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Understanding Contemporary Gouvernmentality: Death, Healing and Colonial Patriarchy in Canada

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**Understanding Contemporary Governmentality:**  
*Death, Healing and Colonial Patriarchy in Canada*

**By Jordan Lechnitz**

Thesis submitted to the School of Political Studies and the Institute of Women's Studies  
in conformity with the requirements for the degree of Master of Arts

**University of Ottawa**  
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## **Abstract**

This thesis explores the changing shape of colonial governmentality in Canada through an examination of the complex relationship between the representation and treatment of Indigenous women in Canada and power relations underlying the creation of "healing prisons" run for Indigenous women offenders. It is hypothesized that there is a mutually constitutive connection between the discursive and literal space of death faced by Indigenous women in Canada, and the deployment of specialized prisons as a gendered and raced political technology of the colonial state. Drawing on a wide range of theoretical perspectives to search for the reciprocal links between these disparate phenomena, this paper analyses dominant discourses to understand the emergence of new responsabilizing forms of colonial governance with particularly gendered effects. It concludes with an examination of the possibilities for utilizing a similar de-colonizing critique to counter emerging forms of colonial governance in the contemporary neo-liberal state.

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This thesis is dedicated to the hundreds of missing and murdered Indigenous women in Canada with the wish that they and their families may go forward to find peace and justice.

## Introduction

*One has watched life badly if one has not also seen  
the hand which, in a considerate manner, kills.*

(Nietzsche 1989, 69)

What is colonialism in Canada today? What are its gendered investments and effects? Amid the official fanfare that has proclaimed a "new dawn" (Kemp 2008) in Canada since the federal government apology for residential 'School abuse, these questions are increasingly difficult to ask, let alone answer. In contrast to this official line, Indigenous<sup>1</sup> people in Canada continue to experience the effects of colonialism as poverty, ill health, social marginalization and racialized violence from coast to coast to coast. Yet the very fact that such a claim of reconciliation could be credibly made by the government demonstrates that Canada remains a profoundly secure colonial state, all the more so for its ability to adopt a wide variety of conciliatory postures in the face of Indigenous claims for justice. If this move towards what could be termed state decolonization<sup>2</sup> represents a shift in techniques of governance that characterize contemporary Canadian state relations with Indigenous people - women in particular - it is a political moment with intense lived consequences.

<sup>1</sup>I will be using the term Indigenous in this thesis for two reasons: first, because it is broadly inclusive of people identifying as Aboriginal, Metis, First Nations, Inuit, mixed heritage, status and non-status Indians; and secondly, in deference to the critiques some Indigenous scholars have mounted about the origins and use of the concept of 'aboriginal' as "a legal, political and cultural discourse designed to serve an agenda of silent surrender to an inherently unjust relation at the root of the colonial state itself." (Alfred and Corn tassel 2005, 598)

<sup>2</sup> State decolonization refers to state acts that utilize Indigenous cultural symbolism to attempt to shift the *form* of colonial relations without substantively challenging the colonial power structures that support the current relationship between Indigenous claims for justice and government decision.

I was drawn to this particular Nietzsche aphorism to introduce this thesis because it hints at some of the "epistemic murk in the politics of representation" (Taussig 1987) that prevents any separation of truth from the representation of truth in a colonial context. Nietzsche holds actions deemed "enlightened" up to the greatest scrutiny, so that he may lay bare the lethal structures of power and myth that support them. In a colonial context, this aphorism suggests the need to look beyond state fantasies of order and paternalism to find the creation of a mythical Indian, the wild and dangerous Other that justifies violence, at the heart of the colonial imaginary.

To begin to ask how colonialism and patriarchy function through Canadian state action today we must leave the halls of Parliament and seek out the untidy manifestations of these power structures in marginal sites across the country, both physical and in the national mindscape. In his extensive reflections on power and subjectivity, Michel Foucault suggests that the most productive inquiries of this nature adopt a concern "with power at its extremities, in its ultimate destinations, with those points where it becomes capillary, that is, in its more regional and local forms and institutions" (Foucault 1980, 96). These extremities - prisons, the Downtown Eastside, newspaper editorials, the highway to a remote reserve, non-governmental agency reports - are sites of the production and reproduction of Indigenous women's subjectivity. As I will argue, they form contradictory and complex structure of colonial-patriarchal power in Canada today where the most progressive reforms of state institutions promise change and simultaneously support the most horrific gendered practices of colonialism.

The context that initially framed my approach to colonial-patriarchal power in Canada was a curiosity about the relationship between colonial violence and appropriation of

Indigenous culture. What is the link that joins events such as the disappearance of Indigenous women along the Highway of Tears and government correctional programs that incorporate Indigenous perspectives? How can the state be at once utterly neglectful or complicit in the violences affecting Indigenous women, and at the same time invest relatively significant amounts of time and money to incorporate Indigenous content into programming? What structures of power inform these choices?

With these disparate events and sites forming the backdrop for my research, the primary hypothesis of this thesis is that colonialism in Canada today can be understood as a gendered bio-political project underpinned equally by colonial-patriarchal terror and responsabilizing neo-liberal state policies. To anchor the inquiry, I will focus on the relationship between the colonial space of death created for Indigenous women in Canada and the state appropriation of Indigenous healing practices in prisons for women. This approach will examine the reciprocal constitution of representation (the discursive field where power is rationalized) and intervention (the specific exercise of political technologies) as a framework for unpacking contemporary colonial-patriarchal governmentality (Lemke 2001, 191). The specific examples I will draw on are the cases of the Stolen Sisters, the over 500 Indigenous women identified as missing or murdered across the country since 1980 (Native Women's Association 2008) and the 1994 establishment of Okimaw Ohci Healing Lodge for federal female prisoners in Maple Creek, Saskatchewan. I hypothesize that there is a mutually constitutive connection between the discursive and literal space of death created for Indigenous women in Canada and the settler state's appropriation of Indigenous knowledge evidenced by the existence and operation of Okimaw Ohci.

This work proposes a new direction of study that links analyses of emerging penal practices with a theoretical focus on gender, racialization and colonialism in Canada. As the literature review will demonstrate, previous studies engaging in a critique of these prisons have ignored the particularly gendered and colonial practices employed in these institutions in favour of a wider analysis of marginalized experiences. This research is also a novel attempt to understand the systematic disappearances and murders of Indigenous women in Canada as connected to (and perhaps constitutive of) contemporary practices of state decolonization rather than as individual acts of violence.

After situating this exploration in the existing literature, chapters two and three will expand on the methodology and theoretical framework employed by this thesis. *Theorizing Colonial-Patriarchal Power* is a reflection on the importance of interlocking systems of oppression and engaged dis/location for feminist researchers working in a colonial context. It also defines and critically evaluates the theoretical elements of biopolitics, states of exception, and the colonial imaginary that form the basis of this thesis.

Chapter three, titled *Spaces of Death: Representations of Indigenous Women in Canada*, examines the discursive creation of literal spaces of death for Indigenous women. Spanning media reports, government statements and NGO calls to action, this section aims to reflect on the historical and ongoing subjectification of Indigenous women as political objects excluded from citizenship. Adopting a critical engagement with Giorgio Agamben's work on the state of exception, this chapter interrogates the relationship between law and violence in a colonial-patriarchal context. It also explores the role of risk discourse in the construction of Indigenous subjectivity through the statistical reality of violence.

In chapter four, *Spaces of Healing: Enchanted Technologies of Power*, I look at the exercise of political technologies in prisons that are rationalized by these disempowering representations of Indigenous women through the example of the Okimaw Ohci Healing Lodge for female federal prisoners. This section seeks to understand the marginal site of the prison as part of an expanding regime of highly gendered biopolitical control in the Canadian colonial project. It also considers the implications of state claims over Indigenous ways of knowing, and the links between the colonial fascination with magic and the violence against Indigenous women detailed in part four.

Shifting to a synthesis, *(Neo-)Liberalism, Colonialism and Patriarchy* offers a consideration of the implications of the relationship between death and healing in Canada's colonial-patriarchal project in chapter five. The analysis is framed by a critique of Canada's nationalist narrative of multiculturalism and justice achieved through liberalism. I argue here for an adoption of Foucault's hyperactive pessimism (Foucault 1983, 232) paired with a politics of engaged solidarity in the face of enduring colonial-patriarchal power structures in Canada.

Before embarking on this work, I would like to offer the reader a few points of clarification as well as a strong caution about interpretation. I am attentive to my position as a white researcher who has never done time in prison using the experiences of Indigenous women as ways to understand colonial power relations. As such, I want to be clear that the goal of this study is not to take away from the practical triumph that is Okimaw Ohci. I understand that its formation is the culmination of decades of struggle by Indigenous and non-Indigenous women, prisoner's rights advocates, and Indigenous prisoners themselves (Monture-Angus 2006). It represents, in concrete terms, a

momentous leap forward in the conditions of incarceration for Indigenous women and nothing in this thesis should be construed as a call to dismantle it.

I also do not presume to understand the realities that these women have lived, nor will I disrespect their own views on the prison - for many, Okimaw Ohci may be the most supportive, healing community of which they have ever been a part. Rather, the goal of this work is to be attentive to emerging models of governance within a colonial-patriarchal society. As such, I want to make a clear distinction between the theoretical implications of this exploration and the practical necessity of making prison life more livable for incarcerated women. This dissonance makes sense if Okimaw Ochi is understood to function with the complexity of a Deleuze and Guattari's war machine, as a flow of radical, decentred resistance that is captured into the service of the state the moment it coalesces.

Ultimately, it is my hope that this thesis can serve as a building block for further interdisciplinary research on contemporary colonialism and patriarchy in Canada that will bring together diverse perspectives to help name and dismantle a crisis of systemic oppression that, to be sure, belongs to us all.

## **Chapter 1: Literature Review**

Scholarship in the field of colonial power relations and gender is extensive and wide-ranging. With the general growth of academic interest in Foucaultian analyses of power since the mid-1980s, it is unsurprising that the relationship between gender, power and colonialism has attracted a fair bit of attention in recent years. This literature review will focus on the theoretical approaches adopted by key authors in the fields of post-colonial studies, political philosophy, Aboriginal studies and women's studies in order to contextualize the question of contemporary colonial-patriarchal governance in Canada.

To simplify the discussion, the literature will be grouped loosely around the issues the authors are responding to in their work. The key thematic groupings that I will use are biopolitics and biopower, colonial-patriarchal power relations, violence against Indigenous women, and prisons for women. Authors may appear in more than one section, reflecting the interconnectedness of these themes, but in general I have tried to situate their particular works in one category or the other for the sake of coherence.

### Biopolitics and Biopower

In the introduction to *History of Sexuality*, Foucault opens with the comment: "For millennia, man remained what he was for Aristotle: a living animal with the additional capacity for a political existence; modern man is an animal whose politics places his existence as a living being in question" (Foucault 1978, 143). This thematic of the politics of life itself sets the course for his development of the concepts of biopower and biopolitics, which for him represented a new orientation of power in modernity.

Beginning with the 1977-79 lectures at the College de France, Foucault described the emergence of new apparatuses of security in tandem with the liberalization of the economy. He termed "biopower" a new technology of power that takes "control of life and the biological processes of man as species and of ensuring that they are not disciplined, but regularized" (Foucault 2003, 246-47). In contrast to earlier modes of sovereign power, biopower (in the form of biopolitics) takes the *life* of the population rather than the threat of death as its object of management (Foucault 2007, 17). In a pioneering move, Foucault argued that biopolitics do not aim to control every detail of deviance as in the disciplinary period; rather, he believed that it structures the environment of life at a distance in order to control the final outcome, creating an illusion of free circulation linked closely with the emergence of the liberal economy (Foucault 2007, 34). This concept of biopower represented something of a break with his earlier work, which had focused more closely on discipline and docile bodies.

Early feminist responses to Foucault's theorizing of biopower tended either to focus on its incompatibility with feminism, or to take his analysis of power as a welcome addition to feminist thought. An example of the first reading is the assertion from a feminist psychoanalytic perspective that Foucault's deconstructive methodology "disciplines women by depriving them of the conceptual weapons with which they can understand and begin to overcome their universal subordination" (Balbus 1985, 467). In a similar vein, Nancy Hartsock (1990) rejected Foucault's analytic of power because she felt his dismissal of modernity and emphasis on destabilization served to obscure the systematically unequal power relations experienced by women. While some of these

critiques lack a nuanced reading of Foucault's views on resistance, they nevertheless raise important arguments about the specificity of women's experiences of domination.

On the other hand, many feminists like Jana Sawiki argued that "Foucault frees power from the political domain in much the same way as radical feminists did," (Sawicki 1988, 185) and believed his work could be a helpful tool for feminist projects. Foucault's particular focus on the networked and proliferating nature of power attracted the attention of Jean Grimshaw, who noted that this reflexive, critical focus should also be brought to bear on emancipatory projects like feminism (Grimshaw 1993).

Some feminist responses fell somewhere in the middle, with Monique Devraux (1994) making a helpful distinction between Foucault's early disciplinary work and his later theorizing on biopower in terms of their relative adaptability to feminist ends. Still others looked for points of overlap between feminism and Foucault. In the introduction to the anthology *Feminism and Foucault* (1988), Irene Diamond and Lee Quinby identify four convergences between the theoretical projects of feminism and Foucault: both identify the body as a site of power, view power as local, emphasize discourse, and criticize Western humanism's androcentric focus and its proclamations of universals. More recently, feminist theorists like Judith Butler (1990;1993;1997) and Wendy Brown (1995) have productively engaged with Foucault's work in the realm of gender and identity. Overall, the literature of feminist engagement with Foucault remains very much active and reflective of the diversity in feminist theory itself.

From the perspective of Foucault's engagement with colonialism, the controversy is more muted but equally sharp. Ann Stoler argues that Foucault's work takes place in an

unacknowledged colonial frame that risks reproducing colonial discourses if we do not consider how he sees discourses of sexuality and race mixing (Stoler 1995, vii). While Foucault treated the topic of racism attentively in his lectures on biopower, he still did not consider the importance of imperialism or chart racial discourses on sexuality outside of Europe (Stoler 1995, 25).

Taking up the concept of biopower from an entirely different angle, Giorgio Agamben argued in his 1998 book *Homo Sacer: Sovereign Power and Bare Life* that Foucault missed the important - and often deadly - relationship between biopower and sovereignty. Agamben re-framed biopolitics in terms of bare life and the state of exception, arguing that the production of a biopolitical body is the originary function of the sovereign (Agamben 1998, 6). Much of his work has focused on addressing the politically liminal figure of the camp detainee who is subject to the law but not protected by it. While Agamben's approach is useful and certainly popular, it is also open to critiques of his treatment of gender, his intense focus on sovereignty and his depiction of total victimization that I will elaborate further in the theoretical framework. Nonetheless, Agamben's work indisputably holds a central place in the contemporary literature on biopower.

Responding to Agamben, Italian philosopher Roberto Esposito's study of the history of biopolitics also situates it in response to Nazi thanatopolitics. He theorizes that the camps were an expression of "therapeutic immunity", where the natural life of the body politic is protected and strengthened by death (Campbell 2006). Unlike Agamben, Esposito takes pains to conceptually separate biopolitics and thanatopolitics in a way that avoids essentializing death as the unavoidable outcome of the governance of life: his work

ultimately moves towards conceptualizing an affirmative form of biopolitics based on respect for and openness to the fact that the human body "lives in an infinite series of relations with others" (Esposito 2008, 206). This approach connects him with Michael Hardt and Antonio Negri's *post-Empire* work that posits a popular resistance to capitalist biopower in the "multitude" of humanity (Hardt and Negri 2004, 355).

The expansive nature of philosophical engagement with Foucaultian biopolitics has not escaped the notice of some theorists, leading to calls for a more precise understanding of the limits of biopower as a critical concept. Foremost among these are Nikolas Rose and Paul Rabinow, who argue that highly generalized readings of biopower centered on death (such as Agamben's and Negri's) are misleading and emptied of critical force (Rose and Rabinow 2006, 198). Instead, they offer a much-needed conceptual clarification of biopower that recognizes that it contains at minimum three elements: first, "one or more truth discourses about the 'vital' characteristics of human beings, and an array of authorities considered competent to speak that truth"; second, "strategies for intervention upon collective existence in the name of life and health"; and, finally, modes of subjectification where "individuals are brought to work on themselves" under authority, in relation to truth discourses and in the pursuit of collective health (Rose and Rabinow 2006, 197). This helpful challenge to future research will be difficult for theorists to ignore, given the obvious proliferation in interpretations of biopower and the analytical advantages such a standardized definition offers.

Overall, there is the potential for more research on biopolitics that operates with a complex understanding of biopower, engages a precise analytical framework and situates itself in conversation with feminist concerns. This work will endeavour to remain true to

these touchstones with the goal of producing a rigorous analysis of contemporary colonial-patriarchal practices in Canada.

### Colonial-Patriarchal Power Relations

Although the notion of race is important in understanding biopower, what remains hidden in Foucault's account is an understanding of the particular biopolitical technologies engaged by colonialism. Gayatri Spivak famously critiqued this lack of politicization in post-structural theory, arguing that representing oppression without interrogating the stakes of positing a unified subaltern subject only serves to rehearse neo-colonial modes of domination (Spivak 1988). Partly in answer to this critique, one goal of this work is to relate the notion of biopower directly to the idea of colonial-patriarchal power in order to examine the specific ways in which the control of Indigenous populations is gendered in a late modern context. In earlier work on colonialism, colonial power was often analyzed independently or in relation to a Marxist framework. The more recent general growth of feminist influence in post-colonial studies has led some thinkers to adopt a more interlocking analysis that understands the two systems as deeply integrated. Still others see Western feminism as incompatible with an Indigenous worldview. Accordingly, this section of the review will provide an overview of the development of a feminist critique within theories of colonialism, with a particular focus on work dealing with American Indigenous struggles.

To begin a sketch of the literature treating colonial-patriarchal power, we must return to Franz Fanon's groundbreaking work in *Black Skin, White Masks*. Fanon's theorizing on the corporeal colonial encounter as constitutive of both the colonizer and the body of the

colonized is foundational to post-colonial theory: "In the white world the man of color encounters difficulties in the development of his bodily schema. Consciousness of the body is solely a negating activity. It is a third-person consciousness. The body is surrounded by an atmosphere of certain uncertainty" (Fanon 1967, 110). Yet seminal though Fanon's work is, his treatment of gender has been strongly critiqued by feminists (Bergner 1995) for reifying patriarchal relations within the black community. His ideas have been taken up and advanced by feminist thinkers such as bell hooks (1999), who skillfully reframed Fanon's description of the colonial encounter in gendered and sexualized terms, revealing the masculine colonial desire to consume commodified female Otherness.

Some early theorists on colonialism drew inspiration from Marx's analysis of capitalist commodity fetishism, where money and things stand in for human relationships and contribute to the objectification of the exploited (Marx 1992). Aime Cesaire put it starkly in his 1950 *Discourse on Colonialism* in the "equation: colonization = 'thingification'" of both the oppressor and the oppressed (Cesaire 1972, 21). Yet despite its critical force, orthodox Marxism left little room for a substantive analysis of race as a vector of oppression equal to class. To address this gap, theorists began to take up and examine the linguistic regimes that circumscribe action in colonial contexts.

