individuals who enter into the penitentiary have failed to self-monitor. In turn they must go through a series of programs to aid in their ethical reconstruction (Rose, 1996). When an individual fails to self-govern by committing a crime, for example, the criminal justice system steps in to reeducate this individual. Prison exists as a microcosm that seeks to reeducate subjects who have violated their duties of social obligation and responsibility and in turn have lost the privilege of privacy and freedom (Rose, 1996). However, what is truly fascinating is that even within a prison setting, an institution that represents the loss of freedom, prisoners are given choices that mimic the freedom one would experience on the outside. If a prisoner chooses to act in a way that is seen as desirable, they can then be rewarded. Although timetables still exist within the prison system, the illusion of choice has become more prominent than ever. Prisoners are offered an array of programs they can choose to participate in that will inevitably teach them to govern themselves. Federal prisons offer a multitude of programs aimed at self-improvement and have now developed a number of programs specifically for Indigenous Peoples. These culturally-appropriate programs are meant to help First Peoples reconnect with their culture. These programs are also highly coveted and space is limited, so there is competition amongst

prisoners to be admitted into these programs. Prisoners must prove themselves through good behaviour in order to be accepted into one of these culturally-appropriate programs.

The Correctional Service of Canada's (CSC) approach to Indigenous corrections is pan-Indigenous, giving prisoners a one-size-fits-all approach (Martel & Brassard, 2008; Martel et al. 2011; Montford & Moore, 2018). Culturally-appropriate Indigenous programming is framed as a reward for prisoners who exhibit good behaviour in prison (Montford & Moore, 2018). Not only is culturally-appropriate Indigenous programming used as the proverbial carrot on a stick, it can also be seen as a contingency to freedom, as the participation in these programs is seen as reducing an individual's actuarial risk (Martel et al., 2011; Montford & Moore, 2018). Not only has CSC developed culturally-appropriate programming specifically for Indigenous prisoners, but they have also built entire institutions specifically for them. These institutions are called 'healing lodges'. Across Canada, there are four healing lodges run by CSC, and six that are run by Indigenous communities or partner organizations. The problem with this is that First Peoples are actually singled out as being 'exceptional', to justify the use of specialized culturally-appropriate programs and institutions in order to enhance their capacities for being productive within the context of a settler colonial society. In the following chapter, I argue residential schools and CSC's approach to Indigenous corrections both regulate Indigenous Peoples and produce new Indigenous populations. I also argue the same settler colonial logics of Western superiority and settler colonial benevolence that helped justify the creation of residential schools continue to exist within CSC's approach to Indigenous corrections. CSC's approach to Indigenous corrections attempts to shift the responsibility of healing colonial traumas from the State to the individual. It reinforces self-improvement strategies, placing the responsibility to

heal and refrain from future criminality solely on the individual. I argue that, using Foucault's concepts of governmentality and biopower, this plan is also productive as it produces new Indigenous populations that are easier to predict and govern.

3.9 Conclusion

Settler colonialism in Canada can be traced back to the time of first contact. However, the face of colonialism has changed throughout time from overt domination to “a cultural model of acknowledgement with apologies, occasional land titles, and financial restitutions” (Chartrand, 2019, p. 76). This change in political climate has made it seem as though colonialism and the oppression of First Peoples is a thing of the past. In reality, settler colonialism persists, but the mechanisms for the oppression of First Peoples have changed. I use a genealogical approach to understand how the logics of Western superiority and settler colonial benevolence found in the Doctrine of Discovery and residential schools continues today in the regulation and production of Indigenous subjects and populations in CSC's approach to Indigenous corrections. For the purpose of this project, I started with a set of concepts outlined in my analytical approach: Foucault's concepts of power (discipline, biopower, and governmentality) and Coulthard's concepts of recognition and accommodation. I used these concepts to look at residential schools and CSC's approach to Indigenous corrections. These concepts provide a lens through which I can analyze statements and implications of statements within the empirical documents.

Residential schools, the Sixties Scoop, the pass system are not anomalies. They are all different manifestations of Indigenous oppression and regulation. All of these manifestations were justified by the naturalized settler colonial logics of Western superiority and settler colonial

benevolence which continue to justify policies, initiatives, and programs that regulate and produce new populations of Indigenous Peoples today. CSC's approach to Indigenous corrections is one illustration of how settler colonialism persists through these logics in our current context. In the next chapter, I examine the historical example of residential schools and the contemporary example of the Correctional Service of Canada's approach to Indigenous corrections to illustrate how the face of settler colonialism might have changed but ultimately persists today.

Chapter 4: Analysis

*“Since 1969 we have witnessed the modus operandi of colonial power relations in Canada shift from a more or less unconcealed structure of domination to a form of colonial governance that works through the medium of state recognition and accommodation”
(Coulthard, 2014, p. 25).*

4.1 Introduction - Indigenous Agency and Struggles for Recognition

As recently as the 1990s, Indigenous prisoners had limited access to Indigenous spirituality inside the prison walls. In the late 1960s, Indigenous Elders started to enter the institutions to meet with and provide spiritual guidance to Indigenous prisoners on a volunteer basis (Adema, 2014). Although access to Elders and the ability to practice Indigenous spirituality was restricted by CSC, the teachings brought into the prisons were directed entirely by Indigenous Peoples themselves (Adema, 2014). However, Elders were not always treated with respect when entering an Institution. Elders reported having their sacred items and medicines searched and even confiscated by CSC staff (Adema, 2014; Waldram, 1997).

Indigenous prisoners had to fight for the right to practice Indigenous spirituality in prison (Adema, 2014; Adema, 2015; Beran, 2005; Waldram, 1997). In 1983, two Indigenous prisoners, Gary and Dino Butler, began a hunger strike after the warden refused a request by the Native Brotherhood to hold a pipe ceremony and to have access to sacred items (Adema, 2014; Waldram, 1997). During the hunger strike, Gary Butler was labelled a 'security' problem and transferred from Kent Institution in British Columbia to Edmonton Institution (Waldram, 1997). In fact, many of the prisoners who participated in the protests were transferred to other institutions within a year of the fast. Many believe this was an attempt to separate the protesters and subdue Indigenous resistance (Gouldhawke, 2005; Waldram, 1997). However, the transfers had the opposite effect. The cause gained more supporters and the protests spread from one

institution to another (Adema, 2014; Waldram, 1997). Dino Butler explained "they are not breaking up our circle they are only making it bigger" (Waldram, 1997, p. 14). The hunger strike also brought a significant amount of media attention to the cause, which garnered support outside the prison as well (Adema, 2014; Gouldhawke, 2005; Waldram, 1997). These protests, along with the advocacy from supporters on the outside, resulted in Elder services becoming "encoded in federal policy and eventually in law" (Adema, 2014, p. 259) through sections 79-84 of *the Corrections and Conditional Release Act* (CCRA). Sections 79-84 of the CCRA were released in 1992. These sections gave the following special considerations to Indigenous prisoners:

- **Section 79** states that considerations must be made about the systemic and background history of the Indigenous prisoner and how it could have contributed to their involvement in the criminal justice system (Justice Laws, 1992);
- **Section 80** states CSC must provide programs "to address the needs of Indigenous offenders" (Justice Laws, 1992, Section 80);
- **Section 81** states the Minister or an authorized representative can make an agreement with "an Indigenous governing body or any Indigenous organization for the provision of correctional services to Indigenous offenders" (Justice Laws, 1992, Section 81);
- **Section 82** states CSC will develop an Indigenous advisory committee to provide advice to CSC regarding services for Indigenous prisoners (Justice Law, 1992);
- **Section 83** states Indigenous spirituality and Elders would have "the same status as other religions and other religious leaders" (Justice Laws, 1992, Section 83);
- **Section 84** states for Indigenous prisoners who want to be released into an Indigenous community, CSC will give the community information about the prisoner's release date and give the community an opportunity to propose a release plan (Justice Laws, 1992).

The release of these sections of the CCRA represented a shift from the grass roots style teachings that were initiated and directed by Indigenous Peoples in prison, to a formalized version of Indigenous spirituality that was developed and facilitated by CSC (Adema, 2014). Although Sections 79-84 of the CCRA were an attempt to recognize the calls for change by Indigenous

prisoners and activists, in reality there were significant issues with the way these amendments were implemented.

In 2012, 20 years after Sections 79-84 of the CCRA were introduced, the Office of the Correctional Investigator (OCI) put together a report in order to determine CSC's efficacy in implementing this act. The OCI discovered in all of Canada there were only 68 beds available in the Indigenous run healing lodges¹⁸. There were no beds available outside of CSC's Prairie and Quebec regions and there were no beds available for Indigenous women (Sapers, 2012). The OCI report also found the Section 81 healing lodges were not being run at full capacity because they were only able to accept minimum security prisoners, which made up only 11% of Indigenous prisoners (Sapers, 2012). The OCI also found that Section 81 healing lodges were being given less than a quarter of the funding CSC run healing lodges were receiving (Sapers, 2012). Therefore, employees at Section 81 healing lodges were paid 50% less than employees at CSC run healing lodges for the same work.

The purpose of Section 84 of the CCRA was to provide more information to the Parole Board of Canada and to give Indigenous communities the opportunity to suggest conditions for Indigenous Peoples who are being released back into their communities. The OCI found that this process had become "cumbersome, time-consuming and misunderstood" (Sapers, 2012, p. 4). This is due, in part, to the fact that there are only "12 Aboriginal Community Development Officers across Canada responsible for bridging the interests of the [prisoner] and the community prior to release" (Sapers, 2012, p. 5).

¹⁸ The OCI refers to the healing lodges run by Indigenous communities or organizations as Section 81 healing lodges and the beds available in them are referred to as Section 81 beds (Sapers, 2012).

The OCI report continues to highlight the discrepancy between Indigenous and settler experiences in corrections: Indigenous prisoners spend more time in prison before their first release, are disproportionately sent to maximum security institutions, are more likely to have their parole revoked, are more likely to be put into segregation, are more likely to self-harm and are more likely to be involved in institutional security incidents or use of force interventions than non-Indigenous prisoners (Sapers, 2012). The report finishes by reaffirming CSC's failure to accommodate Indigenous Peoples in corrections: "CSC has failed to make the kind of systemic, policy and resource changes that are required in law to address factors within its control that would help mitigate the chronic over-representation of Aboriginal people in federal penitentiaries" (Sapers, 2012, p. 6).

In 2015, the Truth and Reconciliation Commission of Canada (TRCC) released their final report, which echoed the statements made in the Office of the Correctional Investigator's 2012 report. The TRCC's final report helped highlight the ways Indigenous Peoples are discriminated against within Canadian society and also more specifically within the criminal justice system. As a result, the fact that Indigenous Peoples are more likely to be rated as higher risk, sent to higher security penitentiaries, and serve longer sentences than non-Indigenous prisoners were all highlighted as issues (Correctional Service of Canada [CSC], 2019a). These results were no longer being accepted as neutral and impartial and there were many calls for all levels of government to address these systemic issues (TRCC, 2015c). As the reality of what was happening to Indigenous prisoners inside the walls started to be unveiled, the Correctional Service of Canada (CSC) amended their approach to Indigenous corrections to avoid "moral and political fallout" (Simon, 1988, p. 771 in O'Malley, 2010, p. 323). These amendments are

seemingly benevolent, but they are an illustration of how Indigenous Peoples continue to be transformed into an image that is more agreeable to settler colonial sensibilities.

In this chapter, I will use the theoretical framework detailed in Chapter 3 to show how settler colonialism continues today through the examination of the Correctional Service of Canada's (CSC) approach to Indigenous corrections. I also discuss the residential school system and the links to CSC's approach to Indigenous corrections to show the continuum of Indigenous regulation and oppression that exists in Canada. The residential school system serves as an historical example of how Indigenous regulation and oppression manifested in the past and CSC's approach to Indigenous Corrections serves as a contemporary illustration of how Indigenous regulation and oppression manifests in our current context. Although some of the governmental techniques may differ in these two examples, they are both justified by the same naturalized settler colonial logics of Western superiority and settler colonial benevolence. In many ways, residential schools have become the symbol of Indigenous oppression in Canada. On the other hand, CSC's approach to Indigenous corrections promises to 'heal' Indigenous prisoners and return Indigenous prisoners back to Indigenous communities "healthier than when they left" (CSC, 2013b, p. 4). I will start with a discussion of CSC's approach to Indigenous corrections. Then I discuss the political rationalities used in both CSC's approach to Indigenous corrections and the residential school system. Finally, I offer a discussion of the governmental techniques used in regulation and production of Indigenous Peoples in both examples.

4.2 CSC's Approach to Indigenous Corrections

In this chapter, I examine the policies and programs that the Correctional Service of Canada (CSC) has developed to manage Indigenous Peoples in prisons. The policies and programs together constitute what I call 'CSC's approach to Indigenous corrections'. This analysis uncovers the ways in which Indigenous Peoples are regulated and Indigeneity is produced through settler governmental practices and techniques. On the surface, these policies and programs appear to be progressive, benevolent, or reconciliatory, but when we scrutinize them, we discover the oppressive nature of these policies and programs and the monumental harm they can produce.

