

CHAPTER ONE

INTRODUCTION

It is imperative that criminology be publicly responsible for seeking to articulate perspectives and truths of the human condition such that problems, issues and consequences become more apparent.

– Unknown

1.0 Preamble

This dissertation arose out of my long term involvement with the Elizabeth Fry Society of Saskatchewan, first as a volunteer and now as a Board member. It was here that I began to notice a chronic overrepresentation of Aboriginal women in Canada's federal justice system both historically and currently (Samuelson 1998a 2003; Monture-Angus 2002), particularly at the higher security levels. It was as a Board member that I also began to notice that Aboriginal women's voices were not being heard in the context within which they were speaking. Instead, the women's voices were taken out of context, and they were used to their detriment. Aboriginal women were seen to be the sole architects of their misfortunes. Excluded from any consideration were the colonized social spaces in which they find themselves. This dissertation attempts to listen to federally sentenced Aboriginal women's voices in context with a view to looking at the social forces brought to bear on their lives.

1.1 Background Context of this Study

There is a chronic overrepresentation of Aboriginal women in Canada's federal justice system both historically and currently (Samuelson 1998; Monture-Angus 2002), particularly at the higher security levels¹. On July 27, 2003, they made up 29% of the women in federal correctional facilities (Canadian Human Rights Commission 2003). Furthermore, they represent about half of the women classified as maximum security prisoners (Canadian Association of Elizabeth Fry Societies [hereafter referred to as CAEFS] 2003). Moreover, a report by the Office of the Correctional Investigator tabled on October 16, 2006 entitled *Report Finds Evidence of Systemic Discrimination Against Aboriginal Inmates in Canada's Prisons*:

... found that the Correctional Service of Canada (CSC) routinely classifies First Nations, Métis and Inuit women as higher security risks than non-Aboriginal women in prison; Aboriginal women are released later in their sentences than other prisoners; and they are more likely to have their conditional release revoked for technical reasons than non-Aboriginal parolees. Aboriginal prisoners often do not receive timely access to rehabilitative programming and services that would help them return to their community.

(Office of the Correctional Investigator 2006a)

While admissions to federal custody on a new sentence from the court² have generally increased throughout the past decade for women (Boe, Olah and Coisineau 2001), in the past five years there has been a 75% increase in the incarceration of Aboriginal women, a rate that is nine times more than anyone else (Pate 2005).

The 1990 Task Force Report on Federally Sentenced Women, entitled *Creating Choices* (Canada 1990), set forth a daring new correctional plan for federally sentenced women in Canada. It called for not only decentralised custodial facilities that are women-centered, but also for partnerships with communities. The Task Force Report contended that historically, women had been a footnote in a correctional system which was designed by white middle class men, for men. Significantly, this Report stated that women who are serving sentences must have a voice in corrections; it also reiterated what was stated in an earlier report entitled *Indians and the Law* (Canada 1967), namely that Aboriginal women in prison had been a footnote within a footnote when it came to meeting their needs in terms of programming and (re)habilitation. This lack of sensitivity to Aboriginal women's needs for programming and (re)habilitation was again alluded to in the 1996 *Commission of Inquiry into Certain Events at the Prison for Women* (Canada 1996). Subsequent major reports, such as the *Report of the Royal Commission on Aboriginal Peoples* (Canada 1996b) and the *Bridging the Cultural Divide* report (Canada 1996a) were noticeably silent on the effects of imprisonment on Aboriginal women (Monture-Angus 1999: 24; Morin 1999). Furthermore, according to Bell, Trevethan and Allegri (2004) research to date on federally sentenced Aboriginal women has been sparse.³ They are largely quantitative and descriptive, constructing Aboriginal women as dysfunctional objects (*cf.* Morin 1999; Ross and Richards 2003; Chan and Mirchandani 2002; Belknap 2001). Moreover, there is a paucity of qualitative research from the perspectives of prisoners as subjects in general (*cf.* Ross and Richards 2003), and federally sentenced Aboriginal women in particular.

The situation of federally sentenced Aboriginal women noted above, especially in the *Creating Choices* report (Canada 1990a) underpin this dissertation. The challenge of this qualitative study is to determine through interviews with Aboriginal⁴ women, who have been or are currently under federal sentence, what choices they saw for themselves both before and during prison.