Common among these approaches to understanding colonialism is the idea that knowledge is not innocent, but is rather profoundly connected to operations of power. Taking up Foucault's work, Edward Said was the first to examine discourse by looking at how formal studies of the 'Orient' as well as certain cultural and literary texts worked to consolidate colonial power (Said 1979). Similarly, Homi Bhabha explored the way that

the Other is itself simultaneously an object of study for postcolonial theory, and constructed by postcolonial theory. His influential theory of hybridity (Bhabha 1994) is a now-mainstreamed attempt to reconcile the need for representation and the dangers of binary constructs in postcolonial theory. This approach can be loosely termed colonial discourse theory, and includes work by feminist post-colonial theorists like Gayatri Spivak and Chandra Mohanty that challenges the colonialism of representations of Indigenous women in both mainstream feminism and postcolonial writing (Spivak 1988; Mohanty 2003).

The recognition that colonialism in the Americas and Oceania is unique in its persistence (Yazzie 2000) and in making "Indigenous peoples a minority in their own land" (Stevenson 1999, 50) has led to specific analyses of colonialism in the lands settled by Europeans following the arrival of Columbus in 1492. Michael Taussig's experimental work (1987) on colonialism in South America used a Marxist-influenced approach to link the extreme colonial violence perpetrated against Indigenous people to the colonial fetish for native magic in Colombia. Yet his work did not specify what made ongoing colonization a particular case different from so-called "postcolonial" states. James Tully makes a helpful distinction between internal and external colonization, with the former referring to a relation based on the "appropriation of land, resources and jurisdiction of the Indigenous peoples, not only for the sake of resettlement and exploitation [...] but for the territorial foundation of the dominant society itself" (Tully 2000, 39). This formulation is important for understanding the way colonial power works in a context where the colonial state remains intact.

More recently, Taiaike Alfred (Mohawk) has drawn connections between forced conformity to state processes of self-determination and the psychic and cultural challenge of simply "being Indigenous" in a context of contemporary colonialism (Alfred, *Wasase: Indigenous Pathways of Action and Freedom* 2005). Linked to this approach are thinkers such as Paula Gunn Allen (Laguna Pueblo), Janice Acoose (Cree Metis/Saulteaux), Winona Stevenson (Plains Cree) and Andrea Smith (Cherokee) who have developed analyses of the gendering of the colonial process, arguing that attacking the social and political status of Indigenous women in their communities is a fundamental tactic of colonial power (Gunn Allen 1986; Acoose 1995; Stevenson 1999; A. Smith 2005). These approaches are united by a belief that colonialism and patriarchy are so deeply interlocked as to be analytically inseparable.

While they take a standpoint that is deeply aware of gender, some Indigenous women writers have resisted adopting an explicitly feminist perspective because they feel Western feminism excludes Indigenous women by insisting that patriarchy is prior to and separate from colonialism. These writers critique this feminist approach as not "removed from the colonial practices of this country" (Monture-Angus 1995, 177) and offer a strong caution against conducting analyses of gender in Indigenous communities through the lens of sexism alone (Lawrence 2003, 5). I have elected to use the term "colonial-patriarchal" throughout this work as a response to this critique of feminist approaches that privilege gender above all else, and also to signal the deep integration of colonial and patriarchal power structures operative in Canada today. Overall, the diversity in Indigenous approaches to the question of colonial-patriarchal oppression is a powerful

reminder of the danger in assuming Indigenous women speak with one voice or experience.

### Violence Against Indigenous Women

Feminist activists and academics have long taken violence against women as a central problem for research and activism. Analysis of the issue from a variety of theoretical perspectives has been diverse and at times very divisive within feminist thought. The literature dealing with violence against women tends to be reflective of the theoretical investments of different feminist philosophies, while some Indigenous writers have challenged the prioritization of patriarchy in analyses of violence against Indigenous women.

Beginning in the second wave, liberal feminists have argued that the right to be free of violence is necessary for equality (Cudd 2006, 85-118) and that the state has a responsibility to provide such protections as are necessary for women to be free from violence (Rhode 1997, 1193-95). They tended to adopt legal solutions to attempt to redress violence through state mechanisms of social justice in order to bolster free choice for women, as in the work of Martha Nussbaum (1998).

Also in the second wave, the enormously influential radical feminist text *Against Our Will: Men, Women and Rape* described rape as "nothing more or less than a conscious process of intimidation by which all men keep all women in a state of fear" (Brownmiller 1975, 15). This perspective, rooted in radical feminism, set up rape and violence against women as the originary basis of modern culture. This argument resonates in Adrienne Rich's 1980 analysis of compulsory heterosexuality and the violence women experience

when they resist patriarchal control (Rich 1980) as well as the expanding definitions of sexualized violence advanced by Andrea Dworkin and Catherine MacKinnon.

Though they remain at the heart of many feminist analyses of violence, these second wave radical feminist understandings of violence have been substantially critiqued for obscuring the importance of the intersection of race and gender in violence against women (Crenshaw 1991). Consequently, a significant body of contemporary feminist literature adopts an intersectional approach that recognizes the interconnectedness of social divisions (Yuval-Davis 2006) to address topics like violence, so much so that intersectionality has been called "the most important theoretical contribution that women's studies [...] has made so far" (McCall 2005, 1771).

Yet despite the popularity of intersectionality, many writers who study violence against Indigenous women stress the need to understand the high rates of violence not just as a result of intersectional oppression, but rather in the context of an ongoing colonial history (Monture-Angus 1995, 132; Baskin 2003, 217-18; Amnesty International 2004, 2; A. Smith 2005, 15). Similarly, bell hooks in *Feminism is for Everybody* argues that a feminist analysis of violence needs to address all issues related to the use of violence as a means of social control, not only male violence against women (hooks 2000, 66).

Writers taking this perspective on colonialism emphasize that the *totality* of violence against Indigenous women must be understood as being rooted in social and political experiences of marginalization, as well as physical abuse: "Violence is not just a mere incident in the lives of Aboriginal women. Violence does not just span a given number of years. It *is* our lives. And it is our histories" (Monture-Angus 1995, 170). As Neferti

Tadiar argues, this permeation of violence occurs because colonial relationships are inherently gendered and sexualized from the state level down: "neo-colonial nations are now like prostitutes to be invested in for the extraction of surplus pleasure (wealth) [...] the sexual fantasy is henceforth literally realized on the bodies of women" (Tadiar 2004, 49-50). In this context, sexual violence against Indigenous women is understood to be as much about the state controlling communities of colour as it is an individual act of domination.

While some NGO and government research has focused on taking a human rights approach to violence against Indigenous women (Amnesty International 2004; National Clearinghouse on Family Violence 2008), many analyses are highly critical of any state solutions to abuse. Bumiller (2008) argued that as the state expanded its intervention in cases of sexual violence, "the feminist movement became a partner in the unforeseen growth of a criminalized society" that both puts women under intense and ever-expanding scrutiny to safeguard their "welfare" and serves to criminalize men of colour (K. Bumiller 2008, xii). In her notable work on sexual violence and colonial conquest, Andrea Smith has demonstrated that there is also a tight link between the appropriation of Native lands for resource extraction and the highly sexualized discourses of "dirty Indian bodies" that construct both the land and Indigenous women as inherently violable (A. Smith 2005, 9). She cites coercive state control the reproductive capacities of Indigenous women - also exercised to safeguard their "welfare" - as further evidence of the impossibility of a state solution to violence against Indigenous women.

To support this argument, some writers offer a historical perspective on the position of Indigenous women in pre-contact society. Patricia Monture-Angus notes that "violence

and abuse (including political exclusion) against women was not tolerated in most Aboriginal societies" (Monture-Angus 1995, 175), a fact seldom recognized in mainstream feminist analysis. Winona Stevenson points out that in contrast to the stereotypical image of the passive "squaw drudge", Indigenous women actively resisted settler attacks on their personal autonomy and power to the point that "missionaries, as agents of social change, [were forced] to seek the coercive backing of the state" (Stevenson 1999, 60). This response is particularly important for understanding why early colonial attempts to win control focused on women, since it reveals the degree to which Indigenous women were politically "made" and tamed through colonial state violence (Chlunke 2001).

More recently, Indigenous artist Rebecca Belmore has created a provocative body of work that responds to the colonial violence enacted upon Indigenous women's bodies (Belmore 2006) through performance art, an approach that is linked to the work of two-spirited poet and activist Chrystos by exploring the role of gender and sexuality in the continuing colonial history of North America (Chrystos, *Dream On* 1991). These works challenge the tendency to relegate discussions of colonialism to academia or history books, all the while recognizing the centrality of gendered violence to the colonial project.

In sum, literature on violence against Indigenous women occupies a challenging position within the larger body of feminist literature on violence against women. It at once agrees with a radical feminist emphasis on the expansive nature of gendered violence, yet rejects the privileging of gendered oppression over colonial oppression. An Indigenous perspective also challenges the appropriateness of state solutions offered by mainstream

antiviolence advocates, a position that is in tension with mainstream human rights responses to violence against women.

### Prisons for Women

Literature dealing with the imprisonment of women is relatively scarce compared with the immense academic attention that has been devoted to men's criminality. It has been suggested that this is in part due to feminism's success in developing theories about women as victims, rather than offenders, in patriarchal relations of power (Daly and Chesney-Lind 1988; Rafter and Heidensohn 1995, 7). To understand how feminists have addressed this issue, Kelly Hannah-Moffat and Margaret Shaw have highlighted three main areas where feminism initially began to engage with criminology: first, in pointing out the neglect of women in mainstream criminological theory; second, in investigating the nature of women's crime beyond traditional stereotypes, and third, by re-examining and challenging the androcentric assumptions that underlay the criminal justice system (Hannah-Moffat and Shaw 2000).

The 1980s and 1990s marked a turning point for feminist criminology with the emergence of studies that focused on women's lived experiences (M. Chesney-Lind 2006, 8). These examined the role of sexual and physical abuse as a factor in women's criminality (Chesney-Lind and Rodriguez 1983; Gilfus 1992; Arnold 1995), girls' participation in gangs (Moore 1991; Chesney-Lind and Hagedorn 1999), and the intersection of gender and race in communities with high levels of drug use and incarceration (Maher 1992; Bourgeois 1993; Joe 1995; Richie 1996). More recently, literature on women who commit crimes has focused on regimes of gender identity

(Williams 2002) in the context of crime with an emphasis on the "complex and shifting" gender order at work in women's experiences (Miller 2005, 7). This work follows the shift in feminist thought that problematizes hegemonic conceptions of what it is to be a woman and the fixity of gender more generally (Butler 1990; Crenshaw 1991; Razack 1998).

Coming out of these analyses, influential prison abolitionists like Angela Davis have linked a critical race and anti-capitalist perspective to understanding modern penal regimes through the concept of the prison-industrial-complex (Davis 2003). With respect to the conditions of incarcerated women, debates have tended to follow along the lines of mainstream criminology in dividing into two perspectives (Hannah-Moffat and Shaw 2000, 15): progressives who view modern reforms in penality as positive and humanitarian and revisionists who argue that changes in the penitentiary have led to more totalizing forms of control (Ignatieff 1978; Rothman 1980; Cohen 1985). Of the latter, Michel Foucault is perhaps the most influential through his landmark work *Discipline and Punish* (Foucault 1975) that elaborated on the shift towards disciplinary techniques that marked the emergence of the modern penitentiary. Yet however groundbreaking their work, mainstream criminologists adopting a revisionist perspective have largely failed to address the situation of women in prison.

Feminist criminologists have attempted to redress this gap in the literature by conducting studies on incarcerated women's perspectives on imprisonment (Shaw, Rodgers, et al. 1991), the availability of specialized programs for incarcerated women (McGrath 1992), and the particular way penal practices affect women in prison differently from men (Liebling 1994). In a typical study of this type, Shaw (2000) developed an analysis of

violence in women's prisons as a gendered social and situational event rather than an individual pathology. She argued that a legal approach to understanding women's violence in prison hides the histories of their lives and the effects of systematic disempowerment on their behaviour. Much research of this type examines correctional practice in minute detail, focusing on penal practices such as discipline charges (Pollock-Byrne 1990; Quinn 1995) and security classifications (Menzies, Chunn and Webster 1992) that are disproportionately used to control women in prison. A key theorist in this area, Julia Sudbury, emphasizes the connections between globalized capitalism and the "global lockdown" of the carceral regimes affecting poor racialized women (Sudbury 2005).

Despite the wide-ranging and critical research put forward by feminist criminologists and activists, there has been little integration of these perspectives into actual penal practice. Two notable exceptions in the Canadian context are the 1990 *Creating Choices* report (TFFSW 1990) and the report by Justice Louise Arbour on the 1994 events at Kingston Prison for Women (Arbour 1996). These reports marked instances of government engagement with feminist concerns about the situation of women's imprisonment in Canada, and in the case of the former, led to substantial organizational change in Correctional Services Canada. Five new prisons for women were created to provide specific services and empowerment programs recommended in the report, though later on it became clear that the government would not honour funding and implementation agreements (Hannah-Moffat and Shaw 2000, 23). Of particular importance for federally sentenced Indigenous women, *Creating Choices* led to the 1994 creation of Okimaw Ohci Healing Lodge on the territory of the Nekaneeet First Nation near Maple Creek,

Saskatchewan. CSC chose the site in part due to the "unadulterated strength of the Nekannet Band's spiritual base" and the recognition that Cypress Hills is sacred place for the band (Haymen 2000, 47).

However historical this collaboration was, the literature that has arisen in response to the new regime of penal practice it created is by no means uniformly positive. Pollack (2005) and Peck (2003) theorize that the new correctional focus on prisoner self-regulation is representative of a larger trend in expanding neo-liberal governance that seeks to better control inmates (and citizens) with a minimum of expenditure. Hannah-Moffat suggests that these new regimes impose particular structures on women: "despite the rise of 'empowerment discourse', women-centred corrections is about responsabilizing the prisoner and not empowerment as defined by those who wrote *Creating Choices*" (Hannah-Moffat 2000, 34). She argues that these new supposedly gentler structures serve only to re-form and strengthen the prison by shifting women's needs into risks (Hannah-Moffat 2004). Though her work has been very important for raising the issue of state co-optation of feminist critique, it ignores the particular ways in which Indigenous women in prison may experience neo-liberal governance.

While some authors feel that the new prisons for women offer positive change for Indigenous women, saying that Okimaw Ohci is "so removed from the traditional prison system that for those who visit, it is easy to forget that it is still a prison" (Sparling 1999, 119), others find the new forms of power exercised there problematic. Many believe the new prison remains a place "remiss in respecting [Indigenous women's] ethnic, cultural and spiritual beliefs" (Morin 1999) and ultimately - even in the case of Okimaw Ohci - a "white space" (Monture-Angus 2000, 53). Moreover, as the 1989 Aboriginal Women's

Caucus put it, these problems only hint at the real issues in state relations with Indigenous people because the core issue is that Indigenous people are subject to a set of laws to which they have never consented (TFFSW 1990, 23). Unlike many authors writing on Indigenous women in prison in terms of risk or cultural accommodation, Monture-Angus proceeds from that basis and so understands law, imprisonment and colonialism as analytically and practically inseparable.

This evolving body of literature suggests that the stakes of incorporating Indigenous knowledge into a mainstream penal system remain high, at best. Critical perspectives on neo-liberal regimes of governance can reveal moments of state co-optation of feminist critique, yet in the Canadian context these observations remain incomplete without taking into consideration colonial power structures.

Clearly, there is scope for further research in all these topic areas to address the integration of colonialism and patriarchy while engaging notions of biopower to draw links between interpersonal and state violence against Indigenous women. The literature on modern penal regimes suggests the need to understand the role of neo-liberal governance in controlling women and racialized populations in prison as reflective of this link between colonialism, violence and gender. In response, this thesis occupies the liminal space between these four issues in an attempt to open a theoretical place for new understandings of colonial-patriarchal governance in Canada.

This look at the theoretical field surrounding questions of colonialism, gender and imprisonment in Canada reveals both a richness of theoretical reflection on the topics, and also identifies spaces where analysis still needs to be done. In particular, the-trend

towards eclipsing race and gender when examining new modes of penal practice suggests the need to pay particular attention to the strategies adopted by neo-liberal governance when it targets Indigenous women. In addition, an examination of which modes of biopower are adopted by the contemporary colonial states as well as a look at how they are gendered and raced will help address a gap in the current literature. This thesis will work in these two key areas of research in an effort to meaningfully contribute to the ongoing dialogue on this important topic.

## Chapter 2: Methodology

What kind of methodology forms a strong analytical basis for feminist, anti-colonial research? This section will outline the theoretical factors that I argue are beneficial for framing an emancipatory analysis of colonialism and patriarchy in such contexts: engaged dis/location, interlocking analysis of oppression, interdisciplinary approach, and finally post-structuralism. I will also situate my work in the tradition of feminist action research and make an argument for taking a political position of solidarity with ongoing anti-colonial struggles in Canada.

Before launching into a methodological discussion, it is necessary to outline the key terms of the question. By contemporary colonialism, I refer to a historically rooted and ongoing process of physical, political and cultural appropriation that Taiaiake Alfred terms:

...a form of post-modern imperialism in which domination is still the Settler imperative but where colonizers have designed and practice more subtle means (in contrast to the earlier forms of missionary and militaristic colonial enterprises) of accomplishing their objectives. (Alfred and Corntassel, *Being Indigenous: Resurgences against Contemporary Colonialism* 2005, 597)

Patriarchy is defined here as institutionalized sexism bound up with racism, colonialism, classism and other forms of systemic oppression, bell hooks describes its function as:

A political-social system that insists that males are inherently dominating, superior to everything and anyone deemed weak, especially females, and endowed with the right to dominate and rule over the weak and to maintain

that dominance through various forms of psychological terrorism and violence, (hooks 2004, 18)

Race is understood as a social construction that, though it is neither objective, inherent, nor fixed, prescribes a hierarchy of domination and subordination based on perceived biological markers of difference related to skin colour. It often implicitly excludes whiteness from critical evaluation. Gender is defined as "the discursive means by which 'sexed nature' or 'a natural sex' is produced and established as [...] a politically neutral surface on which culture acts" (Butler 1990, 11). Importantly, both race and gender can be sources of both personal and political identification.

The goal of this section is to draw together thinking on feminist/anti-colonial positionality, intersectional analysis, inter-disciplinary work, and post-structuralism and illustrate why these four facets form a strong methodology for an analysis of colonial-patriarchal oppression. This approach recognizes that "from the vantage point of the colonized [...] the term 'research' is inextricably linked to European imperialism and colonialism" (L. T. Smith 1999, 1). A reflection on feminist, anti-colonial practice forms an integral part of my methodological approach and is articulated in response to the neo-colonial potential inherent in academic research.

The first element of this anti-colonial, feminist methodology is positionality. Its inclusion at the beginning of this framework reflects a longstanding concern for the potential colonizing effects of social research in marginalized contexts. Arising out of recent feminist discourses on difference that challenge the self/Other and researcher-subject/researched-object dichotomies present in traditional social analysis, positioning

oneself with respect to social oppression has become the norm in feminist streams of sociology, anthropology, and political science.

With respect to my own work, I feel that it is important to establish my location as a researcher - I am white, middle-class and urban, studying the oppression of low-income Indigenous women. The stakes of this representational dynamic are unequivocally high. However, I believe that the form of positionality that has been widely adopted in the social sciences - simply stating the researcher's experiential/identity location at the outset of the work without involving these differences in the analysis - is an insufficient response to this dynamic.

Instead, I will adopt the idea of dis/location that arises out of the work of post-colonial anthropologist Jayati Lal (Lal 1999, 114-16). Dis/location is more than a rote mantra of positionality divorced from analytical implications. Rather, it rejects the native/non-native, insider/outsider dualisms that typify many feminist and post-colonial reflections on research and instead focuses on troubling the notion of *who* is involved in colonialism. By engaging in this complication, dis/location reflects the need to shift the question of the right to research from what has historically been one of identity and experience to one of political and intellectual positioning.