I started my analysis with *the National Indigenous Plan*, which is the most recent addition to CSC's approach to Indigenous corrections. Released in 2019, CSC describes *the National Indigenous Plan* as "a national framework to transform Indigenous case management and corrections" (CSC, 2019a, p. 1). *The National Indigenous Plan* was developed "to respond to the majority of the Office of the Auditor General's (OAG's) recommendations" (CSC, 2019a, pg. 1). These recommendations can be found in the Office of the Auditor General's (OAG) 2016 report: *Preparing Indigenous Offenders for Release—Correctional Service Canada*. The OAG report was published only one year after the release of *the Truth and Reconciliation Commission of Canada's Final Report*. The OAG Report (2016) explains the federal government's commitment to implementing all of the TRCC's Calls to Action and urges CSC to address the TRCC's Calls to Action related to corrections¹⁹: "as part of the criminal justice system, CSC has a role to play in addressing recommendations directed toward the successful reintegration of

¹⁹ "30. We call upon federal, provincial, and territorial governments to commit to eliminating the overrepresentation of Aboriginal people in custody over the next decade" (TRCC, 2015c, p. 3).

Indigenous offenders in federal custody” (Office of the Auditor General of Canada [OAG], 2016, para 3.7).

As I started my analysis of *the National Indigenous Plan* I quickly realized that it is not a comprehensive or standalone document. The plan itself refers to a number of other documents, policies, and programs which are not fully explained within the plan itself. I used this document to link to other documents in order to understand the initiatives, policies, programs, and roles which CSC has put in place to manage Indigenous Peoples within the prison system. The other documents I analyzed were: *the Strategic Plan for Aboriginal Corrections*, sections 79-84 of *the Corrections and Conditional Release Act*, *the Commissioner’s directive of Aboriginal offenders*, *the Establishment and Operations of Pathways Initiatives*, *Correctional Programming for Indigenous Offenders*, *Correctional Programs for Indigenous Offenders* and the job profiles and contracts for Indigenous specific roles within CSC. This complex web of documents, together, I have named ‘CSC’s approach to Indigenous Corrections’ (see figure 2).

The Correctional Service of Canada’s Approach to Indigenous Corrections			
The National Indigenous Plan (2019 – NIP)			
Sections 79-84 of the Corrections and Conditional Release Act (Informs the NIP)		Commissioner’s Directive on Aboriginal Offenders (Informs the NIP)	
Aboriginal Continuum of Care Model (2003 – Integrated into the NI)		Strategic Plan for Aboriginal Offenders (2006 – Integrated into the NIP)	
The Establishment and Operations off Pathways Initiatives (Integrated into the NIP)	Correctional Programming for Indigenous Offenders (Integrated into the NIP)	Correctional Programs for Indigenous Offenders (Integrated into the NIP)	Job Profiles and Contracts for Indigenous Specific Roles (i.e. Aboriginal Liaison Officer, Elders) (Integrated into the NIP)

(figure 2)

CSC explains that *the National Indigenous Plan* builds on *the Aboriginal Continuum of Care model* which was first introduced in 2003, and then reintroduced in *the Strategic Plan for Aboriginal Corrections* in 2006. *The Aboriginal Continuum of Care Model* (sometimes referred to as the Indigenous Continuum of Care Model or Continuum of Care Model) claims to address the needs of Indigenous prisoners by offering ‘culturally-appropriate’ interventions starting at intake and continuing until after a prisoner is released back into the community. *The Aboriginal Continuum of Care Model* is still being used almost 20 years after it was first introduced, and is now an integral part of the ‘new’ National Indigenous Plan. *The National Indigenous Plan*, last updated in 2019, is informed by sections 79-84 of *the Corrections and Conditional Release Act* which CSC claims are specifically designed to address the needs of Indigenous Peoples. *The National Indigenous Plan* is also informed by *the Commissioner’s directive on Aboriginal offenders*. The documents on correctional programming and programs for Indigenous offenders outline the programs available for federally sentenced Indigenous prisoners who chose to participate in *the Aboriginal Continuum of Care Model*. Finally, the document on *the Establishment and Operations of Pathways Initiatives* outlines the different pathways initiatives available to Indigenous prisoners, the pathways initiatives are a part of *the Aboriginal Continuum of Care Model* which is integrated into *the National Indigenous Plan*. I argue that CSC is producing new populations of Indigenous Peoples through their approach to Indigenous corrections. Although the techniques used to accomplish this may seem different from historical attempts to regulate Indigenous Peoples (i.e. residential schools), the same logics and political rationalities that allowed for residential schools to occur are still present in the way CSC approaches corrections for Indigenous Peoples today. In the following sections I offer of

discussion of the political rationalities that are used to justify the ways power is exercised in both CSC's approach to Indigenous corrections and residential schools. Then I explore and describe the multitude of governmental techniques employed in CSC's approach to Indigenous corrections and residential schools.

4.3 Political Rationalities

4.3.1 Political Rationalities - CSC's Approach to Indigenous Corrections

To identify the political rationalities used in CSC's approach to Indigenous corrections, we must answer the question: what problem does CSC's approach to Indigenous corrections attempt to solve? One of the political rationalities being used is the need to address the *overrepresentation* of Indigenous Peoples in the criminal justice system. The *overrepresentation* of Indigenous Peoples in prisons has been a problem that has plagued the Correctional Service of Canada for decades. As mentioned previously, the 30th call to action in the Truth and Reconciliation Commission of Canada's final report calls "upon federal, provincial, and territorial governments to commit to eliminating the overrepresentation of Aboriginal people in custody over the next decade" (TRCC, 2015c, p. 3). The *overrepresentation* of Indigenous Peoples in prisons is one of the political rationalities used to justify the use of power, but there is also a broader narrative of Indigenous prisoners being presented as *exceptional*.

This narrative presents Indigenous prisoners as *exceptional* and is built around the same logic as the "Indian problem" (Scott, 1920) which is ultimately rooted in the logic of Western superiority. CSC (2019a) highlights the overrepresentation of Indigenous Peoples in the prison system while simultaneously dividing Indigenous prisoners from non-Indigenous prisoners in *the*

National Indigenous plan: “Indigenous offenders continue to be disproportionately represented in custody, and that number continues to grow while the number of non-Indigenous offenders continues to decline” (p.2). This statement positions non-Indigenous prisoners as the ‘norm’ and Indigenous prisoners as *exceptional*. They go on to explain “initiatives, interventions and approaches need to first consider what the issue is for Indigenous offenders” (CSC, 2019a, p.5), this assumes the issue lays within Indigenous Peoples themselves, and it is Indigenous Peoples who have to change, not the settlers colonial systems which oppress them. By emphasizing the ‘problem’ with Indigenous prisoners, CSC is able to justify specialized intervention on Indigenous prisoners and effectively sets the stage for the introduction of a variety of programs, policies, institutions, and techniques that can be used to address this ‘problem’. CSC attempts to uncover what the ‘issue’ is with Indigenous prisoners through research.

CSC developed *the Aboriginal Continuum of Care model* based on research that suggests one of the “major factors contributing to Aboriginal offenders’ success upon release was their participation in spiritual and cultural activities, as well as, programs (preferably delivered by Aboriginal people)” (CSC, 2013b, p. 9). The piece of research they are referring to is Heckbert & Turkington’s (2001) research report: *Turning points: A study of the factors related to the successful reintegration of Aboriginal offenders*. In this study, Heckbert & Turkington (2001) conducted semi-structured interviews with 68 participants, asking them what influences contributed to them “getting out of trouble” (Heckbert & Turkington, 2001, p. 35). Participants were asked to talk about the 16 different pre-identified types of influences and then rate the “three overall most helpful influences” (Heckbert & Turkington, 2001, p. 62). These 16 different influences were taken from a previous study that interviewed 20 participants about what helped

them get out and stay out of trouble. In this study, the researchers pulled out the influences using thematic analysis. In the *Turning Points* study, the researchers used the “factors identified in the initial study plus those added by the sponsors of the study” (Heckbert & Turkington, 2001, p. 9). The study does not mention which factors/influences have been added by the sponsors of the study, but upon examination of the previous study, *Healing, Spirit and Recovery: Factors Associated With Successful Integration* (Hodgson & Heckbert, 1995), had identified the following influences for ‘getting out of trouble’: “quitting drinking or drugs, Elders, spirituality and culture, becoming sick and tired of prison, the desire for a better life, the Native Brotherhood, Correctional staff, and the support of other persons” (Hodgson & Heckbert, 1995, p. 32). The influences identified for staying out of trouble were: “staying sober, spirituality and cultural development, personal identity, helping others, employment, education, therapy and processing issues, family, dealing with relapse and other factors” (Hodgson & Heckbert, 1995, p. 52-53). The study did not identify culturally-appropriate Indigenous programming or ‘Aboriginal programs’ in institutions as influences to getting out or staying out of trouble. Although not explicitly mentioned, it should stand to reason that the influence referring to ‘Aboriginal programs’ in institutions was added by the sponsors. This is problematic because this influence did not emerge from the testimony of the participants organically. The participants in the *Turning Points* study are constrained in the influences they can choose from, giving ‘Aboriginal programs’ in institutions more weight as a potential influence than it might have been given if participants were allowed to name the factors that influenced them on their own. With that said, I will still discuss the results of the *Turning Points* study in an attempt to understand why CSC has put such an emphasis on culturally-appropriate Indigenous programming in their approach to Indigenous corrections.

The *Turning Points* study found that 71% of participants identified “Aboriginal spirituality and ceremonies” as an influence for getting out of trouble and 65% of participants identified “Aboriginal programs in institutions” as an influence. Based on these figures, CSC developed an entire philosophy of rehabilitation specifically for Indigenous prisoners called *the Aboriginal Continuum of Care Model*, which is still being used today. Although there were other factors higher on the list of influences, they were not addressed in any of CSC’s policies for Indigenous prisoners. For example, 76% of participants identified “seeing a better way of life” as an influence for getting out of trouble, 81% identified being “sick and tired of being in trouble” as an influence, 82% identified “family” as an influence, and finally, 85% of participants identified “controlling the use of alcohol and drugs” as the number one influence for getting out of trouble (Heckbert & Turkington, 2001, p. 35). In this study, the researchers also identified the influences for “staying out of trouble” (Heckbert & Turkington, 2001, p. 40). In this list, 71% of respondents identified “Aboriginal spirituality and ceremonies” as an influence for staying out of trouble, this influence ranked ninth on the list of 16 influences. Above this on the list were: “Personal values and identity” (94%), “Family” (94%), “Staying clean and sober” (91%), “Self-improvement activities” (90%), “Friends” (87%), “Helping others” (79%), “Employment” (74%), and “Education and training” (71%) (Heckbert & Turkington, 2001, p. 40). Even though “Aboriginal spirituality and ceremonies” and “Aboriginal programs in institutions” were eighth and tenth on the list of 16 influences for getting out of trouble and “Aboriginal spirituality and ceremonies” was ninth on the list of influences for staying out of trouble. CSC chooses to highlight these influences in the development of *the Aboriginal Continuum of Care Model* (Heckbert & Turkington, 2001, p. 40). CSC draws a conclusion from

this study: the ‘issue’ with Indigenous prisoners is, they *need* to participate in Indigenous spirituality and culturally-appropriate programs

An audit of access to spiritual and cultural services in 2000 had indicated only 3% of Aboriginal offenders identified affiliation with Aboriginal spirituality on admission, suggesting the need for a continuum of interventions that would begin on admission. As a result of these findings, CSC refocused efforts on adjusting operational approaches throughout the sentence, to help Aboriginal offenders reconnect with their culture and communities, and to better understand the diverse needs of First Nations, Métis and Inuit offenders and their communities (CSC, 2013b, p. 7-8).

The narrative evolves from ‘the issue’ to ‘the needs’ of Indigenous Peoples. The messaging is repeated again and again throughout the plans and policies: “the diverse needs of Aboriginal offenders” (CSC, 2013b, p.4); “the specific needs of Indigenous offenders” (CSC, 2019a, p.2); “the needs of Indigenous offenders, because they are unique, need to be considered separately” (CSC, 2019a, p.5). This shift moves away from a judgement based narrative where the emphasis is on the problem or issue with Indigenous Peoples, to a social welfare narrative. Focusing on the *needs* of Indigenous Peoples lends a feeling of objectiveness to the process. Needs are not something that one chooses, they are something one requires. By CSC identifying and responding to the needs of Indigenous Peoples it appears as though CSC is benevolent in recognizing and accommodating Indigenous Peoples. This is where the logic of settler colonial benevolence and Western superiority intersect within CSC's approach to Indigenous corrections. Indigenous Peoples are presented as inferior and in need of settler intervention in order to survive or succeed within the settler colonial system.

The Strategic Plan for Aboriginal Corrections cites another article to justify and support the need for Indigenous specific programming as they explain *the Continuum of Care Model*: “The Medicine Wheel, found at the centre of the Continuum, reflects research findings that culture, teachings and ceremonies (core aspects of Aboriginal identity) appear critical to the healing process” (CSC, 2013b, p. 9). The article cited in this section of *the Strategic Plan for Aboriginal Corrections* is: *Is there a need for Aboriginal-specific programming for Aboriginal offenders?* written by the Director of Community Research for CSC, Shelley Trevethan. This article can be found along side a collection of other articles in a report called *Not strangers in these parts: Urban Aboriginal Peoples* (Newhouse & Peters, 2003). Trevethan’s (2003) article is a four page literature review. The article separates Indigenous from non-Indigenous prisoners by explaining the “profile of Aboriginal offenders differs from non-Aboriginal offenders in a number of important areas. Aboriginal offenders tend to be young, single, have low education and high unemployment” (Trevethan, 2003, p. 196). The article continues to demonstrate the differences between Indigenous and non-Indigenous offenders by explaining how they are imprisoned for “more violent offences”, “higher failure rates at various stages in the correctional system”, and “are rated at higher security and higher risk” (Trevethan, 2003, p. 196). According to Trevethan (2003), Indigenous prisoners also have “different needs than non-Aboriginal offenders” (p. 196). The different needs of Indigenous prisoners have to do with “substance abuse and personal/emotional domains” (Trevethan, 2003, p. 196). The article concludes there is a need for Indigenous-specific programming in prisons, citing the same Heckbert & Turkington’s (2001) research report *Turning Points* described above. This article continues to differentiate Indigenous from non-Indigenous prisoners, displaying Indigenous prisoners as inferior and

problematic. This rhetoric also uses the logic of settler colonial benevolence by presenting the solution of culturally-appropriate Indigenous programs to “better prepare Aboriginal offenders for reintegration into society” (Trevethan, 2003, p. 198).