1.2 Research Questions

This dissertation seeks to answer four particular research questions:

- (1) What is the societal framework within which these women live?
- (2) How does the societal framework within which these women live impact upon their identities and their subsequent social locations and constellation of choices?
- (3) How does their constellation of choices impact upon their identities and ultimately upon the choices they make?
- (4) Do these women see their time in prison as widening the constellation of choices of action for them?

1.3 Objectives of this Study

Drawing on the limited body of government initiated reports outlined above, this qualitative study investigates federally sentenced Aboriginal women's life experiences from their perspective. More particularly this study investigates how their choices, and their social and cultural capital, and identities are structured by living in a societal framework which is colonialist. I use a critical ethnographic methodology to understand

how living under these colonialist conditions structured their choices and identities. Whereas naturalistic field researchers aim to understand social life as participants understand it, critical ethnographers are interested in identifying the structures and underlying patterns through which a particular understanding is possible (Babbie 2001: 283). Critical ethnographers seek to give voice and organisation to those struggling for social change, challenging “truth” in ways that subvert “taken-for-granted” ways of thinking (Thomas 1993: 18; Mobley 2003). Such an approach according to Bhavnani and Davis (2004) is in contrast to mainstream social science in which research and policy are treated as independent from one another and advocacy is considered antithetical to research.

The aim of this dissertation is not to refute correctionalist discourse *per se* but rather to investigate what federally sentenced Aboriginal women see as significant and why (Li 1985). This study will show that their life experiences are largely shaped by their encounters with a societal framework which is by and large, racist, sexist and classist. Living under the ambit of such a societal framework not only structures these women’s social and cultural capital but also structures their choices and identities.

1.4 Contributions of this Study

Aside from being one of the few qualitative studies of federally sentenced Aboriginal women, other major contributions of this study include its analytical framework which listens to these women as socio-politically situated subjects. These women’s stories are taken to be indicative of the conditions under which they live. In so

doing, this study seeks to give voice to what these women say about the social spaces in which they find themselves. In doing so, this study also enhances critical understanding of identity formation and its implications for not only criminological theory but also penal practice.

1.6 Organisation of this Study

Chapter Two outlines the historical context and the existing academic literature on women, race and crime and deviance. I argue that the societal framework within which Aboriginal women live in Canada carry assumptions about gender, race and class and places Aboriginal women into marginalised social spaces and creates marginalised identities. This chapter also outlines the analytical framework for this study which is based in part on (i) Mead's (1934) social construction of the self/identity; and (ii) Bourdieu's (2001) notions of social and cultural capital. I argue that Aboriginal women's *identities*, their social locations/social spaces relative to the overall societal framework, affects their *constellation of choices*, their *social and cultural capital*. The problem arises when the societal framework and its corresponding legal and social welfare institutions politely claim, "we understand, but what can we do?" or "we understand but that is not in our purview to deal with" or we understand, but we are not resourced to deal with racism, sexism and classism at a societal level and as such these issues are not within our institutional purview to deal with (CBC Radio 2000). Habermas' theory of communicative action (1987) and his discourse theory (1998 1998a) offers a way forward from the impasse emerging from such responses. Habermas argues for institutionalising

public dialogue regarding the justness, truthfulness and relevance of social action taken on behalf of society. The strength of Habermas' approach to both private and public space lies in the fact that questions of democratic legitimacy are central to it (Benhabib 1992: 74).

Chapter Three, *Research Methodology*, delineates the logic of inquiry and the methodology used to operationalise the concepts of identities, and social and cultural capital, all of which are contextualised as outlined in Chapter Two. Chapter Three also outlines the definition of Aboriginal and how this definition came to life in this study. Chapter Four, *The Women's Lives* documents the women's lives both before and during prison. I demonstrate that these women came from marginalised social locations before prison which set them into marginalised identities with marginalised cultural and social capital. I also demonstrate that much of these women's carcerative experiences are not ameliorative vis à vis the marginalised social spaces from whence these women came or their marginalised social identities. Chapter Five delineates policy implications and recommendations as well as directions for future research.