It is important to note that this move does not purport to claim race innocence, or to argue that this positioning can erase or surpass the power differentials between a white researcher and an Indigenous subject. It aims, rather, to do two important things: first, to avoid fetishizing the perfect, essentialized, colonized woman as the sole viable authority

on oppression, and secondly, to acknowledge that non-colonizing theory can (indeed, must) also emerge from a non-subjugated standpoint.

As Sherene Razack argues, there are no naive subject positions outside the structures of colonialism, and non-subjugated researchers using an anti-colonial approach to studying the reproduction of systems of domination necessarily need to answer the question "what do I gain from understanding something this way?" (Razack 1998, 20). This question takes seriously the idea that we are all implicated in the structures of colonialism, and as such have a stake in understanding and - implicitly - in undermining these structures. It also acknowledges the fact that many researchers have built careers on research that has ultimately worked to reinforce colonial structures.

Dis/location helps, as well, to begin answering the challenge implicit in Razack's question by focusing on the complexities of all subject formation, the researcher's included. This complexity allows anti-colonial methodologies like dis/location to avoid reinscribing the Other by working instead, as Michele Fine puts it, to "examine the hyphen at which the Self-Other join in the politics of everyday life" (Fine 1994, 70). By *choosing* to occupy a feminist, anti-colonial intellectual location as a researcher, I become accountable to this commitment throughout my work with a depth that a dualistic statement of positionality cannot offer.

Closely linked with the normative goals behind dis/location, interlocking analysis is the second component of a feminist approach to studying colonialism. Interlocking analysis emerged from the work of Black feminists as a way to understand the interconnection of race, class, and gender oppression within the feminist movement. It refers to an analytical

approach that seeks to define spaces of cross-cutting interest where multiple oppressions intertwine. Interlocking analysis differs from an additive approach to understanding marginality that would imply that being Indigenous and being a woman marks that individual with a double oppression. It also differs in emphasis from an intersectional approach, such as that advanced by Crenshaw (1991), by tracing the ways systems of oppression not just overlap but also secure each other to produce women "into positions that exist symbiotically but hierarchically" (Razack 1998, 13). Interlocking analysis also rejects notions of innocence, "the belief that because we are ourselves in a subordinate position, we are unimplicated in the oppression of others" (Razack and Fellows 1997, 339) that has been so destructive in feminist theory and practice.

Adopting an interlocking analysis is essential in order to meaningfully analyze the links among racism, patriarchy, and colonialism. It works in tandem with the idea of dis/location to illuminate the complex links between different forms of oppression: as feminist sociologist Patricia Hill Collins writes, interlocking analysis is critically important to the feminist anti-racist project because it "shifts the entire locus of investigation from one aimed at explicating elements of race or class or gender oppression to one whose goal is examining what the links are among these systems" (Hill Collins 2004, 110). Within an interlocking approach, it is theoretically impossible to separate colonialism from its gendered effects: sexism, racism, and colonialism can thus be theorized as mutually constitutive. In addition, adopting an interlocking perspective prevents the divisive analytical prioritization of one form of oppression over another.

An interlocking analysis also resists a move towards understanding violence against Indigenous women (or even colonialism itself) through reductive arguments of either

white or Indigenous "culture". Though this may run contrary to some Indigenous perspectives that privilege the colonial relation over all others, it shares the commonality of seeing race, gender, historical experience and class as deeply intertwined. As Sherene Razack suggests, interlocking analysis positions violence against women as something other than a mere cultural element owned only by Indigenous peoples by revealing its roots in historical and ongoing colonial violence perpetrated by the state (Razack 1998, 19). An interlocking analysis of violence against Indigenous women suggests instead that an approach "focusing on a moment in time or incidents of violence, abuse or racism, counting them - disguises the utter totality of the experience of violence in Aboriginal women's lives," a constraint that Patricia Monture-Angus characterizes as another form of "ideological violence" (Monture-Angus 1995, 171).

Interlocking analysis is at its most robust when employed within an interdisciplinary approach, the fourth element of my analytical framework. Interdisciplinary work has always been of particular importance for researchers working in a feminist perspective. Historically, the margins have often been the only sites where feminist work could be conducted in the academy.

Interdisciplinary work as both a practical approach and a mindset is also particularly well suited for a meaningful analysis of colonial relations because it encourages and manifests a blurring of boundaries. As bell hooks puts it in relation to her own work, this border zone can play a political function in the formation of counter-hegemonic (in this case, anti-colonial) cultural practice:

I am located at the margin. I make a definite distinction between that  
marginality which is imposed by oppressive structures and that

marginality one chooses as a site for resistance - as a location of radical openness and possibility, (hooks 1990, 153)

In an interlocking framework, this liminal zone can become a site of political solidarity that is neither fully Indigenous nor completely white. For example, the recent *Aditawazi Nisoditadiwin* conference held by Indigenous and non-Indigenous students at Carleton University explicitly located itself in this liminal space, noting that "in Anishinabemowin (the Algonquin language), *Aditawazi Nisoditadiwin* explains the concept of being between two worlds with an understanding of both" (Aditawazi Nisoditadiwin Conference 2009). The potential of this marginal space (at once traditional and new) for transformative understanding lay largely in the fact that it was created through anti-colonial political and academic solidarity - a possibility that was also present in the creation of Okiamw Ohci Healing Lodge, but remains perhaps unrealized.

Interdisciplinary thinking also encourages the creative application of theories from other critical traditions to political-theoretical arguments. This is especially essential for work that engages with colonialism, because for much of the 20<sup>th</sup> century colonialism functioned formally through the academic disciplines of law, anthropology, history, and medicine. These disciplines have been more directly implicated in colonialism than others because their methods and understandings come from the colonized world, or because they tested their ideas in the colonies (L. T. Smith 1999, 65). It is thus impossible to understand the dimensions of contemporary colonialism in Canada without remembering the minute categorization, cultural dissection, and scholarly erasure that Indigenous peoples have experienced for three centuries in disciplines other than political science and women's studies (though of course, the entire academy is implicated in using

knowledge gained through colonial exploitation). Engaging with the critical anti-colonial schools that have emerged in these disciplines provides fresh perspectives on colonial practices that enrich an explicitly political perspective.

The final facet of my analytical approach is post-structuralism. For the purposes of this paper, post-structuralism will be loosely defined as a political-philosophical *response* to the phenomena Michel Foucault named in his 1974 lectures:

...the immense and proliferating criticizability of things, institutions, practices, and discourses; a sort of general feeling that the ground was crumbling beneath our feet, especially in places where it seemed most familiar, most solid, and closest to us, to our bodies, to our everyday gestures. (Foucault 2003, 6)

The post-structuralism discussed in this work is indebted to the practices of theoretical resistance discussed earlier in the section on interdisciplinarity, and is thus "a theoretical production that does not need a visa from some common regime to establish its validity" (Foucault 2003, 6). This willingness to step on complex, contradictory, and unsettled theoretical ground will be integral to my analytical approach throughout this work.

It is important to note that my thesis is in itself highly indebted to a post-structural reading of texts in context. The exploration of colonialism that I am proposing would be impossible without the recognition that discourse is a site for the production and reproduction of social inequalities. Moreover, I adopt this theoretical perspective actively, rather than by default: it has been argued by some critics that interdisciplinary feminist research has by now been "so transformed by post-structuralist influences that it

is actually an entirely new form of interdisciplinarity" (Jarusch 1989, 438) with a mandatory foundational basis of post-structuralist critique.

Instead, I wish to argue that a post-structuralist approach is necessary, not just convenient, to understand ongoing practices of colonialism. As a theoretical framework, it allows a feminist analysis to take a contextual approach to understanding the complexity of identity that focuses on the minute details of daily life. Although it rejects metanarratives, a post-structuralist approach is not incompatible with a feminist normative approach that takes an anti-oppressive stance; instead, it provides the tools necessary to reveal the diffuse modalities of power operating within a colonial context. To illustrate, I will discuss a few of the ways that Foucault's theories can be operationalized within a feminist, anti-colonial methodology.

Foucault's concepts of governmentality and bio-power are important tools for understanding the diverse links between discourse and the exercise of power, as well as clarifying the connection between the bio-political governance of life and colonialism. By highlighting the ways in which knowledge is connected to control, this approach also opens up the possibility of analyzing the ways that feminism and other progressive movements are complicit in normalization (Butler 1990, 3-6). In the context of a colonial liberal state, this ability to parse the constructive implications of all kinds of discourses is essential.

In addition, Foucault's work on power/knowledge provides several significant analytical tools that will assist in unpacking the unified colonial notions of 'victimized and savage Indian woman' and 'mysterious Indian healing practices'. Understanding colonialism

through an examination of decentralized technologies of power allows a concern power in its local, concretized forms (Foucault 1980, 96) such as prisons, newspaper editorials, the Downtown Eastside and other marginal sites that produce the Indigenous woman as a political subject. This careful attention to the smallest details emphasizes the incompleteness of knowledge, and helps break down the distinction between subjective and objective knowledge that works to discredit feminist and anti-colonial ways of knowing.

Furthermore, adopting some of Foucault's concepts of the body allows an analysis of the Indigenous female body as the inscribed surface of colonial events. Blending this analysis with Judith Butler's work on performative resistance ensures that bodies are not seen as simply or uniformly docile, but also as capable of action. Her conception of resistance engages with Foucault's insistence that there is no escape from power, but nuances the argument by suggesting that the subject is neither fully determined by power nor fully determining the power, but a bit of both (Butler 1997, 94). This embodied analysis of power fits at once with a post-structuralist approach and a normative feminist approach, and moreover is an essential ingredient in any meaningful analysis of colonialism's particularly violent effects on women (both physical and otherwise).<sup>3</sup>

By adopting a post-structural approach in tandem with a feminist, anti-colonial one, I hope to implicitly engage in the emerging field of post-structural ethics focused on a politics of deconstruction in which responsibility is foregrounded. However, in taking a

**Vancouver artist Rebecca Belmore's art deals powerfully with this theme. In her performance piece *Vigil* (2002), Belmore literally uses her body as a surface to inscribe the names of Indigenous women who were murdered on the Downtown Eastside. The piece at once evokes the colonial construction of bodies and subjectivities through violence, as well as the possibilities for creative repetition inherent in the power of naming oppression.**

post-structural perspective, I am conscious of the need to ensure that this anti-colonial, feminist analysis does not simply come to despise power, even in myself as a researcher or in Indigenous women who may seek it for their own purposes. I am also aware of the need to emphasize the importance of capitalism in colonial technologies of control and in the circulation of Indigenous women in a colonial economy, an angle that is at times neglected in the canon of post-structuralist thought.

In sum, I argue that these four bases - dis/location, interlocking analysis, interdisciplinary work and post-structuralism - support an insightful, gendered analysis of ongoing colonial practices. They work together to create a methodological structure that is at once solidly invested in an anti-colonial approach, yet supple enough to respond to the contradictions and counter-flows revealed by de-naturalizing colonial practices.

I also wish to situate my methodological approach within the tradition of feminist action research, a style of research whose purpose is to "create new relationships, better laws and improved situations" (Reinharz 1992, 175). Much of this work will unfold through feminist discourse analysis in the Foucaultian tradition of deconstruction, which is focused on a careful reading of detail and context. I believe that this can be considered a form of feminist action research, albeit an unconventional one. The political commitments of this thesis recognize that the very fact of obtaining knowledge creates the potential for change by revealing the power structures that underlie the creation of that knowledge. If an extension of truth is always also an extension of power, then engaging in a deconstructive methodology has the possibility to extend power to marginalized ways of knowing. The action that this research undertakes is one of

undermining colonial "truths" about Indigenous women with alternative narratives about colonialism itself.

Despite the demystifying potential of deconstruction and discourse analysis, it is important to recognize that these methodologies have limits as tools for political change. As Linda Smith puts it, "in a decolonizing framework, deconstruction is part of a much larger intent. Taking apart the story, revealing underlying texts, and giving voice to things that are often known intuitively does not help people to improve their current conditions" (L. T. Smith 1999, 3). This "larger intent" is substantive political and social change for Indigenous peoples, a project that necessitates both an academic *and* political commitment to working in solidarity with these struggles. In the course of undertaking this research, I have spoken with Indigenous activists, families of missing and murdered women, advocates for women in prison, and a multitude of other academics and students who consider themselves part of a larger anti-colonial, feminist struggle. By working on this topic from a similar perspective, I have become part of this community and share many of its political goals. Like others in this community, my commitment to this struggle does not begin or end with academic work, and I feel that this ongoing political commitment of solidarity fits comfortably with the methodological perspective I have adopted here.

### **Chapter 3: Theoretical Framework**

The original question that sparked my interest in this subject - what is the connection between colonial gendered violence and the appropriation of Indigenous knowledge? - underpins the theoretical framework of this inquiry into colonial power. Michael Taussig theorizes that there is indeed a link between the extreme colonial violence perpetrated against Indigenous people and the mythology of native spirituality in colonial societies (Taussig 1987, xiii). He argues that for white colonizers, Indigenous peoples are seen to possess magical curative abilities because of the wild, savage nature ascribed to them and their experience surviving horrific colonial violence. Conversely, it is this mythic Other status that underpins the space of terror and death in colonial societies because it enables white colonizers to discursively remove Indigenous peoples from the realm of the human. This imaginary of death creates "an uncertain reality out of fiction" where the "unstable interplay of truth and illusion becomes a phantasmic social force" (Taussig 1987, 121) leading to terrible violence. For Taussig, colonizers seeking the power of Indigenous knowledge for themselves reified their own myths of the pagan savage as a fetishized truth that justified violence.

The connection between colonial violence and colonial mythologies of Indigenous magic also reappears in the form of appropriation of Indigenous culture by non-Indigenous people, as in the case of so-called "new age" religions that rely heavily on borrowed Indigenous imagery and symbolism. Andrea Smith casts this type of spiritual appropriation as a form of colonial sexual violence: to be invited to know a person closely and intimately is a mark of consensual sexual relations, just as consent and the power of knowledge are important in spiritual practice (A. Smith 2005, 119-20). In

contrast to the perception that the oppression of Indigenous peoples is a result of general ignorance of the value of their culture, Smith makes the important point that knowledge of Indigenous communities is itself often violently appropriated in the course of a struggle over the landbase that grounds Indigenous spirituality and culture (A. Smith 2005, 121). Undermining the connection between Indigenous spiritual practices and the landbases that ground them has the real effect of undermining Indigenous claims to sovereign control over these lands. Indeed, Rayna Green has suggested that "the living performance of 'playing Indian' by non-Indian peoples depends on the physical and psychological removal, even the death, of real Indians" to make metaphorical space for colonial appropriations (R. Green 1988, 31).

The political importance of spiritual and cultural appropriation of Indigenous knowledge, as well as its connection to colonial-patriarchal violence, becomes clearer when the role of this knowledge in state interactions with Indigenous women is laid bare. To examine how the reification of the racialized Other is gendered in a colonial context and the particular ways that Canadian political geography both appropriates and erases Indigenaity, a varied toolbox of theoretical concepts broadly inspired by a Foucaultian interest in the "modes of power by which, in our culture, human beings are made subjects" (Foucault 1982, 777) is necessary. While the primary target of this analysis is the Canadian colonial state writ large to include some elements of popular culture and discourse, I am aware of the analytical slackness that this approach invites. My response to this quandary takes inspiration from Kristen Bumiller's work on sexual violence and the state, who writes:

In an analysis of the politics of state action, it is important to differentiate between political ideology, governmental practices, instrumental policies, and the actions of individual actors. The power of the state emerges through highly diffuse forms of authority that influence people in everyday life and become constituted in citizens' political consciousness. (K. Bumiller 2008, xii)

It is precisely this political consciousness and the ideologies, practices, policies and actions of colonial-patriarchal state power that constitute it that I wish to flesh out in this work. To do this, I will be relying on a theoretical framework developed by linking together conceptual tools provided by a diversity of thinkers in a form of *bricolage*,<sup>4</sup> While indebted to Foucault's writings for inspiration and a methodological starting point, this approach accepts his challenge to take up his work on power and subjectivity and "do something like it"<sup>5</sup> from a new perspective.

The framework of analysis that I have adopted here anchored in three main concepts: biopower, neo-liberal governmentality, and the state of exception. These ideas are necessarily intertwined in both theory and practice, and I will try to highlight where these connections occur. Additionally, I am intentionally excluding gender as a distinct theoretical axis in the belief that gender analysis must manifestly cross the entirety of my approach. Beginning with biopower, I believe that these concepts provide a robust

<sup>4</sup> *Bricolage* is a concept elaborated first by Claude Levi-Strauss and extended by Jacques Derrida to indicate the experimental assemblage of pre-existing concepts into new forms. In *The Anti-Oedipus*, Deleuze and Guattari call it the characteristic concept-method of the schizophrenic thinker. See Gilles Deleuze and Felix Guattari, *The Anti-Oedipus: Capitalism and Schizophrenia*, trans. Mark Seem, and Helen R. Lane Robert Hurley (London: Continuum, 2004) 7-8.

<sup>5</sup> In 1976, Foucault responded to the question of whether or not his work could be seen as a set of prescriptive teachings: "In my case it's another matter entirely; my books don't have this kind of value. They function as invitations, as public gestures, for those who may want to eventually do the same thing, or something like it, or, in any case, who intend to slip into this kind of experience." See Michel Foucault, *Remarks on Marx* (New York: Semiotext(e), 1991) 40.

framework for analyzing the shapes of colonial-patriarchal control operative in Canada today.

As theorized by Foucault, biopower is a technology of power that takes the *life* of the population rather than the threat of death as its object of management (Foucault 2007, 17). Although Foucault is commonly credited with first theorizing on biopower, Italian philosopher Robert Esposito's study of the history of biopolitics traces the origin of the term back beyond Foucault to Swedish philosopher Rudolf Kjellen in his 1916 book *The State as Form of Life* (*Staten som Lifsform*). Kjellen and a wider group of his contemporaries in Germany understood the state as analogous to the living body, "to the extent that it is furnished with instincts and natural drives" (Esposito 2008, 16). This conception led to a theory of immunity focused on "inoculating" the body politic against external contamination. While a complete genealogy of this history of biopower has not yet been undertaken as Foucault suggested it must be, Esposito's work offers an intriguing hint at what could be unearthed by such a study.

Biopower in contemporary states is primarily concerned with the functions of "letting die" and "making live" (Rose and Rabinow 2006, 211) rather than on sovereign displays of violence. To do this, it does not aim to control every detail of deviance as in the disciplinary period; rather, biopower structures the environment of life at a distance in order to control the final outcome, creating an illusion of free circulation linked closely with the emergence of the liberal economy (Foucault 2007, 34). Since biopower is invested in the management of series, averages, and accidents rather than cases (Foucault 2007, 35), it has given birth to a whole complex of power-knowledge with its own experts on statistical understanding. Importantly, because of this focus "at a distance",

Foucault's conception of biopower no longer understands people as individuals but instead as a de-personalized population knowable through statistics (Foucault 2007, 85). Normalization consists then of regularizing the most unfavourable or deviant numbers and bringing them in line with the general statistical curve of the population, a drive that is evident in the Canadian government's close concern with Indigenous health in Canada and in earlier population control efforts that sought to root out the "biological contaminant" of Indigenous blood by exercising general control over the reproductive capacities of the Indigenous female body (A. Smith 2005).