Culturally-appropriate Indigenous programs and interventions are proposed as “alternatives to mainstream programming and interventions” (CSC, 2019a, p.1). *The National Indigenous Plan* goes on to explain Indigenous prisoners “will ideally no longer be penitentiary placed at all sites, but will be placed at sites within the Aboriginal Continuum of Care” (CSC, 2019a, p. 12). In the case where Indigenous prisoners “choose to follow mainstream programming and not participate in the Aboriginal Continuum of Care, other sites can be considered” (CSC, 2019a, p. 12). The juxtaposition between culturally-appropriate Indigenous programming and mainstream programming further divides Indigenous prisoners as different and unable to succeed by way of mainstream or ‘normal’ interventions. In fact, CSC touts *the Aboriginal Continuum of Care Model* as providing “culturally and spiritually responsive alternatives to mainstream interventions” (CSC, 2019a, p.2) from the time of admission to the time of release. The narrative of Indigenous prisoners as exceptional echoes throughout CSC’s policies and is based on the same logic of Western superiority seen in the Doctrine of Discovery and residential schools. As this narrative is accepted and naturalized, it allows CSC to produce a variety of accommodations in the form of interventions and programs to ‘help’ Indigenous prisoners, which are grounded in the logic of settler colonial benevolence also found in the Doctrine of Discovery and residential schools. This will in turn produce a new population of ‘healed’ Indigenous Peoples in that they are “governable, predictable, calculable, classifiable, self-conscious, responsible, self-regulating and self-determined” (Rimke, 2000, p.63). These

logics of Western superiority and settler colonial benevolence found in the Doctrine of Discovery and CSC's approach to Indigenous corrections can also be found in the justification for the development of residential schools.

4.3.2 Political Rationalities - Residential Schools

On the surface, residential schools and CSC's approach to Indigenous corrections could not seem more different. The thought of residential schools elicits images of abuse, violence, and genocide, whereas CSC's approach to Indigenous corrections is centred around providing 'culturally-appropriate' accommodations to Indigenous prisoners. This being said, they are both underpinned by the same logics of Western superiority and settler colonial benevolence which fundamentally view Indigenous Peoples as exceptional and in need of specialized intervention in order to succeed within the context of a settler colonial society. Furniss (2002) explains "Europeans have presumed their society to be inherently superior to that of Native peoples" (Furniss, 2002, p. 15). This idea stems from the logic of Western superiority which is connected to paternalistic attitudes about Indigenous Peoples which beseech settler intervention on Indigenous Peoples. The narrative that Indigenous peoples require settler intervention or "the guidance of Europeans to live successful lives" (Furniss, 2002, p. 16) is what I call the logic of settler colonial benevolence. Furniss (2002) explains that settlers believe any intervention on Indigenous Peoples' lives is considered in their 'best interest' even when said intervention is "forcefully applied" (p. 16). We can see how the logics of Western superiority and settler colonial benevolence justify the development of residential schools in the *Report on Industrial Schools for Indians and Half-Breeds* which has come to be known colloquially as the 'Davin

Report' (Davin, 1879). Nicholas Flood Davin submitted this confidential report to the Prime Minister, Sir John A. McDonald, after studying the industrial school system in the United States. It was out of this report that the residential school system was born. This report became the framework used for imagining and developing residential schools.

Unlike CSC's approach to Indigenous corrections, where the logic of Western superiority is obfuscated within a social welfare rhetoric of 'helping' Indigenous Peoples address their particular needs and 'healing' Indigenous Peoples from trauma, the logic of Western superiority within the Davin report is presented in a more or less unconcealed fashion. Davin (1879) believes Indigenous Peoples as a group are less 'evolved' than Europeans. He states that Indigenous Peoples are a "noble type of man, in a very early stage development" (Davin, 1879, p. 10). He goes on to emphasize that "the race is in its childhood" and suggests Indigenous Peoples have the potential to 'evolve' but are generations behind Europeans in their development as a race (Davin, 1879, p. 10). He describes Indigenous Peoples as suspicious with fault-finding tendencies, crafty, but also "conscious how weak his craft when opposed to the superior cunning of the white man" (Davin, 1879, p. 10-11).

In his investigations of industrial schools and their results we find the connection between the logic of Western superiority and the logic of settler colonial benevolence. Here we are able to see how the logic of settler colonial benevolence is used to justify settler intervention on Indigenous Peoples, as the report builds a case for the use of residential schools. Davin found "the happy results of Industrial Schools" by way of "five "civilized" nations" (Davin, 1879, p. 10). These 'civilized nations' had all passed through the Industrial school system and established settlements based on a European model. Davin (1879) noted "progress in agriculture and in

education" amongst these nations (p. 10). He went on to compliment the nations on any Western practices or traits they had adopted: "they have their own schools; a code of their own; a judiciary; a national council which enacts laws; newspapers in the native dialect and in English" (Davin, 1879, p. 10). He even went as far as to say the nations were like "five little republics within the Republic," but was sure to emphasize that they were "of course without the higher functions of the empire" (Davin, 1879, p. 10). After visiting one of the industrial schools, Davin remarked "I found the school well attended, and the answering of the children creditable. But the quickest and brightest were mixed-bloods" (Davin, 1879, p. 7), hierarchizing Indigenous Peoples who presented more western style traits above other Indigenous Peoples. In this report, Indigenous resistance or dissatisfaction with this 'new way of life' was attributed to innate character flaws of the 'race' as a whole:

Among the Indians there is some discontent, but as a rule it amounts to no more than the chronic querulousness of the Indian character, and his uneasiness about food this time of year will unfortunately leave no trace in his improvident mind when spring opens and fish are plentiful. These exception are furnished by one or two chiefs whose bands are starving, that is in the Indian sense of that word, without a certain prospect of food in the future. Distress will always exist among improvident people (Davin, 1879, p. 9).

The report attributes any concerns the Chiefs had with the new Western style of living to a lack of foresight and a general propensity to complain (Davin, 1879). The report also highlights a need for denominational schools in the 'civilizing' process in order to take away Indigenous Peoples' "simple Indian mythology" and replace with "a better" faith (Davin, 1879, p. 14). Here we see how the logics of Western superiority and settler colonial benevolence work in

conjunction with one another. 'Positive' results (i.e. the assimilation of Indigenous Peoples) becomes proof that the interventions were successful and necessary. On the other hand, 'negative' results (i.e. Indigenous resistance) are attributed to innate character flaws and evidence that Indigenous Peoples are inferior, therefore reinforcing the need for settler intervention. Either outcome perpetuates the idea that Western attitudes, practices, and culture are superior and in turn make intervention on Indigenous Peoples an act of benevolence.

The logic of settler colonial benevolence was exemplified in the report as Davin (1879) explained bringing education to Indigenous children was “not merely of policy. It is that, of course, in the highest degree. It is a sacred duty” (Davin, 1879, p. 11). In fact, the report described educating and 'civilizing' Indigenous Peoples as "the duty of the government" (Davin, 1879, p. 1). Although residential schools and CSC's approach to Indigenous corrections are seemingly different, the conditions and logics present in the creation of residential schools are still present today in the development of CSC's approach to Indigenous corrections. The political rationalities used in both residential schools and CSC's approach to Indigenous corrections paint Indigenous Peoples as exceptional (Western superiority) which translates into a requirement on the part of settlers to 'help' Indigenous Peoples (settler colonial benevolence).

4.4 Governmental Technologies

In this section I offer a discussion of the governmental technologies used in both the contemporary example (CSC's approach to Indigenous corrections) and the historical example (residential schools). In many ways the two examples present many similarities. The governmental technologies of recognition and accommodation, dividing practices, spatial

sequestration, incorporating Indigenous Peoples, and a settler colonial immersion are used in both residential schools and CSC's approach to Indigenous corrections. However, one unique governmental technique used in CSC's approach to Indigenous corrections that does not appear in residential schools is the use of Indigenous Peoples to produce expert knowledge and the appropriation of Indigenous symbols and language.

4.5 Recognition and Accommodation

4.5.1 Recognition and Accommodation - CSC's Approach to Indigenous Corrections

Recognition and accommodation are both governmental techniques which are used to manage Indigenous populations. As mentioned previously, there have been multiple calls by Indigenous Peoples for all levels of government to address the overrepresentation of Indigenous Peoples in prisons. CSC has recognized these calls by putting together *the National Indigenous Plan*: "Indigenous offenders continue to be disproportionately represented in custody, and that number continues to grow while the number of non-Indigenous offenders continues to decline" (CSC, 2019a, p. 2). This type of recognition and accommodation is effective in subduing Indigenous resistance. This is a way of placating and pacifying Indigenous Peoples who have traditionally spoken out about systemic inequalities by recognizing Indigenous Peoples' calls for change and making indigenizing accommodations on the settler's terms. The culturally-appropriate initiatives developed and implemented in *the National Indigenous Plan* have come to be seen as 'progress'. These indigenizing accommodations also encourage Indigenous Peoples to support the initiative and to become apart of the complex system of institutions that shape and control Indigenous Peoples. Indigenous Peoples can choose to accept

these asymmetrical forms of recognition and accommodation or be forced to return to settlers to demand different accommodations.

Another way that recognition is used as a governmental technique for managing Indigenous populations, is through the recognition of historical harms. Throughout CSC's approach to Indigenous corrections, many documents recognize some of the historical harms Indigenous Peoples have endured due to colonization in Canada: "CSC must consider Indigenous people's unique circumstances and experiences" (CSC, 2019b, p.2). The documents use the term "Aboriginal Social History" to describe a combination of colonial oppressive events (i.e. residential schools, 60's scoop) and individual trauma or hardships (i.e. lack of formal education, history of substance abuse, history of victimization).²⁰ However, the documents fail to connect any of these events to the broader context of settler colonialism in Canada. Instead, they take an individualizing approach when describing Aboriginal Social History (ASH). *The National Indigenous Plan* and the policies for *Correctional programs for Indigenous Offenders*, both refer to the "offender's Aboriginal Social History (ASH)" (CSC, 2019a, p.4; CSC, 2019a, p.5; CSC, 2019a, p.10; CSC, 2019b, p. 2). By using the possessive in this context, the *offender's* Aboriginal Social History, it individuates the social history. This in turn attaches the social history, the responsibility for that social history, and the effects of that social history to the prisoners themselves. The responsabilization of Indigenous prisoners leads to their subjectification. The documents skillfully push away responsibility for the harms of colonization. Also, by keeping the Aboriginal Social *History* in the past, there is no reason to consider how

²⁰ Although these are all rooted in colonialism, the way they are presented in these documents has an individualizing effect.

settler colonialism continues to have an impact on all Indigenous Peoples today and how these accommodations might also be complicit in perpetuating it.

In these documents, ASH is defined as “the various circumstances that have affected the lives of most Aboriginal people” (CSC, 2018a, p. 7; CSC, 2018b, p. 9). By specifying “most Aboriginal people”, this further individualizes the harm of colonization. By using the word ‘most’ and not ‘all’, there is an implication that a prisoner must have a direct link to a particular event (i.e. the sixties scoop, residential schools) in order to be affected by it. This does not acknowledge structural inequalities, the systematic racialization of Indigenous Peoples, and historical and contemporary forms of Indigenous oppression. In the definition of ASH, it lists potential circumstances. These circumstances include the following:

- effects of the residential school system
- sixties scoop into the adoption system
- effects of the dislocation and dispossession of Inuit people family or community history of suicide
- family or community history of substance abuse
- family or community history of victimization
- family or community fragmentation
- level or lack of formal education
- level of connectivity with family/community
- experience in the child welfare system
- experience with poverty
- loss of or struggle with cultural/spiritual identity. (CSC, 2018a, p.7; CSC, 2018b, p. 9-10; CSC, 2013a, p. 5-6)

This list is copied and pasted into *the National Correctional Program Referral Guidelines* (2018b, p. 7), *the National Correctional Program Standards* (2018b, p. 9-10), and the *Commissioner’s Directive on Aboriginal Offenders* (2013a, p. 5-6) in the definitions section at the end of the documents. The term ‘Aboriginal Social History’ is also used in *the National Indigenous Plan* and *the Strategic Plan for Aboriginal Corrections* without a definition. The term

Aboriginal Social History is traded for “Indigenous Social History” in *the Correctional programs for Indigenous offenders* document with an even shorter definition: “The programs include an examination of the offender's Indigenous social history experiences such as:

- cultural disruption
- residential school or foster care experiences community fragmentation, etc.” (CSC, 2019b, p.2).