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1. Less than four per cent of the national female population (excluding Métis) were Aboriginal women and yet Aboriginal women constituted almost 22% of all federally sentenced women. Moreover, Aboriginal women also constituted 41% of federally sentenced women in maximum security. outlines the definition of Aboriginal, how this definition came to life in this study. And those who may be eligible to serve the remainder of their time in the community, are less likely to do so. (Canada. Auditor General 2003; Jackson 1999; Taylor and Flight 2004)

Such a situation does not bode well for Aboriginal women under federal sentence. According to a recent study by Johnson (2006) "adult offenders who spent their sentence under supervision in the community were far less likely to become re-

involved with correctional authorities within 12 months of their release than those who were in a correctional institution.”

2. An admission to custody resulting from a new sentence from the court is called a Warrant of Committal (WoC).
3. There have been a few notable exceptions including Sugar and Fox (1990), Morin (1999) and Monture-Angus (2002).
4. The term "Aboriginal" has come into common usage since 1982 when protections for Aboriginal and treaty rights were incorporated in the Canadian Constitution. "Aboriginal" was defined as including Indian, Métis and Inuit peoples of Canada, although the boundaries of membership in these collectivities remains subject to various definitions” (Castellano 2002).

Indigenous is used interchangeably with Aboriginal, and is used generally in international contexts. “And where sources refer to specific groups, such as First Nations, the terminology of the source is retained” (Castellano 2004: 99).

CHAPTER TWO

LITERATURE REVIEW

2.0 Overview

This chapter provides first an overview of the academic literature on race, crime and gender as well as an outline of the societal framework within which Aboriginal women live. I argue that the societal framework is sexist, racist and classist and sets Aboriginal women into marginalised social spaces and identities. Secondly, it delineates the analytical framework used for this study which is based in part on Mead's (1934) social construction of the self/self-identity; and Bourdieu's (2001) work on social and cultural capital. I argue that Aboriginal women's *identities* and social locations affects not only their *social and cultural capital* but also their perceptions of themselves and their capabilities.

Habermas' theory of communicative action (1987) and his discourse theory (1998; 1998a) are useful for responding to institutional inability to address other larger societal problems such as racism, sexism and classism. The strength of Habermas' approach to public space lies in the fact that questions of democratic legitimacy are central to it (Benhabib 1992: 74).

2.1 Literature Review

Much of the contemporary literature was focused upon race/ethnic – police relations, while issues of how both policing practices, and crime and law are delineated, they are scantily addressed (Baker 1994; Gudge 1994).

In Canada, any literature search on the dual topic of crime and race will disclose the abject paucity of such literary material in a country which prides itself as a multicultural society and which is also active in the vanguard of the international movements for human rights and justice.

(Gudge 1994: 2)

The very public events in Oka Quebec and Ontario in 1990 sparked renewed discussion about ways in which racialised groups are overpoliced, potentially leading to their overinvolvement with the criminal justice system (O'Reilly-Fleming 1994). The discussions were also fueled by a number of high profile incidents. For example the police shooting of a young Native leader J.J. Harper on the 19 August, 1988 after mistaking him for a car thief, the murder of Helen Betty Osborne on November 13, 1971 and the subsequent police handling of the case¹, the suspicious freezing deaths of Neil Stonechild on November 29, 1990, and Rodney Naistus on January 29, 2000. There was also energetic debate whether statistics on race and crime should be collected at all.

Johnson (1994) argued that such statistics reinforce stereotypes and as such are contrary to our fundamental values. The data collection process itself, Johnson points out, is not neutral by any means, but racist. What constitutes relevant data is the result of a series of socio-political decisions which heavily favour middle class European perspectives. This perspective is problematic for those on the periphery – from the

definition of what is crime, how crime is enumerated, to the definition of who is criminal and who is not.

Arguments in favour of gathering statistics on race and crime are that such knowledge should foster enlightened discussions which include not only methodological concerns but point to the origins of the situation, and that it is best to discuss things up front (Gabor 1994). Ironically, if it were not for the existence of such data on race and crime it is unlikely that colonialistic assumptions and processes underlying Aboriginal women's chronic overrepresentation in the justice system would have come into public light when it did in the 1990s. Public light was shed on both Aboriginal women's chronic overrepresentation in Canada's federal justice system and the lack of appropriate programming and (re)habilitative measures when it became known that six Aboriginal women in Kingston Prison for Women committed suicide in the space of two years in the late 1980s. Moreover, Aboriginal women made up approximately one quarter of the prison population at Kingston Prison for Women (Grossman 1992) which was grossly disproportionate to their numbers in the general population. These two situations served as the catalyst for the 1990 Task Force on Federally Sentenced Women as already noted in the Introduction and they become the point of departure for this dissertation: which is to listen to Aboriginal women as socio-politically situated subjects.