In charting the changing face of colonial-patriarchal power in Canada, it is important to note that although biopower and disciplinary power emerged and were dominant in different historical periods, they are able to coexist and overlap in practice (Foucault 1980, 22) just as disciplinary power works alongside sovereign power. Alone, Foucault's descriptions of their emergence and function offer important analytical tools for feminist, de-colonizing work; yet, as Thomas Lemke reminds us, "it is not possible to study the technologies of power without an analysis of the political rationality underpinning them" (Lemke 2001, 191). For this reason the Foucaultian concept of governmentality, and in particular neo-liberal governmentality, needs to have a central place in this analysis.

Governmentality - rooted in the broad understanding of government as the "conduct of conduct" (Foucault 1991) - has two functions. First, governmentality shapes *representation* through the definition (by marking borders, defining concepts, etc.) of a discursive field where power can be exercised. Second, *intervention* is structured by the political understanding of reality, which determines which technologies of power will be employed to govern (Lemke 2001, 191). Thus the state of hegemonic domination over

Indigenous women in Canada can be seen as an effect of the technologies of governance employed to systematize and institutionalize their marginalization.

Governmentality makes visible the rational processes of domination and erasure that characterize the colonial-patriarchal state's relation to Indigenous women. Its conceptual strength lies in its dual focus on the productive role of representation *and* intervention, rather than taking either function as pre-determined social reality. Consequently, the two key functions of representation and intervention will structure this analysis as it attempts to understand the political rationalities underpinning the emergence of new technologies of power to govern Indigenous women. By studying the way that the conduct of Indigenous women is delimited by the colonial state in light of colonial-patriarchal rationalities, governmentality allows for a thorough analysis of the power relations that structure contemporary colonialism.

The specific question of *neo-liberal* governmentality becomes central when we consider the links that connect its surfacing to the materialization of biopower as a political technology in the 20<sup>th</sup> century. As Foucault has noted, both are intimately linked to the emergence and growth of the liberal economy in the past century, both have established a hegemonic position in western liberal democracies, and arguably both can be said to be reorganizing the social as we know it. What makes neo-liberal governmentality a particularly compelling object of study in an anti-colonial framework is the degree to which, I will argue, its rationality has come to underpin almost all state interactions with Indigenous women in Canada.

Economically speaking, neo-liberalism commonly refers to a school of economic thought that rejects Keynesian welfare state economics and embraces the political economy of the Chicago school, best epitomized in the thought of Milton Friedman. Neo-liberal economics is characterized by a focus on free trade, maximized competition, economic deregulation and a host of other monetary and social policies generally considered "indifferent toward poverty, social deracination, cultural decimation, long term resource depletion and environmental destruction" (Brown 2003, 3). Wendy Brown argues that these descriptors, though popular, miss a key dimension of neo-liberalism: they "eschew the *political rationality* that both organizes these policies and reaches beyond the market" into the sphere of the political and social (Brown 2003, 4).

For Brown, this neo-liberal rationality is deployed as a form of governmentality because it involves "extending and disseminating market values to all institutions and social action" while leaving the market as a distinct entity (Brown 2003, 7). She identifies four characteristics of neo-liberal political rationality: first, that all dimensions of human life are submitted to it; second, that economic rationality is not seen as natural but is instead supported and protected by laws, political institutions and social norms; third, that economic rationality extends to prescribing the conduct of citizen-subjects; and fourth, that the consequences of this proliferation of neo-liberal rationality severely narrows the criteria for creating good social policy (Brown 2003, 9-18). For my purposes, the first three characteristics merit particular focus as technologies of colonial-patriarchal power.

The importance of the notion that all actions in life are submitted to a rational entrepreneurial calculation comes forcefully into focus when we consider the normative claim that underlies this assumption. If all decisions in a neo-liberal order are supposed to

be rational and calculated based on maximizing utility, then decisions that do not fit this approach are cast as immoral. Thomas Lemke captures this move neatly, arguing that neo-liberal governmentality:

... aspires to construct prudent subjects whose moral quality is based on the fact that they rationally assess the costs and benefits of a certain act as opposed to other alternative acts. [...] the consequences of the action are borne by the subject alone, who is also solely responsible for them. (Lemke 2001,201)

In a colonial-patriarchal framework, this normative claim is deeply gendered and raced. As I will argue, when the choices offered to Indigenous women emerge from this neo-liberal framework, it is not just their adherence to market rationality that is being judged - it is the very viability of their way of life that is at stake. If Indigenous women do not adequately "manage" their lives according to this rationality, this is often interpreted as a failure of Indigenous culture itself. This perception of cultural failure is deeply problematic, since "when racism and genocide are denied and cultural difference replaces it, the net effect for Aboriginal peoples is a denial of their right to exist as sovereign nations and viable communities" (Razack 1998, 61).

Moreover, when moral autonomy is measured by an individual's capacity to self-improve, the space for an analysis of systematic constraints on choice is almost completely foreclosed. This has particular consequences for marginalized groups of women, who have traditionally been the target of responsabilizing (and by extension *moralizing*) forms of welfare state intervention. The political implications of the surveillance and discipline integral to these "empowering" interventions have been well catalogued in the work of thinkers like Barbara Cruikshank (1999), and I will be drawing

out a similar analysis specific to the contemporary colonial-patriarchal state. Specifically, an interlocking analysis of the way discourses of responsibility are moralized in particular ways around women, Indigenous people and "criminals" will allow for a greater understanding of the way these groups are often positioned as the necessary Other to the moral, self-regulating subject of neo-liberalism.

Closely tied to these questions of citizenship and community viability is the notion of exceptionality in a biopolitical framework. For this task, the work of Italian legal theorist Giorgio Agamben comes to the forefront. Agamben is perhaps most noted for his desire to engage analytically with the darkest aspects of sovereign power. His work takes up Foucault's concept of biopower and explores the axis of state and biopower to understand the ways that state power relies on the reduction of certain non-citizens to bare life and death to solidify its sovereign position.

In moving the concept of biopower onto the terrain of sovereignty and law, Agamben provides an important framework for the gendering and racialization of bare life in liberal democracies. For Agamben, the apparent paradox of the foundational necessity of bare life to sovereign power is best embodied in the ancient Roman concept of *homo sacer*. The term refers to a man who has been excluded from the polis and can be killed with impunity, but who cannot be sacrificed. This reduction from citizenship to "bare life" with no symbolic value through sovereign decision is, for Agamben, the originary function of the sovereign (Agamben 1998, 88). The "state of exception" where bare life is created emerges when the myth of sovereign power takes up the body as a means of constituting its sovereignty. In colonial states, the body that is taken up as *homo sacer* by sovereign power has most often been Indigenous: they are people subject to the

sovereignty of laws that have no ability to protect them, perhaps because they trouble "the nation-state from within as a reminder of the inability of the state to conclude the act of colonization" (Pratt 2005, 1057).

Agamben's insistence on mapping biopower onto juridical structures of power is certainly helpful for reading systemic marginalization onto an analysis of citizenship. However, it is not unproblematic. Throughout this work, I will be adopting a pose of critical engagement with Agamben's theories on the state of exception and bare life. Agamben's recent popularity has led some feminist thinkers to overlook or minimize the limitations of his approach<sup>6</sup> in deference to the political richness of his work. Despite the definite emancipatory potential of his work for thinking about the late modern state, it is important to outline some of the ways in which his thought does not fit within the Canadian colonial context that I seek to understand here.

There are three main tensions between Agamben's thought and its applicability to colonial patriarchy in Canada: first, his treatment of gender; second, his operation on the plane of state sovereignty; and third, his focus on total victimization. The first critique is perhaps obvious, but Agamben's persistent conflation of masculinity with humanity requires a thoughtful response within a feminist paradigm.

In his theorizing on the sovereign ban, Agamben's exclusion of women from the category of the human is no clearer than in his reading of the French bandit legend of Bisclavret. Referring to the adulterous woman in the story, he writes: "The inevitable encounter with

<sup>6</sup> See Geraldine Pratt, "Abandoned Women and Spaces of Exception," *Antipode* 37.5 (2005): 1052-1078; Rosa Linda Fregoso, "'We Want Them Alive!': The Politics and Culture of Human Rights," *Social Identities* 12.2 (2006): 109-138; Kirsten Campbell, "Legal Memories: Sexual Assault, Memory, and International Humanitarian Law." *Signs: Journal of Women in Culture & Society* 28.1 (2002): 149-179.

the ex-wife and the punishment of the woman follow. *What is important, however*, is that Bisclavret's final transformation back into a human takes place on the very bed of the sovereign" (Agamben 1998, 108, emphasis added). Deemed unimportant, the woman is merely a site where male challenge can be acted out and she is erased immediately in Agamben's telling. As Lisa Sanchez writes of this passage, "his outlaw is not complete, but emblematic of a kind of privileged and partial exclusion, a displacement that is temporary and that depends on a figure [woman] whose exclusion is more complete" (Sanchez 2004, 868).

While it is possible to make his state of exception / bare life thesis do the work of gender that he does not do on his own - Judith Butler has certainly engaged with Agamben quite productively on this level - it is also important to go beyond simply noting the explicit exclusion of women from his philosophical-political lexicon. Feminist appropriation of the concept of bare life is best done modestly and without the claim that his theories are a perfect fit for the lived lives of women, lest we replicate the invisible exclusion of women that haunts Agamben's texts.

The second point of tension between my understanding of the structure of colonial patriarchy in Canada and Agamben's state of exception is his emphasis on framing biopower strongly in terms of sovereignty. By mapping biopower so solidly onto sovereignty and state action, he offers some tools for understanding but also pushes me further from what I am trying to use his work to define: a colonial, gendered space of terror that is created for Indigenous women in Canada. Of course, colonialism in Canada does and always will operate through the formal mechanisms of state and law, but what creates and re-creates the space of terror - ingrained discourses of racism and sexism

expressed through violence - does not flow directly from sovereign state decision onto the subject. Rather, it is diffuse and operates at the level of lived life itself, through interactions with discourse, state and non-state actors alike.

While some of Agamben's work can be read this way, his emphasis on the legal exception and the *nomos* as the hidden paradigm of modern democracy suggests that the power he is talking about is almost exclusively sovereign state power. Bare life, then, is radical exposure to *sovereign decision*, which is not purely the case in colonial patriarchy in Canada. Unless we can consider patriarchy (men) and hegemonic Canadian society (white) as the deciders alongside the state - a view Agamben would be unlikely to endorse - then the state remains the central decider, despite the crosscutting totality of colonial violence against Indigenous women that occurs at the hands of a diversity of actors.

Moreover, if Agamben is arguing that we are all at some level *homo sacer* (because the paradigm of modern democracy is the camp), then it needs to be asked: where does that leave the particular power structures of colonialism and patriarchy that exist in Canada? It seems clear that arguing that bare life is in any way "equal opportunity" is not a viable standpoint in this context. Even further, if we examine how Agamben structures the state of exception - as a suspension of the normal functioning of law - then it seems that the space of terror constructed for Indigenous women in Canada falls outside his ideas of exceptionality. Colonialism is not responding to any particular spatio-temporal crisis: rather, it is an intrinsic feature of the law in Canada. It cannot be a legal exception because it *is* the law.

In this work I will be making an argument about the ways Indigenous women are exposed to or made bare to the arbitrariness of law in a way that other Canadians are not. That is, they are subject to a law that won't protect them *and* that they never consented to (in a social contract sense). While I do not want to overstate the point, I will suggest that this reading represents a shift from understanding Agamben's theory on a purely legal level to looking at it in the context of the norms of liberal democracy and human rights Agamben critiques. In a sense, this is a way of entering into Agamben's work on sovereignty through the back door: human rights and the norms of liberal democracy are for Agamben the original way of inscribing natural life into the juridical-political order of the state (Agamben 1998, 127).

Finally, the last point of contention that emerges in Agamben's work when it is read to understand contemporary colonialism and patriarchy is his representation of absolute victimization. Agamben's thanatopolitical orientation towards biopower is critiqued sharply by Paul Rabinow and Nikolas Rose for its totalizing conclusions on the fundamental nature of the modern era: "it is to trivialize Auschwitz to see it as the hidden possibility in every instance where living beings enter the scope of regulation, control and government" (Rose and Rabinow 2006, 200-01). Agamben's desire to seek the poetics of death in all elements of life in modernity has particular implications in a colonial context.

Specifically, by representing the excluded group as total victims - his choice of the emaciated, soulless *muselmann* as *the* figure of modern biopower - his representation of absolute oppression serves to reinforce the colonial imaginary of terror. In this context, Philippe Mesnard argues that Agamben "reproduces and makes his own the very logic upon which terror is built, a logic which from his early writings carries the idea of

dominated man crushed by the omnipotent 'all'" (Mesnard 2004, 149). The absoluteness of victimization in Agamben's work prevents an analysis of the complexity of the oppressive situation that would recognize that there are moments of resistance in the heterogeneous power structure of colonialism.

To sum up, although Agamben's work offers rich insights for theorists concerned with the politics of exclusion in a biopolitical age, it is also important to take into account the points of contention with an analysis of patriarchy and colonialism. His exclusion of gender, orientation towards sovereignty, and representation of victims are moments of unease when trying to apply his work in the Canadian colonial context, and I will be attentive to these moments throughout this work.

Beyond these critiques, I believe that Agamben's arguments do offer an opening to being read through gender and race. In particular, his argument that the possibility of suspending the law foundational to modern democracy allows the elimination "of entire categories of citizens who for some reason cannot be integrated into the political system" (Agamben 2005, 2) suggests that his theory of exception can be aptly used to understand the "barer" life experienced by Indigenous women in Canada. Though his theory does not account for their gendered experience of the violence, nor the myriad of ways they resist it, it does offer a way to examine the link between violence and sovereignty.

In this vein, it can be argued that Indigenous women's experiences of sexual violence are comparable to that of Agamben's *homo sacer* who can be killed with impunity by anyone, but never sacrificed in a meaningful way. The violation and death of Indigenous women is granted no larger meaning outside the spectacular yet normalized sexual

violence used to accomplish their erasure, and the correspondingly spectacular state response to uphold the law for the safety of the colonial nation. Before their death, Indigenous women are subject to the logic of the state of exception where they are bound by the law of the state yet not protected by it; in their death, they confirm the sovereign power of the colonial state to exclude Indigenous people from the meaningful goods of citizenship like legal protection from violence. Missing Indigenous women remain missing because of this logic of impunity without sacrifice - they are perceived to have deserved their fate because of highly gendered judgments on the "immorality" of their individual choices, and their disappearance is ultimately accorded no meaning other than to simply reaffirm the fundamental riskiness of being an Indigenous women in Canada.

To conclude, in this section I have put forward a theoretical framework focused around the concepts of biopower, neo-liberal governance and the state of exception. Examining colonial oppression of Indigenous women by foregrounding a Foucaultian analysis of subject formation takes into account the disunity, multiplicity, and changeability of techniques of colonial-patriarchal domination in Canada. Taking a cue from Lemke's understanding of governmentality, examining the representation of Indigenous women and then the political technology used to subjectify them enables a reflection on the reciprocal constitution of representation (the discursive field where power is rationalized) and intervention (the specific exercise of political technologies). Agamben's theories of bare life and the state of exception bring biopower to the state, providing an important - thought problematic - way to understand the systemic marginalization of Indigenous women with respect to citizenship rights and judicial decision. Woven throughout is the necessity of understanding questions of contemporary colonial-patriarchal governance in

light of the hegemonic neo-liberal rationality that has come to take a central place in Western political decision. Taken together, these concepts will provide a basis to examine the ways colonial-patriarchal governance engages particular technologies of representation and control to rationalize the exploitive racial and gender inequities existent in Canada.

#### **Chapter 4: Spaces of Death - Representations of Indigenous Women in Canada**

With these theoretical reflections in mind, it is now possible to examine how the political existence of Indigenous women in Canada is constructed in hegemonic discourse. This approach understands discourse - both state discourse and discourse circulating in popular culture - as a site of the production and reproduction of social inequalities, and as such an important object of study. This being said, there is no doubt that Indigenous women in Canada have suffered and continue to experience high levels of concrete violence in their homes and communities. In this chapter I argue that discourses of marginalization are on a continuum of violence with physical acts of racist, gendered violence. The days of overtly sovereign colonial policies like residential schools and forced disenfranchisement may be over, but their legacy lingers in the way Indigenous women are studied, written about, and even in the way advocacy is conducted on their behalf. These discourses of exclusion and violence form the political basis for the healing prison, and as such understanding their construction is necessary to understand the workings of the prison itself.

This section will examine a few of the key sites where the construction of Indigenous women in Canada operates most revealingly: the link between body and territory, the notion of Indigeneity as risk, and the connection between death and political visibility. The sources used in this section are primarily government statements (official and otherwise) about Indigenous peoples in Canada, media reports covering missing and murdered Indigenous women, and Amnesty International's *Stolen Sisters* report. I have chosen these sources because they contain moments of text and policy that explicitly construct and target Indigenous women within a larger discourse of Canadian justice,

freedom and civilization. They are also commonly positioned as innocent relative to colonial, racial and sexual oppression. Precisely because these texts are presented as objective or even progressive, I believe they are important sites of study for understanding the way systemic oppression is simultaneously reinforced and rendered invisible in contemporary Canada.

Laced throughout discourses constructing Indigenous women is the important link between body and territory. The nexus of contested territory and Indigenous bodies forms the central site of colonial conquest in Canada. Land, in this colonial frame, functions at once as an imaginary *terra nullius* to be perpetually cleared of Indigenous bodies to better conform to a nationalistic narrative of state formation and as a resource to be circulated in the market economy. Indigenous bodies occupy this land, but are also sites of conquest themselves: as I will argue, in the case of Indigenous women this conquest is often sexual and relative to notions of white, bourgeois women's sexuality.

As the "inscribed surface of events", Foucault understands bodies as "totally imprinted by history and the process of history's destruction of the body" (Foucault 1977, 148). In a colonial history, Indigenous bodies are imprinted by the markings of violent exclusion stemming from the biological threat they seem to pose to white, European populations settling in their traditional territory. Ann Stoler situates this bodily conquest in a context of ever-extending biopolitical control: this "racism does not merely arise in moments of crisis, in sporadic cleansings. It is internal to the biopolitical state, woven into the web of the social body, threaded through its fabric" (Stoler 1995, 69). For this reason, the ties that bind land and Indigenous bodies must be the focal point of any reading of colonial history.

In Canada the colonial imaginary of land has always been invested in the idea that before contact, the Canadian territories were vast, empty tracts of land being unproductively underutilized by transient bands of Indigenous peoples. A political moment in early Confederation illustrates the implications of this imaginary: when British Columbia entered Confederation in 1871, a man named Joseph Trutch took the office of lieutenant-governor. He sought to exclude Indigenous people from negotiations over land title, and it was his version of *terra nullius* that prevailed in public debate at the time, ultimately leading to a 92% reduction in reserve land from what had been granted to bands only years earlier. His reasoning was laid out along liberal, free-market lines:

The Indians have really no rights to the lands they claim, nor are they of any actual value or utility to them; and I cannot see why they should retain these lands to the prejudice of the general interests of the Colony, or be allowed to make a market of them either to Government or to individuals. (Granville Miller 2003, 2)

Here the links between the free circulation of resources and land and the confinement of Indigenous peoples emerge. For the Crown to effectively exploit the natural resources of the lands it colonized, Indigenous people had to become simultaneously present and absent - their existence had to closely conform to a narrative of ever-increasing civilization and economic control. Indigenous people had to be confined to reserves that were intended to serve as "social laboratories to prepare First Nations people for coping with Europeans" (Stevenson 1999, 65). In this way, the movement to create reserve land during the settlement phase of Canadian history is connected to a focus on the problem of efficient government of the relationship between land and Indigenous populations.