In the definition of ASH, it specifies the list of circumstances is not exhaustive, nevertheless the list fails to include a number of key colonial oppressive events²¹ such as:

- assimilation through the Gradual Civilization Act of 1857 (Crey, 2009);
- assimilation through the Gradual Enfranchisement Act of 1869 (Crey, 2009);
- attempted elimination of Indigenous Peoples through biological warfare (Fenn, 2000; Gill, 2017);
- assimilation and loss of culture through the Indian Act of 1876 (Monchalin, 2016; Stasiulis & Jhappan, 1995);
- spatial sequestration and surveillance through the imposition of the pass system (Barron, 1988; Williams & Cullingham, 2015);
- assimilation and loss of identity through the Eskimo Identification System (Dyck & Waldram 1993; MacDonald-Dupuis, 2015);
- the loss of culture through the slaughter of Qimmiit (Qikiqtani Truth Commission, 2013);
- murdered and missing Indigenous children in Northern Quebec (Bébés fantômes) (Richardson, 2020; Richardson, 2021; Shingler, 2018);
- coerced sterilization of Indigenous women (Dhaliwal, 2019; Zingel, 2019);
- the murder and attempted murder of Indigenous Peoples through Starlight tours (Razack, 2014);
- the criminalization of Indigenous protestors through Bill C-51 (“Insecurity and human rights”, 2015);
- the spatial sequestration of Indigenous Peoples through the reserve system (Goldfinger, 2021);
- murdered and missing Indigenous women, girls and 2SLGBTQQIA people (Gollom, 2018; The National Inquiry into Missing and Murdered Indigenous Women and Girls, 2019);
- the imprisonment of Indigenous people (Martel et al, 2011; Alfred & Corntassel, 2005).

²¹ This list is meant to illustrate some of the key colonial oppressive events that were not included in CSC’s definition of Aboriginal Social History.

Instead, the list is written in point form and in the passive voice. The documents neglect to assign a subject to the historical events, dodging responsibility for any part in ‘Aboriginal Social History’. This type of recognition is an attempt to fulfill CSC’s responsibility for cultural responsiveness and reconciliation without changing the underlying settler colonial structure of the institution itself. This type of recognition is omnipresent in CSC’s culturally responsive plans and policies. Although the way ‘Aboriginal Social History’ is presented in these documents is not comprehensive or entirely accurate, it is still a type of recognition that may have a pacifying effect on some Indigenous Peoples who have been calling for the recognition of colonial harm for decades.

Accommodation comes in many different forms in CSC’s culturally responsive policies and programs. As previously mentioned, Indigenous prisoners and communities had to put pressure on CSC to allow for access to Indigenous spirituality and Elders within Institutions. In 1992 Sections 79-84 of the CCRA were released and CSC started to formalize access to Indigenous Elders and spirituality by developing Indigenous specific policies and processes. On one hand, this change allows Indigenous prisoners greater access to Elders and the ability to practice Indigenous spirituality inside the prison walls. On the other hand, it is now on CSC’s terms. The Elders are vetted, approved, and chosen by CSC; Indigenous spirituality becomes part of policies and programs that are developed, approved, controlled, and tracked by CSC. This is a type of disciplinary knowledge. CSC is extracting information that can be put to work and its application is an exercise of power. Acts of collaboration with Indigenous Elders, communities, and advisory committees to develop these policies and programs are superficial, in that the final decision making authority lies with CSC. Indigenous Elders, communities, and advisory

committees are there purely for knowledge extraction. *The Corrections and Conditional Release Act* instructs CSC to develop a “National Indigenous Advisory Committee” to advise on “correctional services to Indigenous offenders” (Justice Laws, 1992, p.3). This consultation process generates a type of expert knowledge that can be used to justify the regulation of Indigenous prisoners. Although the National Indigenous Advisory Committee generates this expert knowledge, CSC determines how this knowledge will be used. Through both language and actions, CSC simultaneously uses recognition and accommodation as a way to placate Indigenous communities and to produce a new type of Indigenous population that is easier to predict and govern.

4.5.2 Recognition and Accommodation - Residential Schools

The governmental techniques of recognition and accommodation were also present in the formation of residential schools. As mentioned in Chapter 3, Indigenous Peoples must seek recognition from settlers and then settlers recognize and accommodate Indigenous Peoples’ calls for change on their own time and terms (Coulthard, 2007; Coulthard, 2014). If Indigenous Peoples are not satisfied with the accommodations provided by the settlers, they must go back to the settlers to fight for recognition again. These struggles for recognition are often held within the confines of colonial systems (i.e. the court system). Recognition and accommodation are both governmental techniques that keep Indigenous Peoples oppressed, predictable, and under control (Chari, 2004; Coulthard, 2007).

In the case of residential schools, we can see Indigenous Peoples' calls for recognition within the numbered treaties²². Each of the numbered treaties included a provision stipulating the Crown would provide education to Indigenous Peoples (Carr-Stewart, 2001; Monchalin, 2016). During talks about the treaties, Indigenous negotiators emphasized the education of Indigenous children as an "essential provision" (Monchalin, 2016, p. 101). In fact, during the negotiations of treaty 8, the Chief of Swan River First Nation, Kinosayo, asked for the Crown to "give means to instruct children as long as the sun shines and the water runs, so that our children grow up ever increasing in knowledge" (Cardinal, 2001, p. 39). However, certain oral promises made during these negotiations did not appear in the written version of the treaty, one of which being a promise of 'non-interference' with the religion of Indigenous Peoples in the Crown funded schools (Cardinal, 2001). Indigenous Peoples were recognized by settlers through the education clauses in the 11 treaties, and then accommodation came in the form of residential schools.

We can see parallels between the recognition and accommodation given in the cases of residential schools and the recognition and accommodation seen in CSC's approach to Indigenous corrections. In both cases, the recognition and accommodation is given in response to a request for recognition on a particular issue: for residential schools it was a request for education and for CSC's approach to Indigenous corrections it was a call to address systemic discrimination of Indigenous Peoples and a call for greater access to Indigenous spirituality and Elders within prisons. In both situations, settlers take the calls for recognition and transform them into accommodations that fit within the confines of preexisting settler colonial systems.

²² The numbered treaties are 11 treaties signed between 1871 to 1921 that stipulate commitments made by the Crown to First Peoples in order for the Crown's people to share in the bounty of the land (Cardinal, 2001, Carr-Stewart, 2001; Monchalin, 2016). There is debate about the intent and spirit of these treaties that continue to this day (Cardinal, 2001, Carr-Stewart, 2001; Monchalin, 2016).

4.6 Dividing Practices

4.6.1 *Dividing Practices - CSC's Approach to Indigenous Corrections*

Dividing practices is a disciplinary process, in that Indigenous prisoners go through *the examination* (Foucault, 1995; Foucault, 2003) during the intake process where they are observed and compared against CSC's normalizing judgement. They are divided into artificial categories that come to be seen as real (i.e. Indigenous/non-Indigenous, high-risk/low-risk). Within the artificial category of 'Indigenous Peoples' there is a wide variety of unique cultural groups with their own traditions, customs, languages, and practices (Monchalin, 2016). This method of categorization and segmentation makes each group easier to manage. Each group can be subjected to different courses of treatment to attain the desired results.

CSC starts the process of producing a new population of Indigenous Peoples by building a narrative that presents Indigenous prisoners as exceptional and in need a special treatment. Foucault (1982) discusses ways an individual is objectivized, one of which is the way a subject is divided within themselves or divided from others, which he calls "dividing practices" (Foucault, 1982, p. 778). Within CSC, Indigenous Peoples are divided into two categories: worthy and unworthy. Just as the European explorers divided Indigenous Peoples into the categories of noble and ignoble savage or the peaceful Arawak and warlike Carib (Hall, 1996). In this case, Indigenous prisoners are deemed unworthy and are labelled as the dangerous Other in need of rehabilitation and healing in order to peacefully live within the confines of settler colonial rules. Indigenous Peoples who are labelled 'bad' or 'unworthy' are sent to prison to re-instil the settler

colonial values of the broader society onto the ‘unworthy’ in an attempt to produce Indigenous subjects who are able to self-govern.

Those who are worthy are not seen as a threat to the settler colonial status quo. In this case, ‘the worthy’ are both ‘law-abiding’ Indigenous Peoples on the outside and Indigenous Peoples who are appropriated and used within the prison system as models for Indigenous prisoners. The worthy group within the prison system is represented by Indigenous Peoples who work for CSC (i.e. Aboriginal Correctional Officers, Aboriginal Correctional Program Officers, Aboriginal Community Development Officer, Aboriginal Liaison Officers), the Elders who assist within the prison system, and community members who support in the rehabilitation and reintegration of Indigenous prisoners (I discuss this further in section 4.7.1).

Within the unworthy prisoner group, Indigenous prisoners are also divided from non-Indigenous prisoners. Indigenous prisoners are deemed *exceptional* and separated from non-Indigenous prisoners. Indigenous prisoners are in need of specialized programming, specialized workers, and specialized facilities to enhance their capacities to be productive: “The needs of Indigenous offenders, because they are unique, need to be considered separately, and approaches and interventions specifically designed to impact results need to be undertaken” (CSC, 2019a, p. 5). CSC has designed a model within the current system to deal specifically with Indigenous prisoners, called *the Aboriginal Continuum of Care*. This model is introduced to Indigenous prisoners as they enter the facility and follows them until after they are released back into the community. CSC has also developed specialized roles and hired people of Indigenous ancestry to deal specifically with Indigenous prisoners. Aboriginal Liaison Officers (ALO) act as a bridge between Indigenous prisoners and non-Indigenous staff, to help non-Indigenous staff with the

“interpretation of an offender’s ASH [Aboriginal Social History]” (CSC, 2019b, p. 4). The document goes on to explain that “it is unrealistic to expect that every single case management team member will understand the ASH and its impacts” (CSC, 2019b, p. 6). This emphasizes CSC’s view of Indigenous prisoners as exceptional. Indigenous staff are responsabilized to take on the emotional labour of explaining the impacts of colonization to non-Indigenous staff.

4.6.2 Dividing Practices - Residential Schools

In the case of residential schools, we can see the disciplinary process of dividing practices in three ways: Indigenous children are divided from Indigenous adults, the ‘worthy’ Indigenous children are divided from the ‘unworthy’ Indigenous children, and the ‘worthy’ Indigenous parents are divided from ‘unworthy’ Indigenous parents.

After a number of failed attempts by the Canadian government to assimilate Indigenous adults, *the Report on Industrial Schools for Indians and Half-Breeds* suggested focusing the state’s civilization efforts on Indigenous children (Davin, 1879). The report explains any attempt to assimilate or ‘civilize’ Indigenous adults is hopeless: “The Indian is a man with traditions of his own, which make civilization a puzzle of despair” (Davin, 1879, p. 10). This report suggests Indigenous adults lacked the receptivity necessary to become adequately civilized, so this report resolves “little can be done with him [Indigenous adults]. He can be taught to do a little at farming, and at stock-raising, and to dress in a more civilized manner, but that is all” (Davin, 1879, p.8).

Both Indigenous children and adults are divided into 'worthy' and 'unworthy' groups. Indigenous Peoples who comply with and accept settler interventions and teachings are labelled

'worthy' and those who resist or disobey settler intervention are labelled 'unworthy'. This can be seen in the way the Davin report presents Indigenous children who are receptive to Western style teachings. The report explains these children should be given "special advantages" and "should be trained to become teachers and clerks in connection with the [Indian] Department" (Davin, 1879, p. 15). The report also suggests differentiating between Indigenous parents who are compliant in sending their children to residential schools and those who resist:

some distinction should be made between the treatment of parents who send their children regularly to the day-school, and of those who are either careless whether their children go to school or not, or who are wholly opposed to their children attending school, as some are. To the first, an additional ration of tea and sugar might be given (Davin, 1879, p. 15).

Conversely, the 'unworthy' Indigenous parents group consisted of parents who did not send their children to residential schools. These parents could have their government food rations withheld, be fined, or even imprisoned (Fournier & Crey, 2006; Furniss, 1995; Hanson et al., 2020).

4.6.3 Spatial Sequestration - CSC's Approach to Indigenous Corrections

Another way Indigenous prisoners are divided is through relocation and spacial sequestration. CSC has developed a number of different racialized spaces specifically for Indigenous prisoners: Aboriginal/Indigenous intervention centres, culturally-appropriate Indigenous programming, pathways initiatives, and healing lodges. These racialized spaces keep Indigenous prisoners spatially sequestered throughout the course of their incarceration: "the [Aboriginal] Continuum [of care]: starts at intake, to identify Aboriginal offenders and to

encourage them to bridge the disconnect with their culture and communities” (CSC, 2013b, p. 5). Since "resources for the Aboriginal Continuum of Care are significantly limited and in order to ensure the best use of limited resources, streamlining and realignment is the best option” (CSC, 2019a, p. 13). CSC proposes the creation of Aboriginal Intervention Centres (AIC) across the nation as a part of a comprehensive “Indigenous Population Management Approach” (CSC, 2019a, p. 7). These Aboriginal Intervention Centres are "comparable to an institution within an institution” (CSC, 2019a, p. 24). Another part of *the National Indigenous Plan* is to have all Aboriginal interventions “realigned to a select number of institutions” in order to make “financial and programming sense” (CSC, 2019a, p. 7). The different "regions are being asked to look at the overall placement of existing Indigenous resources, and realign as necessary to provide the most effective continuum for offenders” (CSC, 2019a, p. 13). In fact, Indigenous prisoners who are “following a traditional path will ideally no longer be penitentiary placed at all sites, but will be placed at sites within the Aboriginal Continuum of Care” (CSC, 2019a, p. 12). This means Indigenous prisoners following a “traditional path” (CSC, 2019a, p. 12) will likely be sent to specific institutions who have had funds realigned to them for ‘culturally-appropriate’ Indigenous programs and initiatives. This decision to have Aboriginal interventions designated to certain institutions, demonstrates another way Indigenous prisoners are divided through spacial sequestration. Inside the Aboriginal Intervention Centre, Indigenous prisoners work with specialized staff with specialized training to interpret their Aboriginal Social History to help in the development of their Healing plan. This will outline the prisoner’s risk factors, and the culturally-appropriate programming that will support them in ‘healing’ from their Aboriginal Social History (ASH). Next, Indigenous prisoners participate in culturally-appropriate

programming separately from non-Indigenous prisoners. CSC reports “the Indigenous Integrated Correctional Program Model (IICPM) meets the specific needs of Indigenous offenders” (CSC, 2019b, p.2). After this step, Indigenous prisoners who are committed to pursuing a “traditional healing path” (CSC, 2013b, p. 9) could be transferred to a healing lodge or a pathways initiative.