2.1.1 Crime, Race and Gender

Theories of why women commit crimes have generally fallen along several lines. These include: biological and social psychological; individual “free will”; and those which look to structural elements circumscribing one’s social position.

Early biologically and physiologically based theories of criminality include Lombroso’s born criminal (1918; 1980; 2004), Sheldon’s somatotyping (1970; 1970a), and Eysenck and Gudjonsson’s differential conditionality (1989). Women’s criminality was due to women’s sexuality (Pollak 1950) or endocrinal imbalances related to premenstrual syndrome (Easteal 1991). These kinds of theories have resurfaced and feature in recent research including: (1) how cascading mechanisms in the brain lead to a propensity to alcoholism which in turn, are associated to a whole host of other problems (Ravven 2002; Spear 2002), and; (2) the recently “discovered” syndrome of Fetal Alcohol Syndrome, Fetal Alcohol Spectrum Disorder and/or Fetal Alcohol Effects (Maidment 2006). Because persons diagnosed with FAS/FASD/FAE have little foresight and no effective informal social controls, the only way to manage the risk they present to social order is *via* medication and formal social control mechanisms².

Social psychological based theories include Bandura’s modeling/imitation approach (1977), Sutherland’s differential association (2004), Glaser’s differential identification (1956), and Burgess and Akers’ differential association and reinforcement theory (2004). These approaches assume that individuals learned “inappropriate” ways of thinking and dealing with things. Such assumptions inform both cognitive skills programmes and dialectical behaviour therapies which have traditionally and currently

feature heavily in institutional (re)habilitation programmes (Kendall 2002; Kendall and Pollack 2003). These assumptions also feature heavily in the risk classification system which will be discussed in Chapter Four.

Whatever the case, these approaches assume some sort of inferiority or aberration of the individual or their immediate environment. They are unable to explain why the numbers of Aboriginal women in Canada's federal carceral institutions, though consistently higher than non-Aboriginal women, rise and fall over time and location.

Sociological approaches, on the other hand, point to historical processes and context as factors in Aboriginal women's chronic yet variable overrepresentation. According to early sociological theories, crime and criminality could be explained by cultural displacement or disintegration (Shinpo and Williamson 1965), social disorganisation (Shaw and McKay 1969; 2004) and deviant sub/cultures (Cohen 2004). Early sociological explanations of women's increasing numbers in justice statistics included the liberation thesis (Adler 1975; Simon 1975), chivalrous/paternalistic attitudes of criminal justice institutions (Nagel and Hagen 1983; Moulds 1980), and changing sex roles (Rafter and Stanko 1982), to name a few. While such theories are useful for understanding larger historical processes at work, they not only inaccurately conceive women as a homogenous group, but also they are unable to explain variations in non/criminal activity between groups like Aboriginal and non-Aboriginal women, between different First Nations, and/or within a particular First Nation. Thus such sociological theories were also unable to offer a viable way forward in reducing the numbers of Aboriginal women inside carceral institutions.

Incorporating elements of social conflict and feminist theory, critical social theory emerged in response to much of the classical and positivistic criminologies and social theory³ which exonerated social and cultural institutions from responsibility for crime creation/causation. Critical social theorists looked to social structural elements and power relations as potential sources of crime creation and/or causation. These theorists argued that classical and positivistic criminologies overlooked how social institutions themselves reinforced conventional images of deviance and conformity that were by and large, eurocentric (Said 1979; 2000; 2002; Ellison 1952; Razack 2002), androcentric (Smart 1984; 1992; 1995; Cline and Spender 1988; Smith 1974; 1975; 1987; 1990) and ethnocentric (Monture 1999; Monture-Angus 2002; Cook-Lyn 1996; Ross 1998; Razack 1998a; 2002; Tuhiwai-Smith 1999).

For example, Aboriginal peoples in law are represented:

... in terms of their lack of European ways; the ideology of “homogenous Indianness” that obscures the diversity of Aboriginal cultures; and the ideology of “static Indianness” across time despite changes in the material and political conditions of Aboriginal communities.