Ontario Finance minister Jim Flaherty exposed the continued centrality of this logic of

efficiency in the colonial governance of land and bodies in 2002 when he argued that healthcare funding could be boosted for "real people in real towns" by cutting the funding allocated for bureaucracy that serviced only Indigenous peoples (Canadian Race Relations Foundation 2002). The idea that Indigenous people are not "real" people and that their reserves are not "real" communities reflects the notion that their bodies are in some way no longer supposed to be taking up space in the colonial state. It is this land/body colonial connection that underlies the kind of racism poet Chrystos names:

Whites "hate us" because they've treated us inhumanely - savagely Any of us who have survived are ugly reminders of their past & present viciousness We are witnesses to the fact that these lands, all of them, town & reservation alike, *are our home*. No white person (or indeed, no non-Native person) has a "right" to be here When we survive (especially if we're sober & activists, as I am), we are "unpleasant" reminders of everyone else's invasion and / or genocide (Chrystos 1991, 81)

This disorderly relationship between contested land, witnessing Indigenous bodies and incomplete conquest lies at the heart of the colonial imaginary. Conquest, as a process of submitting both Indigenous bodies and Indigenous territory to sovereign power, produces a political imaginary of wildness and danger that in turn implies a moral geography of chaos (Taussig 1987, 7). Racial narratives of immorality and pollution are intensely linked to the use of land, exemplified in the early colonial administrations consternation over the "corrupting influence" of mixed-race people who moved fluidly between reserves and white settlements (Razack 2002, 49-54).

More than simply creating this zone of chaos to justify colonial incursions, the moralized topography created by popular imagination lies at the heart of colonial power: it imputes

wildness to the Other by bringing together the extremes of utter destruction and magical healing (Taussig 1987, 219). Indigenous women, in particular, are purported to embody the wildness of the land: they are seen as being deeply connected to wild, "savage" nature, both sexually and politically. The sexual connection to wildness supports the literal rape of Indigenous women and to the metaphorical rape of the land in the name of subduing this untamed connection with nature - in Canada, uranium mining on disputed land and the skyrocketing rates of cancer and reproductive diseases associated with it concretize the connection between Indigenous women's bodies and their lands (A. Smith 2003, 82).

The colonial narrative of wildness is "tamed" for use by civilizing powers in the form of Western fascination with Indigeneity, creating an uncertain zone of power around the land and the Indigenous bodies that inhabit it. With race and sexuality as the ordering mechanisms that shape colonial relationships with Indigenous bodies, this imputation of wildness allows bourgeois settlers to conceive of their moral selves in *relational* terms to Indigenous (im)morality. It constructs whiteness as an "empty category" around which white settlers can construct the racial borders of the Canadian state (Razack 2002, 54) along the physical borders of reserve land.

Indigenous women, in particular, were targeted by settlement era moralizing discourses in this process that sought to at once bind them to reserve land and make them sexually available to colonial administrators. For instance, with the introduction of the "pass system" in 1885, Indigenous people could not leave the reserve without permission from a government employee. One reason given for the law was that it "would limit the numbers of Aboriginal women of 'abandoned character' entering the town" (Razack

2002, 130), yet it also coincided with a period of deep privation where government administrators were able to withhold rations from reserve families until Indigenous women were made sexually available to them (Carter 1997, 179-82).

Women's bodies and their domestic spaces were also a site of intense intervention for colonial administrators both on and off reserve in an effort to entrench patriarchal family relations. Residential schools taught Indigenous girls domestic skills deemed necessary to run a "Christian household" and pressured women to alter their domestic space and sexual relations to fit European models. Missionary influences decried the sinfulness of Indigenous women's sexual freedom, regardless of the fact that in many cases they were able to divorce, benefit from the support and protection of large extended families, and make household financial decisions (Stevenson 1999, 61-2). Finding that they were unable to directly coerce women into nuclear families, housing and domestic space became key sites of contestation. Colonial authorities used the promotion of hygiene and respectability to justify dismantling traditional shelters and communal living arrangements, which they deemed "horrible place[s] of filth" that fostered "immodest bearing" (Perry 2003, 604).

Echoes of this discourse still circulate today in the guise of official focus on the health risks of poor hygiene and overcrowded living conditions on reserves. One recent article complains that the "cramped housing and lack of clean water have made some reserves a 'breeding ground' for the [H1N1] virus", without connecting such conditions to systemic privation. Instead, it suggests that outbreaks can be addressed by sending "more nurses and doctors to the remote communities, along with hand sanitizers and masks" (Puxley 2009) to improve domestic hygiene practices on implicitly chaotic, dirty reserves. It is

bitterly ironic that the government failed to respond to these most basic recommendations because of intense internal discussions over the "risk" that (presumably alcoholic, and certainly irresponsible) residents on reserves would drink the alcohol-based sanitizer (Fitzpatrick 2009). In weighing the risk of a pandemic against the chaotic riskiness of the reserve, it is revealing that the state cast the reserve as the more dangerous.

This moralized geography and marking of Indigenous female bodies has also been extended to urban settings with significant Indigenous populations. Over 50 percent of Indigenous people in Canada now live in urban centres, and the Royal Commission on Aboriginal Peoples found that Indigenous women in particular are over-represented in urban populations (Royal Commission on Aboriginal Peoples 1996, 571). Arguably, the lives of Indigenous women living in urban poverty are best known to most Canadians through graphic media representations such as those that sensationalize the Downtown Eastside in Vancouver and its inhabitants:

A favourite focus of the cameras and interviewers is the southwest corner of Main and Hastings streets: the entranceway to the Carnegie Community Centre. Television and video crews offer the virtual voyeur disturbing - or titillating - images of emaciated heroin, crack cocaine, and prescription drug users buying, selling, injecting and smoking. Young women hurry back and forth between this corner and others, in and out of alleyways, cars, and parking lots. The money women make selling sexual services passes quickly through their fingers from "Johns" to drug dealers. (Culhane 2003, 594)

Here, women's sullied, drug-ravaged bodies and deviant/immoral sexuality are tied intimately to the land that they occupy. They anchor the Downtown Eastside as another chaotic void, a circumscribed territory to contain the potentially polluting effects of

poverty and Indigeneity away from white, bourgeois communities. There is also a sense that Indigenous women are perceived as a disorderly presence in the city because of connection to the moral geography of chaos imputed to reserves, as was evidenced in earlier colonial times by the rationale behind the pass system.

Yet in contemporary modes of colonialism, the type of biopower described by Foucault no longer simply posits a void of degenerate space; rather, it relies on manipulating the milieu of the population in order to maximize desirable behaviour and minimize risk (Foucault 2007, 19-23). In this context, the disappearance of the individual subject and its replacement with the conception of population contributes to the objectification of Indigenous women who are victims of violence. For Indigenous women, there is a very clear statistical picture of what their life is that is stunning in the normalization of violence it both reveals and constructs: for example, it is estimated that Indigenous women aged 25-44 are five times more likely than other Canadian women of the same age to die of violence (Amnesty International 2004, 3). In these statistical representations, Indigenous women are often constructed as a "species" of sorts: as Lee Maracle eloquently puts it, "A female horse, a female native, but everyone else gets to be called a man or a woman" (Maracle 1996, 21).

With this statistical representation as the baseline, life as an Indigenous woman becomes understood as risky in itself - it is the very fact of being Indigenous (or being perceived to be Indigenous) that places these women into the category of vulnerable population. Rather than suggesting that such catastrophic gendered and racialized violence is a function of colonialism and patriarchy, a population-based view diagnoses *Indigeneity itself* as the cause of risk. This responsabilization of Indigeneity is tied to the neo-liberal

rationality that makes Indigenous women responsible for systemic crises in their lives.

This reduction of violence to a notion of vulnerability is linked closely to the conceptual movement between biopolitical notions of *risk* and *danger* (Castel 1991). While Indigenous women are continuously portrayed as at risk (at risk of rape, at risk of assault, at risk of diabetes, at risk of alcoholism, etc), they are also simultaneously placed in a framework of danger relative to the population at large. The case of an Indigenous woman who defended herself from her abusive partner by striking him over the head during an attack is illustrative (Adam 2008). On one hand, she was charged with assault with a weapon and told to "sit down and shut up" by police at the scene. She was seen as a sufficient danger to the community to warrant that treatment, criminal charges of assault and the subsequent court process. At the same time, the trial judge found her not guilty, citing the "high incidence of abuse suffered by aboriginal women in Canada" that is a "well known and unassailable" point (Adam 2008). Her risk of suffering assault was high because she is Indigenous, and for the judge, that is a normal risk Indigenous women run in their relationships.

Foucault describes the notion of danger as a measure of "differential risk" (Foucault 2007, 61) that implies not the elimination of the problem, but rather the adoption of a technique to "try to reduce the most unfavourable, deviant normalities in relation to the normal, general curve, to try to bring them in line with this normal, general curve" (Foucault 2007, 62). In other words, in this framework of biopower there exists an acceptable level of violence against Indigenous women as a risk group, and it is only when this differential risk strays from its normal curve that a danger to the population *as a whole* is perceived.

This logic is clearly operative when the issue of missing and murdered Indigenous women is portrayed by the media as a collection of otherwise dull statistics that need to be coloured by graphic details of death and family trauma in order to be interesting to the (non-Indigenous) public. Indeed, the responsibility for providing titillating details often falls on the families of the victims themselves: one story covering a vigil for missing and murdered women quotes a politician present as stating "it is clear that being aboriginal puts a woman at greater risk," and then goes on to editorialize "while the statistics spoke for themselves, it was left to [the mother of the victim]<sup>7</sup> to paint a human face on the unemotional facts" (Simcoe 2008). Not only does the author reinforce the idea that it is *Indigeneity* that puts women at risk of violence (rather than the effects of racism, sexism, or colonialism), it also suggests that without the sharing of painful personal details by family members, the woman's death would be at best uninteresting to readers and at worst be in some way not-human. Here the idea that the disappearance and murder of Indigenous women is normal reappears, suggesting that Foucault's analysis of biopolitical tolerance for a general curve of risk is operative in relation to the violence experienced by Indigenous women in Canada.

Much of this "Indigeneity as risk" discourse is localized and targeted at the bodies of Indigenous people. This story of Indigenous physical vulnerability is particularly gendered: colonial narratives of gender talk about Indigenous women almost exclusively as victims, in terms of their ability to be raped - from the earliest time of settlement, the Indigenous female body has been viewed as inherently dirty and in need of purification

<sup>7</sup> In this section, I have chosen to omit the published names of the families and victims if it is not directly pertinent to the argument I am making. This is out of respect for their privacy and the power of their stories as well as in recognition of the fact that I do not have their explicit permission to tell them.

(A. Smith 2003, 72). More recently, the enduring and racist "squaw" stereotype and the graphic media reports around the Robert Pickton trial are both part of the same narrative. In this colonial story, like in Agamben's reading of Bisclavret, the bodies of Indigenous women are only important as sites where male power can be expressed through spectacular sexualized violence. This dynamic is of particular importance when it comes to colonial masculinity relating to the Indigenous women's body alternately as a site of conquest, or as a way to safely experiment with Indigenous Otherness.

bell hooks writes of the phenomena of white men "claiming the body of the colored Other instrumentally, as unexplored terrain, a symbolic frontier that will be fertile ground for their reconstruction of the masculine norm" (hooks 1999, 181). This differs from earlier forms of sexual colonialism where the body of an Indigenous woman was seen as a site of domination - now it can also be a site where the suffering of Indigenous peoples under colonialism can be hidden by an emphasis on seduction and longing to become the Other. Sexual claiming as cultural appropriation marks the Indigenous female body as a body to be watched, imitated, desired, and possessed: the popularity and continued marketability of "Indian princess" imagery as a sex symbol for white men and women<sup>8</sup> speaks to the intense links between commodification, colonialism and misogyny. For many Indigenous women, "this is a familiar stare, one quite common, the 'mildest' form of racism [...] we, People of Color, are stared at so much that we have high blood pressure, ulcers & alcoholism" (Chrystos 1991, 81).

When the bodies of Indigenous women are depicted as expendable and inherently

<sup>8</sup> See activist/writer Jessica Yee's problematization of the "Indian princess" imagery adopted by punk singer Juliette Lewis in her promotional materials. Jessica Yee, "Indigenous Feminism and Cultural Appropriation," *Racialicious*, October 2, 2008, <http://www.racialicious.com/2008/10/02/indigenous-feminism-and-cultural-appropriation/> (accessed August 10, 2009).

violable, their physicality is defined by the sexualized violence they suffer in the media, in popular culture, and in historical experience. This produces conditions where Indigenous women become politically salient to the Canadian state (are "made" as citizens) only when they become passive objects through the experience of extreme sexual violence where they are erased, killed, or disappeared.

Two sites where this dynamic emerges most powerfully in Canada are the ongoing cases of the over 500 missing Indigenous women across the country, and the case of Robert Pickton's murders of Vancouver sex trade workers. In both events, Indigenous women are inaugurated into political existence by being victims of spectacular violence within a political imaginary of Indigenous death and erasure. An examination of the responses to these cases reveals that some of the most ostensibly progressive responses to violence against Indigenous women reproduce the very discourses they wish to counter.

Amnesty International published *Stolen Sisters: A Human Rights Response to Discrimination and Violence Against Indigenous Women in Canada* in October of 2004 as part of a national campaign to end state inaction on violence against Indigenous women. It is a compilation of the life stories of thirteen Indigenous women who have disappeared or been murdered in Canada, written in an effort to personalize the statistical representations of violence against Indigenous women (Amnesty International 2004). Despite the politically progressive intent of the project, the stories that emerge about their troubled childhoods - often loosely linked to the legacy of residential schools or foster care - rarely touch on the opinions or thoughts of the women themselves. Instead, these women are named in the context of their poverty, exclusion, sex work or the horrific violence they suffered; they are known only through their useful circulation as sexual

commodities in the colonial economy and as the embodiment of the spectacular violence that colonialism and patriarchy can visit upon expendable bodies. The attempt to individualize them and remove them from the realm of statistical population ends up simply reinforcing the consistency of the violence experienced by Indigenous women.

In the case of the Pickton murders, the victims were almost uniformly Indigenous women who worked in the sex trade in Vancouver's impoverished Downtown East Side. These women were ignored and often persecuted by the police while alive because they fit into the statistically normal population curve for Indigenous women in B.C., having survived domestic violence at home and drug-addicted sex work on the street, and as such were seen as a risky population rather than as individuals. Now that they have become the inanimate victims in the Pickton trial, they are memorialized as individuals with names, families and histories by the media and contrite government representatives.

The representation of Pickton's victims in media reports is particularly illustrative of this dynamic of erasure and co-optation. Without explicitly engaging with the ethnicity of the women who he murdered, the coverage nonetheless replicates much of the objectified discourse about Indigenous women highlighted previously. One example of many articles that emerged during the trial on the theme of in-depth coverage of the "real life" of these women was printed in the *Vancouver Sun* in February of 2008 (Culbert 2008). Entitled "*Nothing's Changed*," the article follows some women living on the streets in Vancouver and discusses their experiences and fears of violence. It also includes interviews with the police and social services that serve the women.

This article is particularly notable for its use of voice. The women living on the street are

given a voice by being directly quoted, but only in on the topic of the violence they have suffered: "I've been beaten. I've had guns held to my head. I've been sodomized by baseball bats. I've been raped. I've been through lots of hell" (Culbert 2008, paragraph 2). The placement of this description of spectacular violence at the start of the article capitalizes on its sensationalism. Although the article editorializes the abuse as "unspeakable" - presumably unspeakable for morally upstanding Canadian citizens - it uses the voice of the Indigenous woman to discuss it in detail. By isolating and highlighting this graphic quote, the article taps into a pornographic style where the reader can view the woman as the abstract object of this extreme violence.

The article also restricts the quotes from women living on the street to descriptions of violence or extreme poverty, while police and community workers are quoted commenting on the larger trends in violence against 'vulnerable populations'. This is emblematic of the valorization of expert knowledge that implies that marginalized people are not able to theorize about the larger implications of their own social situations. The discursive division that the article makes between experts and vulnerable women reinforces the idea that these women have no agency of their own and must rely on the civilizing social order provided by the state for salvation. The police refer to prostitution as a "risky, risky activity" and emphasizing the chaotic nature of street life through the graphic description of overdoses echoes the moral tones of a colonial *mission civilizatrice*, where Indigenous people are construed as morally impure and susceptible to sin unless they are under the guidance of (white) helping professionals.

While the language employed in this article is one of bureaucratic risk management, the nuances of this discourse suggest that Indigenous women are still seen as inhabiting a

morally degenerate space of death. Their experiences of violence are cast as a statistical normality resulting from poor individual choices rather than as a problem of social policy that can be addressed by the state, shifting the responsibility for change from the government onto the women themselves.

Despite their violence, none of these analyses should imply that Indigenous women are considered "rapable" in patriarchal society in the same way that non-Indigenous women are; as Smith points out, only (discursively) pure women can be violated, and since Indigenous women are considered "dirty", they cannot be violated (A. Smith 2003, 74). The way violence permeates the colonial-patriarchal state's relationship with Indigenous women suggest that their experiences of sexual violence may be linked to Agamben's concept of *homo sacer*, the figure who can be killed with impunity by anyone, but never sacrificed in a meaningful way. The violation and death of Indigenous women is important only in a voyeuristic sense, because of the spectacular yet normalized sexual violence used to accomplish their erasure and the correspondingly spectacular state response to uphold the law for the safety of the colonial nation.

Taking up a gendered reading of *homo sacer*, it can be argued that before their death, Indigenous women in Canada inhabit a state of exception where they are subject to the laws (and moralizing discourse) of the state yet not protected by it; their deaths work to confirm the sovereign power of the colonial state to exclude Indigenous women from the meaningful goods of citizenship like legal protection from violence. The political returns only once the women are dead, in order to render them as valuable victimized objects to be circulated in the colonial economy. This has recently emerged in the form of

posthumous political and media action on their cases<sup>9</sup> where "seeking justice" in their deaths serves to bolster the Canadian national narrative of fairness, cultural tolerance and enlightenment without substantively responding to the underlying causes of their deaths.

Without invoking an absolute death-space of the concentration camp, it is important to recognize the degree to which Indigenous women are *sacer* in the sense that they are reduced to mere biological life before their death, which occurs in a legal state of exception relative to what protections are offered to white Canadian women. This occurs differently for Indigenous women than it does for men: the degree to which some Indigenous women, particularly those working in the sex trade, are denied bodily integrity by rape, sexual mutilation and other highly gendered humiliations in contemporary society echoes the colonial history of gendered degradation and violence documented in historical texts:

Two of the best looking squaws were lying in such a position, and from the appearance of the genital organs and of their wounds, there can be no doubt that they were first ravished and then shot dead. Nearly all the dead were mutilated. (Wrone and Nelson 1982 cited in Smith 2003, 75)

According to the testimony of one of the men, the four had decided to pick up an Indigenous woman for sex. When Osborne refused, they forced her into their car. In the car, she was beaten and sexually assaulted. She was then taken to a cabin owned by one of the men where she was beaten and stabbed to death. According to the autopsy report, she was severely beaten around the head and stabbed at least 50 times, possibly with a screwdriver. (Amnesty International 2004, 39)

<sup>9</sup> The spectacle of the Pickton trial remains the most salient example of this response. See Howell, Mike. (2008) "Missing Women on MPs Mind," *The Vancouver Courier*, March 26.