The Pathways programs and initiatives are

for inmates who show genuine motivation and commitment to making emotional, mental, physical and spiritual changes. To participate in Pathways an inmate must be willing to follow traditional healing as a way of life, 24 hours a day. Pathways initiatives help prepare inmates for a transfer to lower security, conditional release and eventually help them maintain their healing journey in the community” (CSC, 2019c, p. 1-2).

The Pathways initiatives are presented as a reward for Indigenous prisoners who demonstrate their ability to self-regulate.

Finally, Indigenous prisoners have the option to be released into the Indigenous community of their choice, segregating Indigenous prisoners even after their release from prison. This shows how *the Aboriginal Continuum of Care model* ensures Indigenous prisoners are divided from non-Indigenous prisoners and kept spatially sequestered from the beginning of their sentence until after they are released (see figure 3).



(figure 3)

The spatial sequestration of Indigenous prisoners both reinforces the narrative that Indigenous prisoners are exceptional, but it also makes Indigenous prisoners easier to manage. The spatial sequestration of Indigenous prisoners allows for hierarchal observation. By separating Indigenous prisoners from non-Indigenous prisoners, CSC staff are better able to surveil and discipline Indigenous prisoners. Not only does the spatial sequestration occur within the prison walls, but it continues after the prisoner is released, as Indigenous prisoners are encouraged to choose an Indigenous community to be released into.

4.6.4 Spatial Sequestration - Residential Schools

Similarly to the contemporary example of CSC's approach to Indigenous corrections, Indigenous children were spatially sequestered within residential schools, children were confined to the schools and were not free to leave. Here we can see how the different forms of power can work in conjunction with one another. Sovereign power was employed when dealing with Indigenous children who resisted the spatial sequestration and ran away from residential school. Survivors report being picked up by the police and returned to the schools if they were found running away (TRCC, 2015b).

Once the children were released from the schools they were spatially sequestered on the reserve as the pass system was implemented in 1885 and in effect for over 60 years (Williams & Cullingham, 2015). This was a system of racial segregation that controlled the movement of First Peoples on and off the reserves (Barron, 1988; Williams & Cullingham, 2015). First Peoples who were caught off the reserve without a pass could be taken into custody by the police and returned to the reserve (Barron, 1988; Williams & Cullingham, 2015). The pass system impacted both the

children when they were released from or 'aged-out' of residential schools, but it also impacted Indigenous parents. Parents needed passes in order to visit their children in residential schools. The Indian Agents were instructed to limit the number of passes they gave to parents wanting to visit their children to four per year (Barron, 1988; Joseph, 2015; Williams & Cullingham, 2015). Here we can see spatial sequestration is used as a governmental technique in both the historical and contemporary examples of Indigenous regulation and oppression. Controlling the physical space of Indigenous Peoples is a disciplinary process that allows for constant surveillance. In both the example of CSC's approach to Indigenous corrections and residential schools, Indigenous Peoples are not only spatially sequestered within the institution itself, but also when they are released from the institution.

4.7 Incorporating Indigenous Peoples

4.7.1 Incorporating Indigenous Peoples - CSC's Approach to Indigenous Corrections

The National Indigenous Plan starts by recognizing how the outcomes for Indigenous prisoners are bleak in comparison to non-Indigenous prisoners. One of the answers to this problem is to recruit Indigenous Peoples to support in the rehabilitation and reintegration of Indigenous prisoners both inside and outside the prison walls. The effects of this governmental strategy are threefold: to have Indigenous staff and Indigenous communities support in the development of a new population of 'healed' Indigenous prisoners, a new population of Indigenous CSC staff is created, and a new population of Indigenous community members is created.

Indigenous Staff

Indigenous staff and Elders have been hired to manage Indigenous prisoners, act as cultural interpreters for non-Indigenous CSC staff, and act as role models for Indigenous prisoners. CSC has developed an entirely different set of positions to be filled by Indigenous Peoples. Aboriginal Liaison Officers (ALO) act as interpreters for non-Indigenous CSC staff. Aboriginal Correctional Program Officers (ACPO) deliver culturally-appropriate programming to Indigenous prisoners. Aboriginal Community Development Officers (ACDO) work with Indigenous prisoners and Indigenous communities to develop a reintegration plan, and act as a “bridge between CSC and Aboriginal communities/organizations” (CSC, 2013e, p. 11). Aboriginal Community Liaison Officers (ACLO) assist Indigenous prisoners in their reintegration to urban areas by connecting them with ‘culturally-appropriate’ organizations in the community.

Indigenous staff are absorbed into CSC and used to support in the creation of the new population of Indigenous Peoples. Indigenous staff are part of the ‘worthy’ Indigenous group and are used as mentors for Indigenous prisoners. Indigenous staff work for, not against the system and actively participate in achieving CSC’s goals. Indigenous staff also aid in the disciplining of Indigenous prisoners inside the prison walls through surveillance. As Indigenous staff are considered to be part of the ‘worthy’ group of Indigenous Peoples, they act as role models for the prisoners, serving as the personification of what is ‘normal’ and acceptable behaviour. Indigenous prisoners constitute themselves according to these models and ways of acting that are “proposed, suggested, imposed upon him” (Foucault, 1988, p. 291) by Indigenous staff. Indigenous staff aid in the disciplining of Indigenous prisoners, but they too are objects of

regulation within CSC's approach. These staff members know they have been hired to occupy Indigenous specific positions in order to support Indigenous prisoners and model 'good' behaviour. Indigenous staff are made to work on themselves through subjectification to live up to the good and worthy Indigenous role model they have been hired to represent. Indigenous staff are also responsabilized for the potential success or failure of Indigenous prisoners: "One of the major factors contributing to Indigenous offenders' success upon release is their participation in spiritual and cultural activities in addition to programs delivered by Aboriginal staff and the support they receive throughout their sentence" (CSC, 2019a, p. 11).

Elders

Indigenous Elders are also used as part of CSC's approach to Indigenous corrections. In order to provide Elder services within CSC facilities, Elders must bid on contracts on the government of Canada's goods and services website: buyandsell.gc.ca. In the description of the services CSC is looking for from potential Elders, it specifies "the contractor must perform all work in **English**" (Public Services and Procurement Canada, 2018, p. 3, emphasis in original). This specification parallels the rules of the residential school system which barred students from speaking their first language (Haig-Brown, 1988; Ing, 2011; TRCC, 2015b). This statement also shows how Indigenous accommodation is on CSC's terms (Coulthard, 2007; Coulthard, 2014). Elders are also made to work on themselves to fit the image of what an Elder should be in order to win the bid to work as an Elder in CSC. Once accepted, Elders are used in the disciplining of Indigenous prisoners. Much like the Indigenous staff, Elders serve as models for Indigenous prisoners, reminding Indigenous prisoners to subjectivize themselves according to the model

placed before them. Elders are also used in the surveillance of Indigenous prisoners and are required to provide progress reports about the prisoners they are working with and information about their participation in cultural and spiritual events. The Elder is responsible for the surveillance of Indigenous prisoners throughout their sentence beginning from the time of referral:

Upon receiving a referral/request from the Case Management team, the Elder must provide initial information and updates verbally or in writing to the Aboriginal Liaison Officer or Parole Officer for documentation which may include initial observations; whether the offender has agreed to continue working with the Elder through Aboriginal Specific interventions; the offender's progress in addressing his or her needs as well as information about an offender's readiness for the possible transition into the community (Public Services and Procurement Canada, 2018, p. 2).

Elders are also required to monitor Indigenous prisoners' progress and willingness to participate in culturally-appropriate Indigenous programming:

the Elder must: Provide verbally to the Case Management Team, as requested, information regarding the offender's participation in a healing path as requested as part of the offender's progress report. This may include progress on an offender's participation in Pathways, in Aboriginal Correctional Programs, or in other cultural and spiritual activities as appropriate (Government of Canada, 2018, p.2).

Unlike non-Indigenous religions/spiritualities where participation in religious/spiritual events is not tracked or recorded, Indigenous prisoners who participate in the Indigenous continuum of care model and/or engage with an Elder are subject to additional surveillance. An Indigenous

prisoner's participation or lack of participation in Indigenous spirituality and culturally-appropriate programming is tracked and then used as a means of determining future risk.

Although there are hundreds of different Indigenous communities throughout Turtle Island who follow different practices and protocols depending on their nation and culture (Monchalin, 2016), CSC may only provide one Elder for all of the Indigenous prisoners at any particular institution. Depending on the Elder and their background, they may or may not have the same teachings, ceremonies, and traditions as the Indigenous prisoners with whom they are working. CSC's use of Indigenous Elders in the prison system is a small indigenizing practice that leaves the settler colonial system unaltered. Finally, the governmental strategy of responsabilization is employed placing the potential success or failure of Indigenous prisoners in the hands of the Elders: "they have additional Elder support to address issues that arise as a result of their ASH, to maximize their success in the program, and to engage them in a healing process while in programming" (CSC, 2019a, p. 10).

Indigenous Communities

The incorporation of Indigenous communities into CSC's approach has the dual effect of both validating calls for recognition, while also responsabilizing the communities to take on the work of surveilling and disciplining Indigenous prisoners. Indigenous communities feel heard and validated as they are recognized and incorporated into the accommodation of Indigenous Peoples in the prison system. This governmental technique placates and pacifies Indigenous communities, decreasing the likelihood of resistance or political fallout while simultaneously absorbing Indigenous communities into CSC's approach to Indigenous corrections. Like the

Indigenous staff and Elders within the prison walls, communities take on the disciplining of Indigenous prisoners after release through surveillance and the reinforcement of norms that were established inside the prison. In fact, Indigenous communities are absorbed into the system and used in the 'healing' or surveillance and disciplining of Indigenous prisoners from as early as the beginning of their sentence: "the Aboriginal Continuum of Care recognizes that Indigenous communities must be involved in supporting Indigenous offenders during their healing journey and reintegration every step of the offenders' sentence" (CSC, 2019a, p. 11). *The National Indigenous Plan* emphasizes "the Indigenous community must be actively engaged in both providing needed interventions for Indigenous offenders, and in preparing offenders for release, and supporting them upon release" (CSC, 2019a, p. 6). This statement demonstrates how Indigenous communities are responsabilized to take on the work of supporting and healing Indigenous prisoners both before and after release. The selected community is "encouraged to meet with offenders throughout the planning process [...] as part of section 84 release planning" (CSC, 2019a, p.11). Indigenous communities work with CSC's Indigenous Community Development Officers as they prepare to accept Indigenous prisoners into their community at the time of release. Indigenous communities are unknowingly responsabilized for the success and/or failure of these individuals: "engagement of the Aboriginal community earlier in an offender's sentence will increase success for offenders upon release" (CSC, 2019a, p. 7). Indigenous communities come to see the success of Indigenous prisoners as *their* responsibility. Like the Indigenous staff and Elders inside the prison, Indigenous communities will be made to work on themselves and act as role models for Indigenous prisoners being released. *The National Indigenous Plan* emphasizes the important role Indigenous community members play:

Because offenders will have had the opportunity to return to their chosen community with the community support in place, their likelihood of success will increase. The community will be actively engaged and invested in the success of their community member, and the offender will be invested in restoring balance and remaining in the community as a contributing member (CSC, 2019a, p. 12).

Interestingly, CSC's approach to Indigenous corrections is not solely aimed at Indigenous prisoners, but extends beyond the prison walls. Indigenous staff, Elders, and Indigenous communities are absorbed into the system. They help in the disciplining of Indigenous prisoners and also become objects of regulation themselves.

4.7.2 Incorporating Indigenous Peoples - Residential Schools

In the context of residential schools, Indigenous Peoples were also incorporated into the system. Davin (1879) had suggested that children who excelled in the residential school system should be incorporated into the system: "where boys or girls, whether Indians or half-breeds, show special aptitudes or exceptional general quickness, special advantages should be offered them, and they should be trained to become teachers and clerks in connection with the Department" (p. 15). Indigenous children who complied with the training in residential schools and subjectivized themselves would be used to instruct new generations of Indigenous children. This was a technique for eliciting Indigenous children's compliance within the schools, as Davin (1879) had also noted that Indigenous Peoples were more likely to comply with and be surveilled by Indigenous or Métis authorities: "it may be remarked, in passing, Indian Police are employed

with excellent results. Those I saw were, for the most part, of mixed blood. The Indians submit to their surveillance with more readiness than they would to that of whites” (p. 10).