What the excess of these physical violations reveals is the fundamental nakedness to the law experienced by Indigenous women: to be reduced to nothing but biological life also means to be vulnerable or bare to the arbitrariness of law, in particular to its conspicuous absence when violation is occurring.

How else does this vulnerability, this exposure to government decision, play out for Indigenous women? Sherene Razack, a Canadian anti-racist educator and academic, has amassed a significant body of research on the way that racist ideas about Indigenous culture affect the trials of Indigenous people in cases of rape and domestic violence. What she found is that judges - almost always white - were more likely to take the offender's "cultural background" into consideration as a mitigating factor in violence against women when they were Indigenous, on the presumption that violence against women is a fundamental aspect of Indigenous culture (Razack 1998, 69). This is a truth discourse that suggests that violence against women is a vital characteristic of not just Indigenous culture, but Indigeneity itself, despite much historical evidence to the contrary<sup>10</sup>.

A classic example of the intersection of racism and legal vulnerability cited by Razack is the stereotype of the "drunken Indian". When it is brought into the courtroom, it operates to ensure that alcohol abuse is seen as a significant mitigating factor for Indigenous men

<sup>10</sup> See among others Andrea Smith, "Not an Indian Tradition: The Sexual Colonization of Native Peoples," *Hypatia* 18, no. 2 (2003): 70-85; Janice Acoose, *Iskwewak: Neither Indian princesses nor easy squaws* (Toronto: Women's Press, 1995); Andrea Smith, *Conquest: Sexual Violence and the American Indian Genocide* (Cambridge: South End Press, 2005); Lee Maracle, *lama Woman: A Native Perspective on Sociology and Feminism* (Vancouver: Raincoast Books, 1996); Paula Gunn Allen, *The sacred hoop: Recovering the feminine in American Indian traditions* (Boston: Beacon Press, 1986); Patricia Monture-Angus, *Thunder in my Soul: A Mohawk Woman Speaks* (Halifax: Fernwood Publishing, 1995); Bonita Lawrence, "Gender, Race, and the Regulation of Native Identity in Canada and the United States: An Overview," *Hypatia* 13, no. 2 (2003): 3-31.

who commit crimes, while simultaneously contributing to victim-blaming for Indigenous women who suffer assault while under the influence (Razack 1998, 70). The scripting of sexual assault in courts employs the gendered colonial tropes of "squaw" and "savage" while reinforcing the morality, intelligence and sound judgment of white Canadian elites.

A second example of the way this is operationalized is the case of *R. v Curley, Nagmalik, and Issigaitok* where three Inuit men were sentenced to seven days in jail after being found guilty of having sexual intercourse with an Inuk female under the age of 14. The judge, a white man who had spent much of his career in the Eastern Arctic, considered the culture of the accused men and was especially lenient on the basis that, according to his information, in Inuit culture a young woman is deemed ready for intercourse upon menstruation (*R. V Curley, Nagmalik, and Issigaitok* 1984 cited in Razack 1998, 70).

This assumed cultural difference in the acceptability of violence completely erased the experience of the young woman herself, and is indicative of how rape scripts in the courts are raced and gendered for Indigenous women. It demonstrates the degree to which the state often cloaks itself in discourses of life and health when intervening in the lives of Indigenous people on the basis of racist assumptions. While this trend in judgments is slowly being reversed, it represents an important moment in the colonial project that affirms Indigenous men as inherently dysfunctional, and Indigenous women as legally invisible.

A third way in which Indigenous women are vulnerable to the arbitrariness of law is through the *fact* that in many cases, violence against them is not pursued by the police as a serious crime, in particular if they are further marginalized by sex work or drug use.

Women began to go missing from the Downtown Eastside in Vancouver in 1978 and it was not until 1998—roughly 69 murders later—that an investigation was launched. Yet even when the seriousness of the violence faced by Indigenous women is acknowledged by the judicial system, its focus on specific, spectacular acts of violence feeds the narrative of the dysfunctionality of the Indigenous community rather than showing the totality of colonial violence in Indigenous women's lives.

For many Indigenous women, physical violence and overt state oppression are only parts of the complete experience of colonial violation - Patricia Monture-Angus adds "substance abuse among our youth, inadequate housing, poverty and starvation, alcoholism, suicides and attempted suicide" and the intergenerational effects of residential schools as other forms of violence in Indigenous women's lives (Monture-Angus 1995, 172). While the deaths of some Indigenous women are politicized and sensationalized in the media, popular culture and political discourse, the impoverished social conditions that are another form of violence receive comparatively little attention. In fact, even as the historic apology for residential schools unfolded on Parliament Hill in 2008, the Quebec Native Women's Association highlighted a recent Auditor General's report substantiating that "budgets for child welfare agencies in Canada continue to focus the majority of their efforts on the placement of Aboriginal children outside their communities and Nations" in a practice reminiscent of residential school removals (Quebec Native Women's Association 2008). Ultimately, it appears that the practice of treating Indigenous women as subject to yet outside the protection of law serves to endorse and fortify the normal functioning of that law for non-Indigenous Canadians.

In sum, these representations of Indigenous women need to be understood broadly as

being both productive and reproductive of violence, and also as being an integral part of biopolitical apparatuses of governance described by Foucault. The cases of dead and missing Indigenous women who have suffered extreme violence are ultimately brought back within the general statistical curve of violence against Indigenous women, violence that is deemed reasonably acceptable and justified by recourse to the idea that Indigeneity itself is a risk factor.

The state's emphasis on the statistical reality of violence against Indigenous women, offered as evidence of its enlightenment, is divorced from action on the underlying colonial, patriarchal causes of violence or even from a serious engagement with material conditions faced by many Indigenous peoples in Canada. In this mode of governance, law is tied to the "governmentality of the social"<sup>11</sup> and the contingent sovereign decision of the state to not apply the law is hidden under the impressive avalanche of statistical descriptions of poverty and violence. The "making" of Indigenous women through extreme violence and death thus reflects the depth of the relationship between the body and citizenship, mediated through statistical understandings of vulnerability and risk.

<sup>11</sup> See Aradau, Claudia. (2007) "Guantanamo and the 'Other' Exception," *Third World Quarterly*. Vol. 28, No. 3, p. 499 for an engaging discussion of how this dynamic functions with regard to the exceptional treatment of prisoners in the War on Terror.

## **Chapter 5: Spaces of Healing - Enchanted Technologies of Power**

In the context of the overwhelmingly degrading colonial representations of Indigenous women that circulate in •Canada, examining the emergence of the healing prison is a question of being attentive to a very specific moment of shift in colonial truth. In this chapter, I will argue that the healing prison represents a new configuration of power and knowledge with relation to the control, surveillance and responsabilization of Indigenous women. It is an institution that at once opens up space for an Indigenous worldview while also forcing key compromises. Its approach is a new form of governance reinforcing existing power relations rather than a revolutionary challenge to the colonial state. Drawing links to the previous chapter, I will attempt to illustrate how the emergence of healing prisons for Indigenous women prisoners relies on the simultaneous depiction of these same women as dangerous, violent savages and as pitiful victims of spectacular patriarchal and colonial violence.

It would be fair to ask why I want to examine an institution that has sought to be more accommodating, more culturally appropriate, and arguably less colonial than a traditional prison. One reason is found in Taussig's observation that in the political imaginary of colonialism, Indigenous healing acts as the mystical mirror image of the death zone of colonial violence. If there is indeed "no Indian to be found" in the search for Indigenous healing practices, only "Western man wrapped in myths of order", what happens when this search takes place in the most orderly site of all? This chapter will explore the repercussions of a prison that wraps itself in conceptions of Indigenous healing but maintains the colonizer's hegemony, while targeting incarcerated Indigenous women with tools honed on the racist, sexist representations of their lives.

While there is much that could be said about the emergence of healing prisons in Canada, this segment of the study will be restricted to an analysis of the philosophical basis and the correctional practices of Okimaw Ohci Healing Lodge for women. After offering a brief contextual history of the Lodge, the analysis will focus on understanding the way in which the philosophies and correctional practices employed at Okimaw Ohci fit into Foucault's triangular understanding of power as a dynamic interrelation of sovereignty-discipline-government (Foucault 1991, 102). This approach reflects Foucault's assertion that these three systems of governance exist concurrently, and are fluid and overlapping in their effects. Finally, I will examine briefly the effects of colonial ideas about Indigenous healing on the kinds of programming offered at the lodge.

The discourses, strategies and modes of subjectification employed in Okimaw Ohci by Correctional Services Canada (CSC) draw deeply on the construction of Indigenous women discussed previously, reflecting the reciprocal constitution of representation and intervention. The correctional intervention of Okimaw Ohci is thus inextricably intertwined with the representation of Indigenous women, and the following analysis will reflect this reciprocity.

The Okimaw Ohci Healing Lodge was created in 1994 as a result of consultations undertaken by the Task Force on Federally Sentenced Women. This task force was unlike any previous attempt at addressing the problems in women's imprisonment in Canada: it was initially chaired by the Elizabeth Fry Society, a prisoners rights group, had members who were former federal prisoners, and two thirds of the members of the task force were women (Hannah-Moffat 2000, 513). The report produced by the task force, notably entitled *Creating Choices*, proposed the creation of a new correctional model for women

centered around "empowerment, meaningful and responsible choices, respect and dignity, supportive environment, and shared responsibility" (TFFSW 1990, preface).

Since *Creating Choices* was tabled in 1990, five new regional facilities for women have opened. Okimaw Ohci is a minimum and medium security facility designed specifically for Indigenous women, located on the sacred land of Cypress Hills loaned to CSC by the Nekaneet First Nation near Maple Creek, Saskatchewan (Correctional Services Canada 2004, Section 3.3). Okimaw Ohci currently houses 28 prisoners in independent living units along with several lodges and ceremonial spaces on the unfenced grounds. Under the terms of the agreement between CSC and the local Nekaneet band council, the community is to play an integral role in the functioning of the Lodge by staffing correctional positions within the facility, participating in ceremonies, and assisting in prisoner re-integration programs (Correctional Services Canada 2002, 1) - all roles consistent with the emphasis on community responsibility that figures prominently in *Creating Choices*.

As a tool for understanding the complex power relations that operate within Okimaw Ohci Healing Lodge, the triangle of sovereignty-discipline-government is helpful because it distinguishes between power relations which are legislative, repressive, violent, and state-centred from those which are productive, immanent, capillary and normalizing. The former, sovereign power, appears most obviously in Okimaw Ohci in the conviction of Indigenous women for crimes against Canadian law. If the prison is seen as the mirror of the space of death found in the outside world, where law applies to Indigenous women but does not protect them from violence, then the incarceration of Indigenous women who commit crimes against that sovereign law is the basic mode of sovereign power in

operation at Okimaw Ohci. Yet the question of whose sovereign power is recognized in these relations of criminal transgression is crucial in a colonial context:

All Indigenous, First Nations citizens are in conflict with the law... the issue of Indigenous women and the criminal justice system is merely the most blatant example of the oppression of First Nations People under a system of laws to which we have never consented. (TFFSW 1990, 4)

The very fact that the Canadian government can legislate and negotiate the creation of the Lodge on unsurrendered Indigenous land is in itself a marker of sovereign state power that echoes the foundational violence of contact. As Carl Schmitt famously stated, "sovereign is he who decides the exception," (Schmitt 1988, 1) even if that exception is one of progressive prison reform. The Canadian government was able to further reaffirm its sovereignty by minimizing the complexities of Indigenous participation in the *Creating Choices* report (Monture-Angus 2006, 28) and selectively implementing recommendations while remaining disconnected from the philosophical implications of the participants calls for de-colonization. Even the sought-after involvement by the local community takes on a shadow meaning when Julia Sudbury's observation about the role of prisons in rural economies is considered: "for rural towns devastated by economic restructuring and free trade competition, prisons have become a panacea for economic stagnation and population loss" (Sudbury 2004, 13). Okimaw Ohci is a part of a larger decision about how resources will be apportioned (or not) in Indigenous communities.

Sovereign decision is the most palpable form of power governing life at Okimaw Ohci, but it is perhaps not the most potent one. Disciplinary power permeates the life of the prisoners at the Lodge, aiming to create a good Indigenous woman as much as a good

prisoner in a process that could be seen as a mirror image to the violated, devalued lives of Indigenous women on the outside.

The core of the web of disciplinary power operational at Okimaw Ohci begins with the relations between prisoners and the guards and other correctional staff on site. Highly supervised, individualized casework forms an integral part of Okimaw Ohci's correctional practices, but with a difference from traditional prisons: in order to create a "safe, secure and healing correctional environment," correctional staff are encouraged to form "constructive relationships" with the prisoners (Correctional Services Canada 2004, Section 3.5 (ii)). These relationships take on an air of equality that obscures the power relations, reflected even in the terms used for correctional officers: the warden is called Kikawinaw, Cree for "our mother"; frontline guards are called Kimisinaw, or "older sisters" (Correctional Services Canada 2004, Section 4.3). The incorporation of Cree familial terms suggests a horizontal organization that has, even by CSC's estimation, "yet to be realized" (Correctional Services Canada 2002, i). There is nonetheless a perception among prisoners that "there is no delineating of 'us' and 'them'" (Sparling 1999, 6), even when CSC actively encourages staff to use these relationships as a way to "observe and analyze behaviour of specific inmates" (Correctional Services Canada 2004, Section 3.5 (iii)).

This relationship between CSC staff and the Indigenous women imprisoned at Okimaw Ohci becomes even muddier in the context of spirituality that is the lodge's centrepiece. Staff members at Okimaw Ohci are encouraged to join the women at morning ceremonies, which are notably *compulsory* for inmates. These ceremonies are intended to be safe and intimate spaces where the women serving time at the lodge can freely express

themselves without fear of judgment; in practical terms, the presence of staff mean that women are extremely circumspect about how they participate lest the staff record their confidences in their formal CSC records (Haymen 2006, 255). The lack of clarity about the staffs role in these ceremonies - are they councilors, "sisters", or jailers? - and the racial dynamic of non-Indigenous staff participating in ceremonies they may only superficially understand suggest that Okimaw Ohci's use of Indigenous spirituality is at minimum a balance between genuine healing intent and the desire to increase the efficiency of state surveillance. The use of personal relationships to gain the trust of the women in these interactions is particularly troubling given the degree to which they are encouraged to make themselves open and vulnerable - maybe for the first time in their lives - during a healing process utilizing a very specific interpretation of Indigenous culture.

Beyond the modes of individual surveillance employed at Okimaw Ohci, the programming offered at the Lodge also produces certain disciplinary outcomes. One of the centerpieces of Okimaw Ohci's innovative approach to corrections is the Mother-Child program, created in response to the Task Force recommendation that women be allowed to have their children with them in prison. This program allows some children under the age of four to live full-time at Okimaw Ohci with their mothers, a huge change from traditional correctional practices that separated mother and child almost completely (Correctional Services Canada 2004, 5.2 (iv)).

Yet it is very clear that this program is not for every parent; to participate, prisoners must attend mandatory parenting skills courses and have their performance evaluated by child welfare authorities (Correctional Services Canada 2004, 5.2 (iv)). These stipulations have

particular significance for the Indigenous community in Canada, where child welfare and foster care are commonly viewed as having the same effect on families as residential schools did in years past (Assembly of First Nations 2006). The Mother-Child program aims to produce a responsabilized mother who abides by Western models of parenting and submits to the state's authority over her family life on pain of losing access to her children if she is not seen to be a sufficiently "positive influence" on them (Assembly of First Nations 2006).

Self-control is central to Okimaw Ohci's correctional practice, as evidenced in the Mother-Child program. The control of Indigenous women's anger is another particular target of disciplinary power that is notable in the context of colonial and patriarchal relations affecting prisoners at Okimaw Ohci. CSC staff often view Indigenous women as particularly troublesome prisoners and see them as irrationally angry: one survey suggested that most CSC staff think Indigenous women in prison should take anger management courses "so that they do not over react" and so they can "get past the racial barrier" (Morin 1999, Ch. 6). This individualizing approach psychologizes systemic oppression and ignores the fact that given their life experiences, these women may well have very rational reasons for being angry. This discourse at once strengthens the construction of Indigenous women as uncontrollable, wild, and dangerous while placing responsibility for dealing with systemic oppression on their shoulders as an "issue" to be worked out in Western-style therapy. By making the anger of Indigenous women in prison the issue, the Canadian state is able to participate in a race to innocence that renders the racialized and gendered power structures of the prison and judicial system invisible.

Disciplinary power is thus a strong undercurrent in Okimaw Ohci, just as it has been in the modern prison system since reforms undertaken in the 18<sup>th</sup> century reflected the emergence of an ontology of the body as an economically productive resource (Foucault 1975). Biopower, the third facet of power relations at Okimaw Ohci, is a reflection of a more recent deepening of governance that is focused on "making live" just as life outside of the prison often turns on "letting die" for Indigenous women. Both biopower and neo-liberal governance centre on the notion of free circulation and control at a distance, elements that are in evidence even in the physical structure of Okimaw Ohci: the lack of fencing or walls, the private rooms that women hold the keys to, the ability to access sweat lodges at will - all suggest a freedom of circulation that is, on first glance, antithetical to a prison environment. Yet, returning to the schema of biopower provided by Nikolas Rose and Paul Rabinow, a careful analysis can tease out the three key modes of biopower that operate within the Okimaw Ohci Healing Lodge to achieve what is ultimately a more efficient and subtle control over prisoners than that achieved in a traditional sovereign/disciplinary setting.

According to Rose and Rabinow, biopower includes three elements: "one or more truth discourses about the 'vital' characteristics of human beings, and an array of authorities considered competent to speak that truth"; "strategies for intervention upon collective existence in the name of life and health"; and modes of subjectification where "individuals are brought to work on themselves" under authority, in relation to truth discourses and in the pursuit of collective health (Rose and Rabinow 2006, 203). Beginning by looking at the truth discourses about the vital characteristics of incarcerated Indigenous women, a double image can be discerned: on one hand, there is a very clear

statistical portrayal where these women are constructed as injured, helpless, and victimized:

The Indigenous woman offender is generally 27 years old with a grade nine education and single with two or three children [...] she is usually unemployed at the time of her crime [...] contributing factors [...] may include moving to an urban centre, alcoholism and violence in the family home, lack of familial support and supervision, lack of resources, lack of opportunities to become involved in positive interaction with others. (N. Green 2000, 1)

On the other hand, Indigenous women in prison are also constructed as dangerous criminals. They are portrayed as angry, uncooperative, trouble-making and attention-seeking. Some CSC staff surveyed believe Indigenous female prisoners "sabotage core programs," that their biggest obstacle is "controlling aggressive behaviour," and that they need to learn to "recognize authority" (Morin 1999, Ch. 6). These attitudes construct Indigenous women in prison as at once disempowered and dangerous, repeating the racist and sexist stereotype of the ignorant yet manipulative squaw. Like Indigenous women on the outside, Indigenous women in prison are reduced to the status of a risky and at-risk population, constructed as vulnerable and dangerous "statistical animals" decontextualized from the complex effects of colonial and patriarchal power relations.

As is the case outside of prisons, the authorities considered competent to speak about Indigenous women in prison are rarely the women themselves, unless it is in a state-sanctioned context such as the consultations for *Creating Choices*. Even there, differences in opinion between the Indigenous women who participated have been minimized by academics and bureaucrats in an effort to present one unified "pan-Indian"

vision of prison reform (Monture-Angus 2006, 27). CSC agents, child welfare workers, psychologists, bureaucrats, courts and academics are positioned as potential experts on the lives of incarcerated Indigenous women, while Indigenous community members such as Elders are characterized as an optional "add-on" to CSC correctional plans (Correctional Services Canada 2002, 31).