In 1969, the Department of Indian Affairs took full control of the residential school system after sharing control with the churches up until that point (TRCC, 2015a). A year later, the operations and management of several of the schools were turned over to Indigenous nations or organizations (TRCC, 2015a). Even though Indigenous nations and organizations took over the operations of certain schools, the colonial institution and some of its practices remained in place. For example, the practice of “cutting students’ hair when they first arrived, and assigning them numbers” continued after the schools changed hands (TRCC, 2015b, p. 200). Having Indigenous nations and organizations take over the operations of certain schools responsabilizes them for the success and/or failure of the children and the schools which had already been deemed ineffective by the government (Marshall & Gallant, 2021).

4.8 Appropriation of Indigenous Symbols, Language, Teachings - CSC's Approach

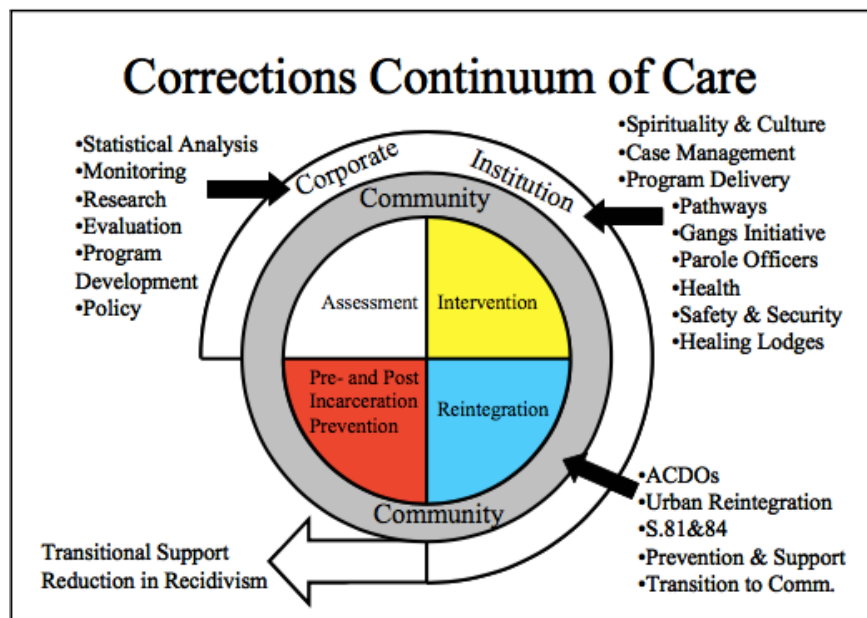
One notable difference between the governmental techniques used in residential schools versus CSC's approach to Indigenous corrections is the use of Indigenous symbols, language, and teachings within the contemporary example of Indigenous regulation and oppression. Where residential schools sought to assimilate and impose Western ideologies and values onto Indigenous children, CSC's approach to Indigenous corrections seeks to impose a version of Indigenous culture onto Indigenous prisoners that is acceptable to settler colonial sensibilities. Historically, Indigenous knowledges and practices have been viewed as inferior, criminalized, and excluded. Now, Indigenous knowledges have been recovered and integrated into governmental techniques used to produce and to regulate Indigenous subjects and populations.

Indigenous symbols, language, and teachings have been appropriated and reduced down to talking points within CSC's approach to Indigenous corrections. They are then used as techniques for eliciting Indigenous Peoples' compliance.

The appropriation of Indigenous symbols, language, teachings, and peoples are used within CSC's Aboriginal Continuum of Care model to give the model credibility. Indigenous knowledge is extracted from the Indigenous advisory committee, Elders, and Indigenous CSC staff to create truth discourses that are then used in the production of Indigenous subjects and populations. These small Indigenizing changes are often in response to Indigenous resistance (i.e. hunger strikes, Calls to Action), but are ultimately grounded in the logic of settler colonial benevolence. Governmentality "is productive; it works through our perceived desires or interests to direct the conduct of various subjects" (Matsunaga, 2021, p. 6). CSC uses the perceived desire of Indigenous Peoples to be recognized, to heal, or to become connected with their culture to produce new populations of Indigenous Peoples.

CSC's solution to the perceived desires of Indigenous Peoples is the introduction of a new type of 'traditional Aboriginal'. CSC attempts to solve the overrepresentation of Indigenous Peoples in prisons or the 'Indian problem' by imposing their version of Indigenous spirituality and culture onto Indigenous prisoners (Martel et al., 2011). In the same way, the solution to the 'Indian problem' at the time of residential schools was to impose Christian and Western values onto Indigenous children. On the surface, these approaches may seem different, but on a foundational level, they are the same. The same paternalistic attitudes derived from the logic of settler colonial benevolence that made settlers feel justified in forcing Indigenous children to attend residential schools exists today in CSC's continuum of care model. CSC has created this model in order to train Indigenous prisoners to "make better choices to contribute to their

community in a more traditional Aboriginal manner” (CSC, 2013b, p. 4). Although the rhetoric has changed from ‘killing the Indian in the child’ to ‘putting Indigenous culture/spirituality into the prisoner’, the logics of Western superiority and settler colonial benevolence still exist. CSC appropriates pieces of Indigenous spirituality for the purpose of creating expert knowledge to assist in the creation of this ‘new traditional Aboriginal’ population. One example is the use of the medicine wheel. CSC uses the medicine wheel to illustrate the Corrections Aboriginal Continuum of Care model. The Aboriginal Continuum of Care model (see figure 4) appropriates the symbol of the medicine wheel that is presented in the traditional teachings of many Indigenous Nations and attempts to legitimize the teachings of the ‘new traditional’ Indigenous population present in CSC’s approach to Indigenous corrections.



(Figure 4) (CSC, 2013b, p. 9).

The medicine wheel is used in different Nations as a pedagogical tool for passing on knowledge (Monchalin, 2016; Calliou, 1995). That being said, not all Nations use the medicine wheel in their teachings and there is not one universal version of the medicine wheel (Monchalin, 2016;

Calliou, 1995). CSC's appropriation of the medicine wheel to illustrate *the Aboriginal Continuum of Care Model* demonstrates a narrow and pan-Indigenous understanding of Indigenous cultures. However, the appropriation of image of the medicine wheel helps in the creation of truth discourses about CSC's version of Indigenous culture and spirituality and lends credibility to CSC when calling on these symbols. Another example of the appropriation of Indigenous culture to gain credibility is the use of the word 'Kimisinaw' at the Okimaw Ohci Healing Lodge.

At Okimaw Ohci Healing Lodge for Indigenous women, the Correctional Officers/ Primary Workers are referred to as "Kimisinaw" (CSC, 2013d, p. 4) which is Cree for older sister. Although "Aboriginals and Visible Minorities" (CSC, 2013d, p. 4) are encouraged to apply for these positions, this is not a position exclusively reserved for people of Indigenous ancestry. Moreover, the role and duties of Kimisinaw are strikingly similar to the role and duties of Primary workers (Corrections Officers):

- conduct routine rounds and offender counts
- search cells, offenders, visitors, vehicles, living units and surrounding areas
- verify safety equipment
- draft daily logs
- submit reports
- brief visitors, volunteers and other criminal justice professionals who enter the institution (CSC, 2013d, p. 1).

Using the Cree word for older sister (Kimisinaw) instead of primary worker or correctional officer obfuscates power relations. Much like Indigenous staff and Elders, Kimisinaw are used in disciplining Indigenous prisoners by surveilling them.

4.9 Settler Colonial Immersion

4.9.1 Immersive Healing - CSC's Approach to Indigenous Corrections

The way in which an individual turns oneself into a subject, is what Foucault (1982) calls subjectification:

Modes of subjectification, through which individuals are brought to work on themselves, under certain forms of authority, in relation truth discourses, by means of practices of the self, in the name of their own life or health, that of their family or some other collectivity, or indeed in the name of the life or health of the population as a whole (Rabinow & Rose, 2006, p 197).

Indigenous prisoners are “brought to work on themselves” (Rose and Rabinow 2006, p. 203) under the authority of CSC, through the language of healing and the language of traditional Indigenous culture/spirituality. The language of healing is weaved through all of CSC’s culturally-appropriate programs, insinuating that the programs’ purpose reaches far beyond the reduction of recidivism rates and public safety. The programs are not meant to simply modify behaviour, but create a new population of ‘healed’ Indigenous Peoples. CSC (2019b) explains “the goal of the programs are to motivate participants to change” (p. 7). These programs are designed to train Indigenous prisoners to govern themselves both inside and outside the prison walls. They then bring these ‘teachings’ back to their communities where the community has been responsabilized for keeping them accountable and out of prison (CSC, 2013b). CSC assures to Indigenous communities “that their members will return healthier than when they left” (CSC, 2013b, p. 4).

Governmentality works through freedom to produce subjects and mould them into populations. Even within the prison system, prisoners are given choices that give the illusion of freedom. Although the plan emphasizes the prisoners' right to choose whether or not to participate in the Aboriginal continuum of care, the plan also lays out the performance indicators that are used to determine the success of the plan. Some of the performance indicators for *the National Indigenous Plan* are:

- “the percentage who enrolled in cultural-specific Indigenous correctional programs compared to mainstream correctional programs” (CSC, 2019a, p.25);
- “the percentage who completed cultural-specific Indigenous correctional programs compared to mainstream correctional programs” (CSC, 2019a, p.25);
- “percentage of successful transfers to healing lodges for Indigenous offenders” (CSC, 2019a, p.25);
- “percentage of Indigenous offenders released to a CCRA Section 84 community²³” (CSC, 2019a, p.25);
- “The number of Indigenous offenders participating in community interventions and healing services” (CSC, 2019a, p. 26);
- "The number of partnerships (contract) established to provide services to Indigenous offenders in northern, rural and remote locations” (CSC, 2019a, p.26).

These performance indicators have been laid out to measure the success of the plan. *The National Indigenous Plan* goes on to explain how CSC Staff use motivational interviewing²⁴ to encourage Indigenous prisoners to “take advantage” (CSC, 2019a, p. 9) of Indigenous specific rehabilitation streams. From the time an Indigenous prisoner enters the system, they are encouraged to participate in *the Aboriginal Continuum of Care model*. Indigenous prisoners can choose to follow a “traditional path” or they can “opt out of this stream”, in which case they will be “offered the mainstream programs and will have a regular correctional plan that incorporates ASH” (CSC, 2019a, p. 9). In spite of that, even if an Indigenous prisoner opts out of the "healing

²³ CCRA Section 84 community is an Indigenous community

²⁴ Motivational interviewing is a type of counselling technique that is used to try to encourage and elicit behaviour change.

path”, if they are deemed a “moderate to high risk to reoffend” they will be filtered back into the Continuum of Care model by being enrolled in *the Indigenous Integrated Correctional Program Model* anyway; "All Indigenous offenders who have been assessed as presenting a moderate to high risk to reoffend should be enrolled in IICPM programs, whether they are on a healing path or not” (CSC, 2019b, p.3). This is where we see the interplay between biopower and disciplinary power. Indigenous prisoners who are willing to work on themselves have the freedom to do so, whereas Indigenous prisoners who do not subjectivize themselves are disciplined by being put back in the program where they can be trained to work on themselves. Whether they are there by choice or not, Indigenous prisoners are encouraged to work on themselves and “reconnect with their culture, and lead a prosocial lifestyle consistent with traditional values” (CSC, 2019b, p. 2).

This narrative of healing is present throughout all of CSC’s policies and programs for Indigenous prisoners. CSC’s attempt to improve the health outcomes of Indigenous Peoples is a biopolitical technique. For example, non-Indigenous prisoners have a correctional plan that they must follow as they work toward release back into the community. For Indigenous prisoners, this same correctional plan is called a ‘healing plan’. The healing plan is developed during intake and follows the offender until after release:

Where an offender chooses to initiate a healing journey, the Elder becomes part of the Case Management Team. He or she participates in developing a healing plan that will guide all CSC staff in supporting the offender during the sentence and to continue their healing journey after release (CSC, 2013b, p. 15).

If an Indigenous prisoner declines participation in *the Aboriginal Continuum of Care model*, they will not have a healing plan, but a correctional plan instead. The healing plan is designed to heal

the prisoner from their Aboriginal Social History which includes historical Indigenous oppressions such as: residential schools, the 60's scoop, loss of culture/spirituality, dispossession etc. Indigenous prisoners who choose to follow *the Aboriginal Continuum of Care model* take on the enormous burden of healing centuries worth of settler colonial trauma. The prisoner's freedom is then tied to their ability to heal from both historical and contemporary settler colonial trauma. Indigenous prisoners learn to heal from settler colonial trauma within CSC's culturally-appropriate programming.

Although CSC has created what they call "a continuum of healing" (CSC, 2019a, p. 1) with *the Aboriginal Continuum of Care model*, it is within the culturally-appropriate programming where the subjectification of Indigenous prisoners is the most prevalent. Indigenous prisoners are filtered through programs of different intensity levels as they learn how to manage their own risk. When selecting programming, Indigenous prisoners are divided into sub-categories or collectivities for the purpose of programming: Indigenous men, Inuit men, and Indigenous women. From there, they are divided again depending on their level of risk and are streamed into different intensity programs called the *Indigenous Integrated Correctional Program Model (IICPM) Multi-target* (See Appendix A). The division of Indigenous prisoners into collectivities makes them easier to regulate. For Indigenous men there is a high-intensity, moderate intensity, and maintenance program. The same intensity levels are available for Indigenous men, who have also committed a sex offence. CSC has also developed *the Inuit Integrated Correctional Program (IICP)* specifically for Inuit men (See Appendix B). Within the IICP there is a primer program, which is a prerequisite to all other intensity programs, then there is a moderate intensity and a high intensity program. Inuit prisoners who have also committed a

sex offence have a moderate intensity and high intensity program. For Indigenous women, there are three different intensity level programs: the engagement program (which is a primer/prerequisite for all other programs), moderate intensity, high intensity, and *the Indigenous Women Offender Self-Management Program (IWO-SMP)* which is designed as a maintenance program for Indigenous women who have completed other culturally-appropriate programming (See Appendix C).