Indigenous women in the prison system face very concrete consequences stemming from the correctional understanding of their riskiness. Security classifications - the scale that dictates whether prisoners are put in minimum, medium or maximum security facilities - "gender-neutral" scales based on risk prediction that, in practice, often work coercively against Indigenous women in prison. In Canada, a full fifty percent of female prisoners classified as maximum security are Indigenous, and the majority of women incarcerated under the new "management protocol" super-max designation are also Indigenous (Native Women's Association of Canada 2007, 2). One change that has contributed to this enormous over-representation of Indigenous women in high security classifications is the shift towards recasting prisoner's unmet needs as risks in prisons with strong responsabilizing frameworks like Okimaw Ohci.

Under the approach outlined in *Creating Choices*, all women in the federal corrections system were to be offered differential treatment that recognized their special circumstances. Rather than a traditional classification process, they were to undergo a needs assessment that "looks at the whole spectrum of women's needs from a holistic perspective, including the needs relating to programming, spirituality, mental and physical health, family, culture and release plans" (TFFSW 1990, 92). However, as Hannah-Moffat has observed, this approach has largely been abandoned in favour of an

emphasis on the criminogenic<sup>12</sup> aspects of women's needs - in other words, needs have become risks. The understanding that certain factors in a female offender's past generate both risk and need has meant that many correctional policy makers are "decontextualizing and linking an adult history of abuse to violent recidivism" (Hannah-Moffat 2000, 38).

For Indigenous women in the federal prison system, this can mean that a history of colonial trauma is read only as a fundamental predisposition to risk: to be an Indigenous woman is to be inherently both at risk and a risk. Monture-Angus gives the example of the category of "community functioning" in the risk-prediction scale. Since Indigenous women offenders often come from communities shattered by the effects of colonialism, they will score poorly in this category. Rather than measuring risk, "this dimension actually merely affirms that Aboriginal persons have been negatively impacted by colonialism" (Monture-Angus 2000, 57) and that, in turn, they are fundamentally risky.

With the vital riskiness of Indigenous women established, several strategies for intervention upon the collective existence of Indigenous prisoners in the name of life and health emerge. These include programming that explicitly targets "at-risk" Indigenous women before they are imprisoned as well as those discussed earlier that govern the lives of women in prison. However, these strategies differ from disciplinary welfare approaches in that they allow, from their inception, a modicum of dissent: at Okimaw Ohci, for instance, there is "maybe 5% tolerance" for unwanted behaviour before women are transferred out (Correctional Services Canada 2002, 24). This reflects the concern

<sup>12</sup> "Criminogenic" refers to characteristics or factors that are linked to an individual's involvement in criminal activities (Hannah-Moffat 2000, 37).

with ultimate outcomes, rather than individual management, that characterizes biopower. The physical space, free of fences and with individual rooms where women can come and go at will, also manifests the intertwining of the appearance of freedom and effective governance-at-a-distance.

Responsibilization is the third key feature of biopower evidenced at Okimaw Ohci. In the course of *Creating Choices* and the development of the vision statement for Okimaw Ohci, both traditional Indigenous and feminist knowledges have contributed greatly to the focus on personal empowerment evidenced by programs at the Lodge. Yet, as many authors have argued<sup>13</sup>, the easy state appropriation of the formerly radical concept of empowerment renders it an effective tool of social control: under CSC's interpretation of shared responsibility and empowerment, the criminality of Indigenous women becomes the responsibility of the community, of civil society, and of the woman herself rather than solely the problem of the state (Hannah-Moffat 2000, 512). This approach presumes that inmates are equal, free liberal subjects with the ability to rationally choose good behaviour. In this responsibilized mode of subjectivity, Indigenous women in prison are brought to work on themselves in relation to the dominant discourse of risky/at-risk Indigeneity.

Beyond the political implications of rhetorically distancing the management of Indigenous women in prison from the sovereign decision of the state, it is important to

<sup>13</sup> See Kelly Hannah-Moffat, "Prisons that Empower: Neo-Liberal Governance in Canadian Women's Prisons," *British Journal of Criminology* 40 (2000): 510-531; Patricia Monture-Angus, "Aboriginal Women and Correctional Practice: Reflections on the Task Force on Federally Sentenced Women," in *An Ideal Prison? Critical Essays on Women's Imprisonment in Canada*, ed. Kelly and Shaw, Margaret Hannah-Moffat, 52-60 (Halifax: Fernwood Publishing, 2000); Kristen Bumiller, *In an Abusive State: How Neo-Liberalism Appropriated the Feminist Movement Against Sexual Violence* (Durham: Duke University Press, 2008); Barbara Cruikshank, *The Will to Empower: Democratic Citizens and Other Subjects* (Ithaca, NY: Cornell University Press, 1999).

ask *who* has access to healing in this empowerment paradigm. What happens to Indigenous women who fail to adequately take responsibility for their own empowerment? The case of Yvonne Johnston, a former prisoner at Okimaw Ohci and the only Indigenous woman serving a 25-year sentence for first-degree murder in Canada, is instructive in this regard. She was denied parole at her faint-hope hearing because "despite her literary success, model prison record and personal rebirth, Yvonne Johnson still minimizes her role in her victim's brutal killing" (Canadian Press 2005).

This bottom-line emphasis on individual responsibility suggests that the correctional practices employed at Okimaw Ohci open a very narrow channel for some Indigenous women to become the standard-bearers of healing achieved through what could be termed government decolonization. Although the self-directed programming at the Lodge is framed by the discourse of choice, it is clear that all choices are not equal for incarcerated Indigenous women. The "unhealable" Indigenous women who refuse to take responsibility for their own rehabilitation remain in the harsh sovereign penal system and are rendered doubly invisible, for they are not only irresponsible in the neo-liberal paradigm, but they are also "bad savages" who are too wild to access their own cultural healing practices. Responsibilization allows the state to become the purveyor of the mythic power of healing once possessed by Indigenous communities, a power that Taussig reminds us has been long banned but much sought after by colonists as the mirror of colonial spaces of death.

The role of colonial fascination with Indigenous healing practices in the formation of cultural programming at the Okimaw Ohci is significant, and can be traced in the ways in which these programs came under government control. The creation of the Lodge was

initially undertaken on the premise that though CSC would fund it, the programming and operations of the Lodge would be largely in the hands of the local Nekaneet band. The Kikawinaw<sup>14</sup> was to be accountable to the community-led Ke-kun-wem-kon-a-wuk (the Healing Lodge Circle) in decision-making regarding the management of the Lodge. However, within a few years after the 1995 opening, this framework had been set aside and the Healing Lodge Circle was re-formed as a support for the Kikawinaw, a move that sent a clear message about reducing community participation in managing the Lodge (Haymen 2000, 47). This, coupled with the inability of the Lodge to reach its target of 50% of staff from the Nekaneet reserve<sup>15</sup> and the preponderance of non-Indigenous Canadians in senior administrative positions, has effectively entrenched CSC control over the Indigenous cultural and spiritual programming at the Okimaw Ohci.

The consequences of this re-entrenchment of government control over the Lodge are significant. One notable example of the way that Indigenous practices have been re-interpreted by CSC for implementation at Okimaw Ohci is in the way that Elders are involved in prison programming. Though CSC widely advertised their involvement as a key culturally appropriate improvement over earlier prisons, the department failed to take into account important details that affected their credibility: Elders employed by CSC were from other nations, and did not follow local protocol (nor did CSC help them to follow protocol), and some were not even recognized as Elders in their own communities (Monture-Angus 2000, 54). This carelessness is perhaps reflective of a very generalized

<sup>14</sup> Cree for "our mother", the title of the Director of Okimaw Ohci in place of "warden".

<sup>15</sup> The most recent figures available are from 2002 and indicate an Indigenous staffing level of 44%, including the Kikawinaw (CSC 2002, Section 7.2), but that only 27.7% of staff are from the Nekaneet community (CSC 2002,28). In the 2004 Evaluation Report on the Lodge, it was recommended that the 50% Indigenous staffing requirement be revisited since it "may be difficult to uphold, given the small number of Aboriginal candidates found in the PSC [Public Service of Canada] inventory" (CSC 2002, 20).

view of Indigenous healing, where any Elder is good enough, but it also suggests a fundamental rejection of the diversity of Indigenous nations existent in contemporary Canada. It may also, as Andrea Smith has argued, work to weaken the claims of different Indigenous nations to their landbases because many Indigenous religions are centred on practice in a particular geographic location (A. Smith 2005, 121).

Another revealing moment of contradiction in CSC control of Okimaw Ohci programming is in the requirement that Elders complete extensive paperwork for offender's "healing plans" in English, on computers. Their contract with CSC includes clauses making them responsible for:

The preparation of written documentation of reports for offenders that include progress reports, areas for further intervention / healing, potential for release planning, risk management and community support network; [...] communicate orally and in writing, effectively and efficiently in the English language. (Correctional Services Canada 2002, 32)

This is a wide scope of responsibility that attempts to fit elements incompatible with the spirit of *Creating Choices* - risk management, timelines of control - into what is supposed to be a spiritual program of healing. The requirement that Elders speak fluent English is particularly remarkable, given that many Elders are honoured by their communities precisely for their connection to pre-contact knowledge, including Indigenous languages, and that given their life experiences they may not speak English at all. There is a clear attempt to channel and quantify the healing offered by Elders into a form that CSC can better monitor; nevertheless, the healing of the offender is still made the responsibility of Elders. Monture-Angus notes one particular case in Okimaw Ohci where "participation in ceremonies was counted by the Elders and the staff and this

number was used to rank [the women's] commitment to Aboriginal ways" (Monture-Angus 2000, 60), a practice that she condemns.

When these programs of Indigenous spirituality and culturally-appropriate healing are controlled by CSC, it is clear that important contradictions emerge between the biopolitical governance of the state and the de-colonizing promise of the Lodge. Rooted in the representation of Indigenous women as inherently at-risk/risky and in their vulnerability to the arbitrariness of the law, the operations of Okimaw Ohci reveal a mirror image to the space of death faced by Indigenous women on the outside. The role of state-administered healing in this framework is central, and leads to a critical question posed by Stephanie Hayman in her work: who, or what, will be held responsible for the failings of Okimaw Ohci should an Indigenous woman released into the community commit a further offence (Haymen 2000, 48)?

A brief examination of the way this programming is framed by CSC within the context of Indigenous corrections reveals a disquieting possibility:

Ultimately, our results will be measured in terms of public safety - the contribution that Aboriginal-specific interventions make to reducing the rate of violent re-offending while individuals are under CSC jurisdiction and the contribution that those interventions make to helping offenders sustain progress beyond the end of their sentence. (Correctional Services Canada no date, 3)

If these culturally specific interventions fail the test of "public safety", then it is possible that the Indigenous women and Indigenous culture and spirituality themselves, *not* CSC, will be held responsible for the failure.

This contradiction between responsabilization and the absence of decision-making power is perhaps the dark heart of community control that underlies Okimaw Ohci. Although the program purports to empower the community and the Indigenous women involved in it through their responsibility over its outcomes, the state has categorically refused to cede meaningful control of the project to these same groups: a 2004 internal review of the program cancelled plans to hand Okimaw Ohci over to the Nekaneet band, citing corruption and lack of resources (Najafi 2008). Nevertheless, CSC persists in framing the project in terms of its deep (and benevolent) connection to Indigenous culture and the sacred land of the Nekaneet community: "When selecting the location for the first national Aboriginal Healing Lodge, the Planning Committee understood the importance of both land and water to Aboriginal people [...] the federal government subsequently accepted these recommendations" (Correctional Services Canada 2004, Section 3.3). While Indigenous culture and the Nekaneet community offer the basis for healing, and the land an affirmation of the sacredness of the spiritual programming, the state remains the arbiter of their value.

Though Okimaw Ohci was created on the terms of the state, remains largely administered by the state, and is mostly governed by power structures designed to serve the colonial-patriarchal state's authority, its results will be used to judge the value of "Aboriginal-specific interventions" and by extension, the Indigeneity of the women imprisoned there, rather than the shortcomings of the system itself. By divorcing responsibility from decision-making power, the state has effectively created a situation where Indigenous women in Okimaw Ohci, the Nekaneet community, and Indigeneity more largely will be held responsible for failures of the lodge - failure that will likely be attributed to

perceived fundamental riskiness of these groups. Although inmates of Okimaw Ohci commit 80 percent fewer repeat offenses than other federal prisoners (Johansen 1998, 233), the question of who or what will be held responsible for the remaining 20 percent who do reoffend remains open.

This chapter has only scratched the surface of the complex relationship between the colonial representation of Indigenous women and power relations in healing prisons. In the previous section, I have argued that Indigenous women in Canada are objectified as passive victims of spectacular colonial and patriarchal violence, becoming politically valuable objects only in their death. This space of death reveals that Indigenous women are subject to a law that cannot protect them yet will readily punish their transgressions. The numerous Indigenous women in federal prisons are thus the mirror image of the hundreds murdered and missing Indigenous women across the country: their incarceration in the healing prison of Okimaw Ohci reflects the colonial fascination with the power of traditional Indigenous healing as the corollary to colonial death. The reforms undertaken in Okimaw Ohci itself have been shown to exist well within the triangular relation of sovereignty, discipline and bio-power and continue to be informed by colonial, patriarchal interests.

Though many of the critiques of Okimaw Ohci offered here could also be applied to similar prisons designed for Indigenous men in Canada, the argument would not be identical. The particularly gendered dimension of Okimaw Ohci's responsabilization - the stringent "good mothering" requirements of the Mother-Child program, the use of trusting relationships with staff and Elders as a method of surveillance, the biopolitical construction of the at risk/ riskiness of Indigenous women - mark it as different from the

narratives that operate in institutions for Indigenous men. Now as in earlier colonial eras, women's minds and bodies are a primary battleground in the fight for hegemony, and the penal interventions designed by the colonial state reflect that primacy. The colonial poetics of native chaos versus state order play a critical role in the construction of the Indigenous prisoner in all Canadian prisons - the victimized yet savage Indigenous women, the drunk and violent Indigenous man - but the construction operates differently depending on gender. For this reason, I would not offer this analysis as directly applicable to neo-liberal prisons for Indigenous men.

Despite this bleak assessment of the healing prison, and despite the need for much more research on the subject (research that must be directed by the voices of the incarcerated women missing here), this research suggests that Okimaw Ohci's emergence has produced at least one moment of genuine subversive potential. As Foucault argues, government and resistance cannot be truly considered exterior to each other since they form a part of a network of power relations. For Indigenous leadership in Canada, participation in Okimaw Ohci is perhaps a strategic alignment of Indigenous resistance with government power to open a small space of compromise. While this approach falls well within the space of colonial governmentality that they are resisting, it also poses new challenges to the structure of corrections, and more generally to liberal government itself. The emergence of Okimaw Ohci through extensive consultations with Indigenous leaders, feminists, former federal prisoners and other typically marginalized groups suggests at minimum that the Canadian government is attempting to regain control it has lost somewhere along the path of colonialism.

The fundamental philosophical tension between an Indigenous worldview and that of the

liberal, Western state is revealed through the ongoing dialogue over concrete problems faced in Okimaw Ohci's daily operations,<sup>16</sup> suggesting that the subversive potential of Indigenous governance may be robust enough to challenge the colonial state on terrain of its own choosing. While such "state decolonization" as Okimaw Ohci may never be the source of fatal instability for the liberal colonial state in Canada, it does at minimum force the state to acknowledge the value of pre-contact civilizations.

To really understand the ever-shifting place that Okimaw Ochi occupies in the colonial-patriarchal state order, it may be helpful to view it as a manifestation of Deleuze and Guattari's war machine. The war machine is an assemblage that is purely exterior to the state, yet can be captured by the state to and appropriated for the state's ends. Despite its name, the war machine does not have war as its object; rather, it is a form of alternative social system that they call "nomadic" in its refusal to territorialize itself. War materializes if the war machine is captured by the state: "it is at the same time that the State apparatus *appropriates* the war machine, subordinates it to its 'political' *aims*, and gives it war as its direct *object*" (Deleuze and Guattari 2007, 420).

If the creation of Okimaw Ohci is a moment where the war machine of anti-colonial struggle was captured by the state apparatus and bent into another form of war, it is also a moment of radical possibility: "the very conditions that make the State or World war machine possible, in other words, constant capital (resources and equipment) and human variable capital, continually recreate unexpected possibilities for counterattack, unforeseen initiatives determining revolutionary, popular, minority mutant machines"

<sup>16</sup> See CSC 2002, pp. 15-17 for a fascinating discussion in which CSC criticizes the multiple spiritual vision statements that exist for Okimaw Ohci and suggests that the Lodge reformulate its vision as a "corporate mission statement".

(Deleuze and Guattari 2007, 422). Since the war machine is never uniformly defined as either against the state or a tool of the state, it always has within it the possibility of creative revolt against territorialization of its struggle using the tools that the state employed to capture it. The drive to challenge state violence exhibited by the women involved in the creation of Okimaw Ohci suggests that they are already undertaking a project where they "make war only on the condition that they simultaneously create something else" (Deleuze and Guattari 2007, 423), the most potent form that the war machine takes in alterity to the state.

Using the concept of the war machine, it becomes evident that the political tensions that run through Okimaw Ohci could serve as a seed for more radical defiance for Indigenous peoples in Canada, or it could continue to exist as an uneasy space of translation between civilizations - a space of resistance that may ultimately be adequate for the women imprisoned there to claim a political subjectivity of their own.

## **Conclusion: (Neo-)Liberalism, Colonialism and Patriarchy**

As the previous chapters have established, the constitutive connection between terror and healing in Canada's colonial-patriarchal state has both philosophical and material, physical consequences for Indigenous women. Though this inquiry has a modest goal of examining what makes these interconnected spaces of terror and healing politically possible, it also implicitly makes a normative claim about the weaknesses of the liberal-democratic settler state as a vehicle for justice. In particular, processes of neo-liberal responsabilization emerge from the preceding analysis as being of particular salience for understanding the contemporary governance of Indigenous women in Canada.

Wendy Brown makes use of Foucault's 1978 lectures analyzing liberal rationality in her definition of liberalism, which I will adopt here: "liberalism signifies an order in which the state exists to secure the freedom of individuals on a formally egalitarian basis" (Brown 2003, para. 6). Canada is a liberal-democratic state in that it adopts this premise as a justification for its existence<sup>17</sup>. However, the contemporary Canadian state also adopts «eo-liberal principles of governance that are distinct from this political-theoretical bent towards egalitarianism or the economic variant of liberalism advocated by Adam Smith.

Brown writes: "neo-liberal rationality, while foregrounding the market, is not only or even primarily focused on the economy; rather it involves *extending and disseminating market values to all institutions and social action*, even as the market itself remains a distinctive player" (Brown 2003, para. 7). Neo-liberalism implies a social analysis that

<sup>17</sup> See, for instance, Section 15(1) and (2) of the Canadian Charter of Rights and Freedoms.

prioritizes prudent choices and individual responsibility while maintaining the primacy of the free subject. Brown argues that the emerging dominance of neo-liberal governmentality in liberal states represents a new conflation of moral, economic and political rationalities that guts basic democratic ideals as it continues to promulgate them ideologically. This is a fundamental critique that I will return to in the context of Indigeneity.