Indigenous prisoners are subjected to programs which have five or six structured sessions a week and the Indigenous men's programs also have a weekly ceremonial session (see Appendices A, B, C). With these culturally-appropriate programs, Indigenous prisoners are put into immersion style programming in order to learn how to manage their own risk by following a traditional Indigenous healing path. This technique allows for constant surveillance and subjectivization. The culturally-appropriate Indigenous programming within the different *Integrated Correctional Program Models* (see Appendices A, B, C) "extend through an offender's entire sentence" (CSC, 2019b, p. 4). This immersive approach to healing is even more prevalent in Healing lodges and Pathways initiatives. The "Pathways Healing Units provide a traditional environment within CSC institutions for Aboriginal offenders dedicated to following a traditional healing path" (CSC, 2013b, p. 9). Indigenous prisoners can be transferred to a pathways unit as a reward for showing "genuine motivation and commitment to making emotional, mental, physical and spiritual changes" (CSC, 2019c, p. 1). However, the Indigenous prisoner must be willing "to follow traditional healing as a way of life, 24 hours a day" (CSC, 2019c, p. 2). In the Pathways unit "holistic healing" and "a traditional Indigenous way of life" is

promoted through “intensive, culturally responsive healing interventions” (CSC, 2019a, p. 4-5).

The Indigenous prisoner is transformed from the inside out through disciplinary power.

As previously mentioned, one of the goals of *the National Indigenous Plan* is to have as many Indigenous prisoners participate in Indigenous-specific programs and interventions as possible. One of the "performance indicators" outlined in the plan is the percentage of Indigenous prisoners who choose to enrol in "culturally-specific Indigenous correctional programs" versus Indigenous prisoners who do not (CSC, 2019a, p. 24). Whether this goal is expressed explicitly to the Indigenous prisoners or not, it seems Indigenous prisoners who choose to subjectively themselves are reinforced positively: “if an Indigenous prisoner expresses interest in following a healing plan or meeting with an Elder/Spiritual advisor, the Aboriginal Liaison Officer will inform their Parole Officer so it can be documented in their correctional plan and future updates/reviews” (CSC, 2013a, p. 4). This indicates that Indigenous prisoners who actively seek out culturally-appropriate Indigenous initiatives are seen in a better light.

CSC also provides incentives to prisoners who become active members in their own subjectification. Prisoners are paid allowances as encouragement to participate in programming included in their healing plan. Prisoners who actively participate in “all aspects of their Correctional Plans” and “exceed expectations for interpersonal relationships, attitude, motivation, behaviour, effort, productivity and responsibility” will be paid the highest daily rate (Level A) of \$6.90 per day (CSC, 2016, p.10). Prisoners who refuse to follow their healing/correctional plan and do not participate in program assignments will get the basic allowance of \$1 a day or zero pay for prisoners in segregation for disciplinary reasons (CSC, 2016, p.10). That is a difference of over \$2000 per year between prisoners being paid at the Level A daily rate

versus prisoners receiving the basic allowance. Indigenous prisoners can also be granted authorized absences to participate in spiritual and cultural ceremonies without a reduction in pay (CSC, 2016). However, for other authorized absences, including planned absences for approved religious reasons, pay will be reduced to \$2.50 a day. This contributes to the artificial environment CSC has created in order to push Indigenous prisoners toward participating and embracing CSC's version of Indigenous culture and spirituality.

Indigenous prisoners are encouraged to subjectivize themselves by becoming an active participant in their own healing through self-help style programming: "CSC encourages Indigenous women to take part in their own rehabilitation" (CSC, 2019b, p.7). The prisoners freedom to choose is emphasized at every step of the way. Although the choice to participate in *the Aboriginal Continuum of Care Model* is emphasized in *the National Indigenous Plan*, the document on correctional programs for Indigenous offenders explains "all Indigenous offenders who have been assessed as presenting a moderate to high risk to reoffend should be enrolled in IICPM programs, whether they are on a healing path or not" (CSC, 2019b, p. 3). Regardless of their choice to participate in *the Aboriginal Continuum of Care* or not, Indigenous prisoners will be placed in *the Indigenous Integrated Correctional Program Model*. During their participation in culturally-appropriate programming, Indigenous prisoners work on themselves to heal multiple collectivities: their families, their communities, and Indigenous Peoples as a whole. Within the culturally-appropriate programs, Indigenous prisoners are taught to manage their own risk through "self-monitoring, emotions management, thinking skills, social skills, and goal setting and development of healing plans" (CSC, 2019b, p. 2). These are all techniques of the self, where Indigenous prisoners work on knowing themselves to be able to govern themselves.

Culturally-appropriate programs include a “culturally-relevant foundation” (CSC, 2019b, p. 2). The facilitator starts the healing process by “examining the offender’s Indigenous social history experiences” (CSC, 2019b, p. 2). This reminds the Indigenous prisoner that this is *their* trauma to heal from. The facilitator then introduces cognitive behavioural skills to help change the way Indigenous prisoners think. Cognitive behavioural therapy (CBT) trains a subject to look at their thoughts from a distance in order to uncouple one’s thoughts from one’s behaviours. The idea is that it makes subjects more self-aware and better able to self-manage.

The Aboriginal Correctional Program Officer (ACPO) or a Correctional Program Officer with specialized training²⁵ leads Indigenous prisoners in the examination of their Aboriginal/Indigenous social history. CSC (2019b) claims this helps Indigenous prisoners “reconnect with their culture, and lead a prosocial lifestyle consistent with traditional values” (p. 2). Indigenous prisoners are also reintroduced to their healing plan within these programs which “includes coping strategies to help them live positive lifestyles” (CSC, 2019b, p. 7). In order for an Indigenous prisoner to lead a positive lifestyle they must first heal from their Aboriginal Social History and then “reconnect with their culture” and adopt “traditional values” (CSC, 2019b, p.2). This individualizes historical and contemporary Indigenous oppression, displaces blame for historical and contemporary Indigenous oppression by responsabilizing Indigenous prisoners to take on the work of healing settler colonial trauma, while also allowing CSC to appear progressive and reconciliatory in their approach to Indigenous prisoners. It allows CSC to seem

²⁵ Correctional Program Officers and Aboriginal Correctional Program Officers are required to do a maximum of 10 working days of general training before facilitating programs, an additional five training days can be added for “specific correctional components, such as for Aboriginal offenders, sex offenders, and adapted programs” (CSC, 2018b, p. 6). However, CPO/ACPO can deliver programming without initial training through the “Provisional/Bridge Training” if they have prior experience facilitating programs and approval from the National Program Manager.

like they are taking accountability for the historical and contemporary Indigenous oppression without making any significant change to the colonial system itself. It both produces Indigenous subjects by training Indigenous prisoners to know and govern themselves through subjectification, as well as producing a new population of Indigenous Peoples who see the work of healing settler colonial trauma as an Indigenous issue rather than a settler issue.

Indigenous prisoners work to heal their Aboriginal Social History, leaving the oppression that resides within it, in the past. Then, Indigenous prisoners learn how to govern themselves, building positive relationships, and a positive lifestyle through CSC's version of traditional Indigenous culture and spirituality. Indigenous prisoners are then returned to their communities "healthier than when they left" (CSC, 2013b, p. 4) as they are now part of a new population of Indigenous Peoples who are predictable and self-governing. This new population of Indigenous Peoples are now part of the 'worthy' group as they no longer disrupt the settler colonial status quo.

4.9.2 Colonial Immersion - Residential Schools

The way power is exercised within residential schools looks different from CSC's approach to Indigenous corrections, but has the same effect of creating Indigenous subjects and populations that are predictable and self-governing. Similar to the immersive healing approach in CSC's approach to Indigenous Corrections where Indigenous prisoners are encouraged "to follow traditional healing as a way of life, 24 hours a day" (CSC, 2019c, p. 2), Indigenous children in residential schools were "kept constantly within the circle of civilized conditions" (Davin, 1879, p. 11) in a type of 'colonial immersion'.

The schools were highly regimented; the children had to keep to a very strict schedule. The Indian Commissioner at the time, Edgar Dewdney, emphasized the importance of these highly structured schedules. He believed Indigenous children did not understand the value of time and this was a trait they had inherited from their parents (TRCC, 2015a). *The Annual Report of the Indian Affairs Department 1887 & 1893* published the schedules for two of the residential schools (See Table 1 and Table 2). The day was broken up into small time increments and every minute of the children's days were accounted for. The timetable is a disciplinary process, whereby the body is regulated through activity. The timetables seen in residential schools are reminiscent of the prison timetables outlined in Foucault's discussion of disciplinary power in *Discipline and Punish* (See sections 3.5 and 3.7). Here, Indigenous children are subject to a panoptic style of surveillance and their bodies are indirectly manipulated through a series of exercises and drills which render the subjects docile (Foucault, 1995). Many survivors report the use of bells to signal it was time to transition to the next activity:

everything was done with a whistle, a buzzer or a bell. We were programmed, and we couldn't go or nothing. When the bell rang that's when you got up and when, you know, everything. When the whistle blew, you were playing outside, you had to come running in, and everything told you what to do. Every, you knew what everything meant to a buzzer or whistle; you know what you had to do. Even when we lined up to go and eat, we lined up at our benches, we'd stand there 'til the nun, I think, rang a bell or something for us to sit down, and then to start eating, you know (TRCC, 2015b, p. 65).

Since the schools were also run by the churches, children were taught Christian values. The residential school timetables include religious practices like "prayers and mass" (Department of

Indian Affairs, 1887, p. 180–181 in TRCC, 2015a, p. 295) and “chapel” (Department of Indian Affairs, 1893, p. 173–174 in TRCC, 2015a, p. 296). Survivors report having to pray numerous times a day: when they woke up, before meals, at the beginning of classes, during church service, and before bed (TRCC, 2015b). One survivor reported developing arthritis in her knees from all the praying she had to do in the school (TRCC, 2015b). The routine for the children also included “fatigue” which is a military term for duties that are assigned to soldiers. In residential schools this term was typically used in reference to chores assigned to the children (TRCC, 2015a).

High River school summer schedule, 1887	
Rising	5:30 o'clock.
Prayers and mass	6:00 o'clock.
Making beds, cleaning for inspection	6:30 o'clock.
Breakfast	7:00 o'clock.
Fatigue, trade instruction	7:30 o'clock.
School	9:00 o'clock.
Recreation	11:30 o'clock.
Falling in, getting ready for dinner	11:45 o'clock.
Dinner, recreation	12:00 o'clock.
School and trade instruction	1:00 o'clock.
Singing class	3:30 o'clock.
Fatigue	4:00 o'clock.
Falling in, getting ready for supper	5:45 o'clock.
Supper, recreation	6:00 o'clock.
Prayer, falling in, going to dormitory	8:00 o'clock.
Lights out	8:30 o'clock.

Table 1 (Department of Indian Affairs, 1887, p. 180–181 in TRCC, 2015a, p. 295).

Qu'Appelle school schedule, 1893	
Pupils rise	5.30
Chapel	6.00
Bedmaking, washing, milking and pumping	6.30 to 7.15
Inspection of pupils in the school rooms to see if they are clean and properly dressed, their condition, health & c., a note being taken of those requiring attention, if of clothes, this is done by the sister directly after dinner	7.15 to 7.30
Breakfast	7.30
Fatigue for small boys	8.00 to 9.00
Trade boys go to work	8.00
School with 15 minutes recess	9.00 to 12.00
Prepare for dinner	12.00 to 12.10
Dinner	12.10 to 12.40
Recreation	12.40 to 2.00
School and Trades	2.00 to 4.00
Fatigue, such as milking, carrying coal, ashes, filling tanks, wood boxes, pumping, sweeping	4.45 to 6.00
Prepare for supper	6.00 to 6.10
Supper	6.10 to 6.40
Recreation	6.40 to 8.00
Prayer and retire	8.00

Table 2 (Department of Indian Affairs, 1893, p. 173–174 in TRCC, 2015a, p. 296).

Survivors report other militaristic practices within the schools: children were expected to make their beds according to military standards, their beds were inspected and if they were not up to standard they would be ripped apart and the children would have to remake the bed until it was done 'right' (TRCC, 2015b). The children were also taught to line up for everything: "Line up to go to the toilet, line up to go wash, line up to go take a shower, line up to go to play, line up to go to school, eat" (TRCC, 2015b, p. 63). Indigenous children learned to self-discipline in order to avoid punishment. Here sovereign power and disciplinary power work in conjunction,

Indigenous children who self-discipline are able to evade violence, but the children who did not self-discipline were subject to sovereign power in the form of physical violence. Survivors describe being strapped, hit, slapped, and humiliated by the residential school staff when they did not follow what was expected of them (TRCC, 2015b).

In both the contemporary and historical examples of Indigenous regulation and oppression, new populations of Indigenous peoples are produced. In the residential school system three new populations of Indigenous Peoples are created: the responsabilized communities which took over operations of the schools in 1969, the docile parents, and the 'civilized' Indigenous children.

4.10 Conclusion

The residential school system used the logics of Western superiority and settler colonial benevolence to justify the regulation and oppression of Indigenous Peoples. CSC's approach to Indigenous corrections uses the narrative of Indigenous Peoples as exceptional and in need of specialized treatment (a narrative that is rooted in the logics of Western superiority and settler colonial benevolence) as the political rationality to justify the use of power in the many governmental technologies explained above. Residential schools created three populations of Indigenous Peoples: the responsabilized Indigenous communities, the 'docile' Indigenous parents, and the 'civilized' Indigenous children. In our current context, CSC's approach to Indigenous corrections creates three new populations of Indigenous populations through their approach to Indigenous corrections: the 'healed' Indigenous prisoners, the role model Indigenous Staff and Elders, and the model Indigenous communities.

In residential schools, Indigenous children were conditioned to accept Western practices, culture, and religion through disciplinary processes of activities and drills. Indigenous children who were successful in becoming 'civilized' were rewarded with opportunities to teach and work for the Indian department. The 'unteachable' Indigenous children were subjected to the violence of sovereign power. Whereas, CSC's approach to Indigenous corrections offers Indigenous prisoners the opportunity to participate in and accept Indigenous spirituality and culture as CSC presents it. If the Indigenous prisoner participates in and accepts Indigenous spirituality and culture as it is presented, they too can become worthy and 'healed' from *their* Aboriginal Social History. For CSC, this has the added benefit of closing the pesky chapter of history that says Indigenous culture and spirituality was taken from Indigenous Peoples, because CSC is now giving Indigenous culture and spirituality back to Indigenous prisoners. The very thing that was forcibly removed from Indigenous children in residential schools is now a requirement for success within CSC. Indigenous staff, Elders, and communities represent an image that is acceptable to settler colonial sensibilities. Indigenous prisoners can subjective themselves, transforming themselves into the image presented to them of what an Indigenous person 'ought' to be within the context of a settler colonial society. Indigenous staff, Elders, and communities are responsabilized for the success or failure of Indigenous prisoners. They come to see the work of 'healing' Indigenous prisoners or preventing recidivism as their responsibility.

Chapter 5: Conclusion

“The Canadian state can simultaneously remain colonial through creative adaptation and also be portrayed as “postcolonial” due to a lack of resemblance with earlier imperial and colonial forms” (Barker, 2009, p. 334).

As my previous chapters have demonstrated, Indigenous oppression is not a thing of the past nor is it *one* dark chapter in Canada’s history. The settler colonial logics of Western superiority and settler colonial benevolence used to justify the creation and implementation of the residential school system are still used today to justify the continued oppression of Indigenous Peoples. These logics/political rationalities can be found in both unconcealed forms of violence (as illustrated by the residential school system), as well as the mundane programs, policies, and initiatives which seem benevolent or reconciliatory (as illustrated by CSC's approach to Indigenous corrections). The Doctrine of Discovery, residential schools, the Sixties Scoop, the pass system, and CSC’s approach to Indigenous corrections are all examples of shape-shifting manifestations of Indigenous oppression and regulation. In this project, I have used a genealogical approach to demonstrate how the residential school system is not an outlier, but part of a continuum of Indigenous oppression that started at the time of European contact and continues today.

In the historical example of residential schools, I discussed how the political rationalities of Western superiority and settler colonial benevolence were used to justify settler intervention on Indigenous Peoples. The residential school system produced three new populations of Indigenous Peoples: the responsabilized Indigenous communities, the ‘docile’ Indigenous parents, and the ‘civilized’ Indigenous children. Different forms of power are exercised and work in conjunction with one another to regulate and produce new populations of Indigenous Peoples

in the schools. I used CSC's approach to Indigenous corrections to illustrate how the political rationalities of Western superiority and settler colonial benevolence persist today. Like residential schools, CSC's approach to Indigenous corrections both regulate and produce new populations of Indigenous Peoples.

CSC's approach to Indigenous corrections uses the overrepresentation of Indigenous Peoples in prison as a political rationality to justify intervention through culturally-appropriate Indigenous accommodations. Statistics are used within CSC's approach to produce norms and standards by which people can be judged. Statistics about offending and recidivism are used to group Indigenous prisoners into an artificial collectivity. Although the collectivity of 'Indigenous prisoners' is artificial, it has come to be seen as real and helps justify the development of targeted interventions designed specifically to address the 'problem' collectivity. In this case, these targeted interventions are the governmental technologies found within CSC's approach to Indigenous corrections. There are also three new populations of Indigenous Peoples produced within CSC's approach to Indigenous corrections: the new 'healed' Indigenous prisoners, the role model Indigenous staff, and the model Indigenous communities. The logics of Western superiority and settler colonial benevolence can be found in CSC's approach to Indigenous corrections in the narrative that presents Indigenous Peoples as exceptional and in need of specialized treatment. Indigenous prisoners are separated conceptually and spatially from non-Indigenous prisoners and 'worthy' Indigenous staff/community members through dividing practices. This makes Indigenous prisoners easier to regulate and govern. Indigenous staff, Elders, and Indigenous communities are absorbed into CSC's approach to Indigenous corrections. They are used for the production of expert knowledge which gives credibility to

CSC's approach, but also aids in the subjectification of Indigenous prisoners. Indigenous staff, Elders, and communities are used in the disciplining of Indigenous prisoners through the surveillance of Indigenous prisoners and by providing a model for the 'worthy' Indigenous group. They are also subjectivized themselves, as they are put into positions where they work on themselves in order to be role models for Indigenous prisoners.

Small Indigenizing changes to prisons, while keeping the settler colonial rationalities that underpin them intact will continue to produce more of the same. The logics used to justify residential schools are still present in CSC's approach to Indigenous corrections. The naturalization of these logics has left us in a type of shared ignorance that has left us paralyzed, unable to make any significant changes that will bring about different results. Until these logics are exposed and challenged, we are doomed to repeat history. CSC's approach to Indigenous corrections is just one example of how settler colonialism continues today. There is a need for the rigorous examination of all policies, programs, and initiatives that impact and claim to 'help' Indigenous Peoples today. Settler colonialism is not a historical event and can be found in the very policies and programs that claim to repair past harms and heal Indigenous Peoples.

There are other parts of CSC's approach to Indigenous corrections that I found deeply troubling, but that I could not address in this project. CSC reported only 3% of Indigenous prisoners identified as having an "affiliation with Aboriginal spirituality on admission" (CSC, 2011, p. 7-8). This means that the vast majority of Indigenous prisoners are exposed to and encouraged to participate in *a form* of 'Indigenous spirituality' for the first time in prison. In a place where a prisoner's behaviour and receptiveness to certain treatment can affect the length of

time spent in prison²⁶, is this really the place to introduce Indigenous culture and spirituality? CSC decides who, when, what, how, and by whom Indigenous spirituality is introduced. The paradox of Indigenous Peoples being put in prison to start their spiritual and healing journey must be recognized. A narrative has developed that requires Indigenous prisoners to participate in culturally-appropriate initiatives in order to ‘heal’ and be successfully reintegrated back into *Indigenous* communities. The Elders, Indigenous Staff, and Indigenous communities are all selected by CSC. Like residential schools, CSC’s approach to Indigenous corrections is another intervention into the Indigenous Peoples’ lives that settlers believe is in the ‘best interest’ of Indigenous Peoples.

CSC’s approach to Indigenous corrections is by no means an anomaly. This approach is simply one manifestation of how Indigenous oppression continues today. Ignorance can no longer be an excuse for causing harm, and for this reason I believe the following questions should be asked when assessing current and future initiatives: What political rationalities are being used to justify the way power is exercised in this initiative? What are the governmental technologies being used to achieve these government ambitions? I believe the analysis of other ‘culturally-appropriate’ Indigenous initiatives would uncover more manifestations of Indigenous oppression and regulation.

Although there are similarities between the political rationalities and governmental technologies used in both residential schools and CSC’s approach to Indigenous corrections, CSC’s approach is not the ‘new’ residential schools, but simply one example of how Indigenous regulation and oppression manifests today. CSC claims “the implementation of *the National*

²⁶ i.e. getting out at one's statutory release date vs. warrant expiry date

Indigenous Plan with the establishment of Aboriginal Interventions Centres at its central feature, will form the cornerstone of the next phase of Indigenous Corrections with CSC and improve results for Indigenous offenders” (CSC, 2019a, p. 27). Although the accommodations CSC has made for Indigenous Peoples are seemingly benevolent, they still regulate Indigenous Peoples and produce new Indigenous subjects and populations. These contemporary examples of Indigenous regulation and oppression are innumerable and can be found in policies, initiatives and programs that claim to help Indigenous Peoples. These could be social programs or even initiatives to promote Indigenous health and wellness. These contemporary manifestations are difficult to identify because they are more nuanced and the logics and rationalities that support them have been naturalized over the course of centuries. My challenge to the reader is to problematize initiatives that claim to ‘help’ Indigenous Peoples and question how they too might be perpetuating the regulation and oppression of Indigenous Peoples.

The progression fallacy fools us into believing that we are constantly evolving as a species and that our current epoch is undisputedly more ethical and progressive than any other epoch that came before. This progression fallacy contributes to the idea that residential schools and the atrocities that happened within them could never be repeated. At their worst, the more covert techniques and practices used within CSC's approach to Indigenous corrections could be seen as ignorant or misguided, and at their best, benevolent. This is especially true when these practices are juxtaposed with stories from residential schools of sexual abuse, abuse, and genocide. However, these practices also show how different forms of power are mobilized, how they can be used to produce new populations of First Peoples and how they can enhance their capacities to be productive in the context of a settler colonial society. In this project I have shown

residential schools as simply one manifestation in a continuum of Indigenous oppression that continues into our current context. Although the techniques used to oppress Indigenous Peoples have shape-shifted, the logics that justify them have stayed the same. CSC's approach to Indigenous corrections is one example of contemporary Indigenous oppression that seems reconciliatory, but is ultimately grounded in the logics of Western superiority and settler colonial benevolence that have caused irreparable damage to Indigenous Peoples from the time of contact until now.

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Appendix A

Culturally-Appropriate Indigenous Programming for Indigenous Men

Indigenous Integrated Correctional Program Model (IICPM)			
Programs	Total Sessions	Elder Involvement	Weekly Schedule
High Intensity Program	111 sessions (90 group sessions, 5 individual, 16 ceremonial sessions)	50% Elder involvement	6 structured sessions per week, seventh session reserved for a weekly ceremony
Moderate Intensity Program	62 sessions (47 group sessions, 5 individual sessions and 10 ceremonial sessions)	50% Elder involvement	6 structured sessions per week, seventh session reserved for a weekly ceremony
Maintenance Program	12 to 13 sessions that each focus on a specific theme and skill set	No information available	No information available
Sex Offender - High Intensity Program	117 sessions (95 group sessions, 5 individual sessions and 17 ceremonial sessions)	50% Elder involvement	6 structured sessions per week, seventh session reserved for a weekly ceremony
Sex Offender - Moderate Intensity Program	70 sessions (54 group sessions, 5 individual sessions and 11 ceremonial sessions)	50% Elder involvement	6 structured sessions per week, seventh session reserved for a weekly ceremony
Sex Offender - Maintenance Program	12 to 13 sessions that each focus on a specific theme and skill set	No information available	No information available

Appendix B

Culturally-Appropriate Indigenous Programming for Inuit Men

Inuit Integrated Correctional Program (IICP)			
Programs	Total Sessions	Elder Involvement	Weekly Schedule
Primer Program	11 sessions that each focus on a specific theme and skill set	has Elder involvement (not specified how much)	5 structured sessions per week (Ceremonial sessions not specified)
Moderate Intensity Program	62 sessions (58 group sessions, 4 individual sessions)	has Elder involvement (not specified how much)	6 structured sessions per week (Ceremonial sessions not specified)
High Intensity Program	108 sessions (62 sessions of the moderate intensity program and then 42 group sessions and 4 individual sessions of the high intensity program)	has Elder involvement (not specified how much)	6 structured sessions per week (Ceremonial sessions not specified)
Sex Offender - Moderate Intensity Program	83 sessions (62 sessions of the moderate intensity program and then 18 group sessions and 3 individual sessions of the Inuit men sex offender moderate intensity program)	has Elder involvement (not specified how much)	6 structured sessions per week (Ceremonial sessions not specified)
Sex Offender - High Intensity Program	143 sessions (62 sessions of the moderate intensity program, 21 sessions of moderate intensity sex offender program, 46 sessions of the high intensity program, 13 group sessions and 1 individual session of the high intensity sex offender program)	has Elder involvement (not specified how much)	6 structured sessions per week (Ceremonial sessions not specified)

Appendix C

Culturally-Appropriate Indigenous Programming for Indigenous Women

Indigenous Women Offender Correctional Program (IWOCP)			
Programs	Total Sessions	Elder Involvement	Weekly Schedule
Engagement Program	12 sessions	100% Elder Involvement	5 sessions per week
Moderate Intensity Program	48 sessions (44 group sessions, 4 individual sessions)	has Elder involvement (not specified how much)	6 sessions per week
High Intensity Program	62 sessions (58 group sessions, 4 individual sessions)	has Elder involvement (not specified how much)	6 sessions per week
Self-management Program	12 sessions	has Elder involvement (not specified how much)	not specified
Modular Intervention (For women in secure units)	4 sessions	Elder involvement required	An initial interview, a motivation for change session, and individual sessions after each module