In considering how Indigeneity fits within a liberal-democratic state framework axed on neo-liberal rationality, it is important to begin with a look at how the liberal democratic state has categorized Indigenous people for the purposes of governance. In Canada, the separation of gender and race as administrative categories has played an essential role in the establishment and entrenchment of the settler colonial state. The historical moment where this separation was codified is found in section 12(1)(b) of the 1876 *Indian Act* that served to create a zone of non-identity for Indigenous women by depriving those who married outside of their bands of Indian status for themselves and their children. This law that removed Indigenous women of their traditional decision-making roles in the community also served to legally entrench gender discrimination, since Indigenous men were not subject to the same restrictions. Monture-Angus goes so far as to locate the origins of contemporary "gender resentments" in Indigenous communities in section 12(1)(b), since the children of a grandfather who married out can be registered, while those with a grandmother who married out cannot (Monture-Angus 1995, 183).

The separation of race and gender as administrative categories of justice has important consequences for Indigenous women who struggle against patriarchy and colonialism in a liberal-democratic settler state. Many writers and activists have noted the degree to which

the mainstream anti-violence movement pits abused Indigenous women against their communities by presuming they should disclose abuse or leave, options which are very difficult given the small size and layers of violence experienced by many Indigenous communities<sup>18</sup>. Conversely, Indigenous women who are victims of violence in their own communities often find themselves silenced because of their communities' desire to maintain a united front against racism and colonialism (Smith and Ross 2004, 1). The separation of race and gender in liberal-democratic discourse means that Indigenous women activists are constantly marginalized by the male-dominated anti-racist movement and by the white-dominated women's anti-violence movement: they must work in an ever-shrinking space where the colonial process can be understood as structured by gendered violence. For Monture-Angus, confronting and challenging the liberal-democratic separation of race and gender leads her to the conclusion that "the Canadian state is the invisible male perpetrator who unlike Aboriginal men does *not* have a victim face" and must be held accountable as the oppressor (Monture-Angus 1995, 175).

Indigenous women in Canada, then, receive race-based treatment from the state differently based on *gender* - in effect what occurs is a gendering of David Goldberg's argument that ideas of the Other become racialized within the liberal framework. Goldberg argues that "liberalism serves to legitimate ideologically and to rationalize politico-economically prevailing sets of racialized conditions and racist exclusions" (Goldberg 1993, 1). This is rooted in the near-unanimous agreement among liberal

<sup>18</sup> See Andrea Smith and Luana Ross, "Introduction: Native Women and State Violence," *Social Justice*, 2004: 1-7; Patricia Monture-Angus, *Thunder in my Soul: A Mohawk Woman Speaks* (Halifax: Fernwood Publishing, 1995): 171-175 and Sherene Razack, *Looking White People in the Eye* (Toronto: University of Toronto Press, 1998): 62-68.

philosophers<sup>19</sup> that race is a morally irrelevant category that is to be hidden behind a veil of ignorance. Gender is also generally considered to be morally irrelevant in classic liberal political thought<sup>20</sup>, notwithstanding the contradiction between liberalism's avowed desire for ideal social conditions and the existence of entrenched social exclusions that it renders invisible.

Despite the problems inherent in reconciling gendered or raced claims for justice with a liberal framework, the claims taken up by Indigenous women are often construed as being in alignment with liberal claims for justice: one academic goes so far as to say that "the various positions taken by Aboriginal women and Aboriginal groups are not significantly different in their basic assumptions [...] for the most part, the social values they seek to entrench are the same: sexual equality, freedom of speech, etc." (Jackson 1994, 195). This type of heavy-handed analysis elides the complexity of Indigenous women's calls for justice within a settler-driven colonial system that is itself largely responsible for the injustices for which they seek remedy.

In response to such homogenizing assumptions, Monture-Angus makes the unequivocal point that "Aboriginal society is not ordered around the same values, such as sexuality, equality and especially freedom of speech, as Canadian society" (Monture-Angus 1995, 176). She believes that the conceptual separation of race and gender as categories under which individuals should be free from discrimination fails to encompass the entirety of her experience of the (colonial) world as a Mohawk woman. By trying to force

<sup>19</sup> Hobbes, Locke, Kant, Dinesh D'Souza, Rawls, and Ronald Dworkin are among a few leading liberal philosophers who have articulated race as a morally irrelevant category.

<sup>20</sup> See Susan Moller Okin, "Justice and Gender," *Philosophy and Public Affairs* Vol. 16 No. 1 (1987) for a clear discussion of the complicated position of gender as a morally irrelevant category in classic liberal political thought.

Indigenous women's experiences of colonialism into a liberal framework premised on the existence of singular injustices in an otherwise equal world, the critical force offered by an interlocking analysis of oppression is effectively silenced.

In his contentious commentary on the place of Indigenous people in contemporary Canada, Thomas Flanagan presents another view of where Indigeneity fits (or not) in a liberal framework. He writes that the "aboriginal orthodoxy is at odds with liberal democracy because it makes race the constitutive factor of the political order" (Flanagan 2000, 194). Flanagan's main argument on this point is that recognizing Indigenous claims for justice would result in communities where "membership [is] defined by race and passed on through descent" in contrast to the openness of Canada's other governments (Flanagan 2000, 194). This claim is ironic when the Canadian government's meticulous taxonomy in circumscribing the legal bounds of Indigeneity in Canada is considered, and it is doubly so when we recall the strict rules of status descent laid out by the *Indian Act* and Bill C-31<sup>21</sup>. Besides this selective history, what Flanagan's line of reasoning also suggests is the degree to which neo-liberal political rationality operates as an undercurrent in contemporary discussions of Indigeneity's place in liberal democracy. In contrast to classic liberal thinkers who saw race as morally irrelevant to good social policy, Flanagan sees race as *inefficient* for creating policy in a liberal democratic state.

If liberal-democratic rights have traditionally required a profound containment of difference in order to be actualized, as Linda Alcoff argues they do, then the neo-liberal focus on extending market values to social policy leaves even less room for discussions

<sup>21</sup> Bill C-31 was a package of amendments to the *Indian Act* passed in June of 1985. It included the repeal of section 12(1)(b) that deprived women who married non-status Indians of their own status, yet confined reinstatement of status to two generations.

of systemic colonial-patriarchal oppression in Canada. Indigenous families whose sisters, daughters and mothers are missing or murdered are forced to rely on mainstream media coverage to "humanize" their missing loved ones; to access liberal-democratic justice, the women's "difference must be either trivialized or contained [...] across a firm and visible border" (Alcoff 1996, 5). When Indigenous women are imprisoned, a select few are allowed to access the cultural healing programs at Okimaw Ohci on the condition that they, their communities, and Indigeneity itself undertake responsibility for their rehabilitation; hegemonic Canadian "society appears as the consumer of conforming behaviour [...] with which it is satisfied in return for a certain investment" (Foucault 2008, 256). Were the cost-benefit analysis on this programming tilt the other way, it is clear that it would cease to exist.

Flanagan and other Canadian neo-conservatives<sup>22</sup> espouse a philosophical orientation towards Indigeneity that risks further retrenching what little political space exists to understand the continued existence of colonial-patriarchal practices in Canada. Criminality, for instance, is understood as a behaviour that can be "interpreted as economic behaviour and controlled as such" (Foucault 2008, 259) - nuanced readings of criminality disappear in favour of a rational-choice argument that obscures the colonial-patriarchal context of imprisoned women's lives. From this perspective, the complaints of CSC guards that Indigenous women in prison need to control their anger and "get past the racial barrier" emerge as part of a new kind of governmental thinking where behaviour

<sup>22</sup> While I do not want to suggest that proponents of neo-liberal governmentality are in any way confined to one particular political grouping in Canada, it is worth noting that Flanagan is also a longtime Conservative insider who played a key role in Stephen Harper's election as Prime Minister. He has also served as an expert witness in several high-profile lawsuits involving treaty disputes and land claims, making the connection between his understanding of Indigenous rights and government decision much stronger than it is for most other academics cited here.

should be structured along a set of prudent choices among otherwise free subjects. If Indigenous women are free subjects in the neo-liberal system like anyone else, then their inequality is just part of "equal inequality for all" (Brown 2003) and requires no remedy.

From this perspective, liberal-democratic Canada, understood as a "mental, not historical space" (Bannerji 2000, 72), has limited room for Indigenous women. As the previous chapters have demonstrated, the depiction of Indigenous women and the violence they are exposed to serves to underpin the political rationality for ever-more efficient projects of colonial governance, such as that undertaken at Okimaw Ohci Healing Lodge. In managing this colonial history, the story that Canada tells about itself does not include Indigenous women who struggle against colonial-patriarchal domination. By partitioning off Indigenous women from Indigenous men, "status-Indians" from "non-status Indians", "urban Aboriginals" from people living on reserves, the liberal-democratic state brings into clear focus the *primary* national imaginary of Canadian-ness: that of white, male, European-descended worker who is "exalted" into subjectivity above racialized outsiders (Thobani 2007, 5). In this nationalistic imaginary, living Indigenous people are little more than free subjects with antiquated cultural ties whose subordination serves to re-entrench the hegemony of the colonial state. Even the discourse of "Indigenous communities" vs. the "multicultural Canadian state", which I have at times adopted here, plays a key role in "marking the difference between core cultural groups and other groups who are represented as cultural fragments" (Bannerji 2000, 10).

Where can we turn from this point of impasse and move forward to dismantle the destructive colonial-patriarchal structures that underpin much of Canadian politics? For all the political problems faced by non-Indigenous Canadians, is it possible to muster

outrage at the use of basic democratic ideals as a shield for the domination and exclusion of Indigenous people? In her analysis of Foucault's theories of neo-liberal governance, Wendy Brown offers this vision for countering neo-liberal domination:

What remains for the Left, then, is to challenge emerging neo-liberal governmentality in EuroAtlantic states with an alternative vision of the good, one that rejects *homo oeconomicus* as the norm of the human and rejects this norm's correlative formations of economy, society, state and (non)morality. In its barest form, this would be a vision in which justice would not center upon maximizing individual wealth or rights but on developing and enhancing the capacity of citizens to share power and hence, collaboratively govern themselves. (Brown 2003)

While she does not specifically address what this approach would offer in terms of its ability to counter ongoing colonial practices, the emphasis on collaborative governance and de-emphasis on economic rationality suggests that it offers tools for the de-colonizing, anti-patriarchal struggle. Read in the Canadian context of neo-liberal governance, it implies a dissolution of the colonial gap between what kinds of government are valued and promulgated by the establishment and what corresponding sacrifice is required from Indigenous communities. This vision challenges the reader to engagement and offers ownership over their governance beyond the state, perhaps along the lines of Foucault's reflection that "after all, we are all ruled, and as such we are in solidarity" (Connolly 1993, 380).

In the course of working on the issue of the contemporary colonial-patriarchal governance in Canada, I have thought a lot about the ethical sensibility that such work demands. Where do academics, white and otherwise, fit into this struggle? Monture-

Angus has called on non-Indigenous academics to "pursue their own historical responsibilities rather than continuing to try to explain Aboriginal women's aspirations today," (Monture-Angus 1995, 177) and I believe that this work does begin to respond to that challenge. However, it is also clear that for many feminist and political theorists, colonialism remains simply another 'ism' to be analyzed in isolation from other structures of power. Confronting the complex interrelation between systems of power requires a sustained accountability to marginalized communities as well as a willingness to locate privilege where it operates within the academic community.

In response to the necessity of finding the critical energy to support an ongoing engagement with the struggle against colonial-patriarchal domination in an increasingly neo-liberal political landscape, Foucault's attitude of hyperactive pessimism (Foucault 1983, 232) offers a potentially helpful approach. Though originally offered in response to the critique that his work simply sees power as "bad", Foucault's attitude of hyperactive pessimism is also an honest response to the melancholy nature of activism in an ever-shrinking political space. It invites us to examine the conditions of truth-making and culture-making with the understanding that these processes entail real, often violent effects. Paired with a politics of engaged solidarity with the struggles of Indigenous women and their communities (struggles which must be recognized as deeply intertwined), I believe that this approach could offer some basis for academic action in the face of enduring colonial-patriarchal power structures in Canada.

In this study, I have argued that colonialism in Canada today can be understood as a gendered bio-political project underpinned by progressive state reforms utilizing Indigenous cultural knowledge just as it is by the deadly representation of Indigenous

women that contributes to overt racist, sexist violence. By establishing a broadly Foucaultian theoretical framework that privileges a feminist, anti-colonial approach, I have attempted to lay bare some of the gendered structures of contemporary colonialism in Canada from a position of solidarity with Indigenous struggles for freedom.

Beginning with an examination of different moments in the colonial representation of Indigenous women in Canada, I have argued that the violation and death of Indigenous women is granted no larger meaning outside the spectacular yet normalized sexual violence used to accomplish their erasure in a "space of terror". Before their death, Indigenous women inhabit a state of exception where they are subject to the law of the state yet not protected by it; in their death, they confirm the sovereign power of the colonial state to exclude Indigenous people from the meaningful goods of citizenship, like legal protection from violence. Their representation as mere bodies stems from a gendered colonial discourse that collides with Indigenous women's lives at the points of sexual conquest, vulnerability, and risk.

Moving outward from representation to implementation, I linked the colonial-patriarchal discourses around Indigenous women to the creation of ostensibly progressive policy reforms undertaken by the Canadian government. Looking specifically at the case of Okimaw Ohci Healing Lodge in Maple Creek, Saskatchewan, I examined the operation of colonial-patriarchal power in its correctional practices and administrative philosophy. Although the Lodge initially appeared to offer the possibility of addressing the calls for justice of Indigenous women in prison, it has ultimately remained part of the colonial project. The correctional practices undertaken at Okimaw Ohci, though they utilize

Indigenous culture, are rooted in a concern with the responsabilization of prisoners and efficient governance that characterizes many neo-liberal initiatives.

Colonial-patriarchal domination is thus internal to the Canadian state, and is increasingly being expressed from a biopolitical perspective and rationalized through a neo-liberal framework. I explored the relationship between Indigeneity and liberalism, attempting to locate the shift from classical liberal flattening of difference to neo-liberal cost-benefit analysis as social policy for Indigenous people. Though Indigeneity appears to occupy a very precarious and ever-shrinking political space in liberal-democratic Canada, I argued that the potential for developing new understandings of collaborative governance exists if all Canadians can rally against neo-liberal abuses of basic democratic ideals.

What emerges from this examination is a clear connection between the politics of representation facing Indigenous women and the increasingly covert direction of colonial policy-making under the guise of apparent state decolonization. While the role that the victimization of Indigenous women plays in the production of new correctional practices is perhaps apparent, what may be less clear is the way that these new "postcolonial" practices utilizing Indigenous knowledge contribute to the oppression (and oppressive representation) of Indigenous women. I believe that this work has demonstrated the outlines of a constitutive connection between the phenomena: as the state increasingly adopts practices that place the burden of efficient governance on programs nominally based in Indigenous culture while failing to relinquish the power of government *decision* to Indigenous communities, the resulting failures reinforce the image of Indigenous people - women in particular - as risky and victimized by risk. The state taction on the missing Indigenous women that fosters a racialized, gendered space of terror and state

*hyperact* OYi in Gkimaw Ohci that feeds a colonial imaginary of order and domination are part of the same colonial power structure, and serve to politically constitute one another. This is an area of political thought that would benefit from further study, and a topic that should be considered central for thinkers concerned with the meaning of citizenship and democracy in an era of neo-liberalism.

As this study has demonstrated, the existence of the healing prison suggests that the colonial project remains deeply heterogeneous. That Okimaw Ohci emerged out of a confluence of state opening to Indigenous claims for justice and the unyielding rationality of neo-liberal responsabilization emphasizes the difficulty of assessing whether or not it retains any practical libratory potential. As stated in the introduction, it is not the intent of this thesis to pass judgment on the value of the Lodge as a place for individual women incarcerated there. That aside, the question of where to focus critical energy on the issues brought up by Okimaw Ohci's operation is an important one.

If Okimaw Ohci represents the territorialization of multiple flows of desire - the state desire to dominate, moralize, discipline and repress Indigenous women and criminals, as well as the women's desire to heal, elide the system, reject, reclaim and create - then its very complexity as an evental site suggests that it still holds the potential for change. As a war machine that can be bent to the use of the state or to nomadic resistance, Okimaw Ohci is neither fully co-opted nor fully libratory. Consequently, the value of encouraging further projects like Okimaw Ohci or seeking to divert the state towards other policy choices is difficult to assess.

While the oppressive effects of the colonial-patriarchal discourses that underlie much of the government's policy towards Indigenous people is are most certainly negative, the abilities of Indigenous women to turn "the system" back on itself by carving out spaces of freedom for themselves and their communities are formidable. This suggests that the critical energy mobilized by an anti-colonial, feminist critique of neo-liberal responsabilization can be effectively directed towards naming and unpacking the implications of similar policies wherever they emerge, and offering emancipatory alternatives in solidarity with Indigenous communities. Since the crux of expanding market rationality to all policy choice in a liberal-democratic state lies in gutting the substantive ideals and mechanisms of democracy, struggling against it will require deeply engaging with the basics of democratic public policy debate.

It remains unclear what the future direction of colonial governance in Canada will take. In the year since I began early drafts of this paper in July 2008, of the cases known to the Native Women's Association of Canada ten Aboriginal women and girls have gone missing across Canada (Native Women's Association of Canada 2009). Robert Pickton has appealed his conviction for the murders of six women to the Supreme Court amid debates over what to do with the land his farm occupied, land which may well contain the remains of other victims. Incredibly high levels of violence against Indigenous women - statistical jargon that hides the stark reality of acute fear, physical agony and death - suggest that Taussig's observations about colonial torture and terror in the eighteenth century Putomayo rubber trade echo in twenty-first century Canada. Terror, he concluded, is not just a psychological state - it is also a social one that serves as the mediator *par excellence* of colonial hegemony (Taussig 1987, 5).

In 2004 Okimaw Ohci celebrated its ten-year anniversary, and though its very survival is a victory of sorts, its place as a true alternative to harsh sovereign penal regimes remains highly contestable. A laudatory article about the Lodge posted on the CSC website assured the public that though it was fenceless, Okimaw Ohci security is strong because "residents are not placed here; we approve cases from those who apply voluntarily [...] they must satisfy a set of criteria and meet our expectations" (Correctional Services Canada 2004). As much as it may offer a place of healing for the women who are accepted there, the state's loud promotion of Okimaw Ohci is also a powerful reminder of the over one hundred federally sentenced Indigenous women<sup>23</sup> who did not or could not pro-actively apply and "satisfy" CSC's criteria.

As I stated in my introduction, the point of this analysis is to be attentive to emerging forms of colonial-patriarchal power in Canada while avoiding a position of innocence or disinterest. It is my profound hope that it will serve not just as a critique of the enormity of the challenge facing those who would work to dismantle the gendered forms of domination that underpin Canada as settler state, but also as an invitation to move beyond apologies to concrete political action. In the elegant words of the poet Chrystos:

fine dust is all  
that's left of these prisons & pain  
I am dreaming on this  
Dream on with me  
(Chrystos 1991, 151)

<sup>23</sup> According to CSC, in 2007-2008 (the most recent data available at the time of printing) there were 164 Aboriginal federally sentenced women serving time in Canada, a 131% increase from ten years ago. Okimaw Ohci is a 30-bed facility. See Correctional Services Canada, *Corrections and Conditional Release Statistical Overview 2008*, Public Safety Canada Portfolio Corrections Statistics Committee (Ottawa: Government of Canada, 2008): 67.

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