(Comack and Balfour 2004: 80)

Labelling theory marked this shift in focus, arguing that it was *institutionalised audience reaction* which was responsible for leading a person to a deviant career (Becker 1963; Becker and McCall 1990 and Chambliss 1969). Labelling theorists further pointed out that once labeled, any alternative (and possibly more positive) interpretations/labels of their behaviours were negated, because after all *they are criminal*. Because *they are criminal*, social institutions become increasingly concerned with order and security, initiating more rules and regulations effectively narrowing the scope of acceptable

behaviour for clients. This situation ultimately poses a risk to the client population because they encounter a great deal more difficulty in exiting the system (Arrigo 2002). This, in turn, poses a risk to the community-at-large in terms of human and fiscal resource burn-out because those returning to the community are less able to viably manage their own affairs (Christie 2000).

Critical theorists also pointed out that women were different than men -- they had differential access to resources (Pate 2001; 2002; Carlen 1988; Smart 1995; 2002); they coped with life differently than men (Comack 1996); they had different motivations for crime than men (Comack 1996; Carlen 1988; Kruttschnitt and Carbone-Lopez 2006) and thus (re)habilitation programmes had to do more than just *add women and stir*. Federally sentenced Aboriginal women, critics further pointed out, were viewed as “triple deviant” in that they were not white, they transgressed the law as well as notions of appropriate feminine behaviour (Heidensohn 1985; Faith 1993). Critics also pointed out that federally sentenced status Indian women had to deal with being culturally dislocated not once but twice (Hayman 2006; Cook-Lyn 1996), as the *Indian Act* (1876) dislocated Aboriginal peoples in general from their lands and ways of life, and dislocated Indian women in particular as keepers of their communities. Thus as Carlen (1992), Young and Matthews (1992), and standpoint epistemologists (Code 1998; Smith 1975; 1987) argued, penology needed to be mindful of the penal population for whom it was intended. This was because “oppressed groups are epistemologically privileged in that they have more direct access to accurate knowledge about the conditions of their subordination” (Griffin 1996: 180; Haraway 1988; Bhavanani 1993). *Creating Choices* (Canada 1990) argued

for such a women-wise penology, especially in the case of federally sentenced Aboriginal women. By insisting that intervention not only make sense and is meaningful for the localities in which they are to be implemented⁴ there is increased potential for reducing prisoner populations than current practices.

Standpoint epistemologists (Code 1998; Smith 1975; 1987) and left realists (Jones, MacLean and Young 1986; Taylor, Walton and Young 1973; Matthews and Young 1992; DeKeseredy, MacLean and Schwartz 1997) further added that race, gender and class should be seen as structured parameters guiding people's social behaviour, rather than as inherent traits. A way forward may be to look at these women's choices of action as being circumscribed by race, gender and class considerations. Theoretically and conceptually, such an approach:

- (1) is useful for thinking about how federally sentenced Aboriginal women's successes/troubles take on different forms given different social locations; and
- (2) serves as a mechanism by which to bridge the social structure/agency dichotomy which has plagued traditional sociological theorising.

Critics like Scraton (2002), Carlen (1992; 2003) and Carrington (2002) further pointed out that conventional conceptions in law such as the "juridic subject", or the "reasonable man", effectively negated any consideration of social and political context. Inherent in such thinking is a "reasonable man" who is free, self-determining, has a reflexivity that is ungrounded and universal. For example police discourses of "good guy/bad guy", "guilty/innocent" effectively negate the social and political processes leading up to a "criminal incident" (Sheptycki 1990). In cases involving Aboriginal women as

“assailants” what gets sublimated are not only the socio-historical processes leading up to the “incident” in question but also prevailing social arrangements. The assumption is that “all else is equal” and that the criminal “incident” occurred in a “sea of otherwise normal tranquility”. Cook-Lyn (1996: 110-111) uses the following American example to illustrate.

Marie Big Pipe, a teenage alcoholic Aboriginal woman, whereupon being refused an abortion, gave birth to her third child and was subsequently charged with neglect, a felony offense in the United States. She was charged because she “assaulted her with the intent to commit serious bodily injury” by breastfeeding the infant while under the influence of alcohol.⁵ It is the woman – because she is recalcitrant, who needs to be criminalised. What is ignored are the devastating effects of colonial oppression on the fiber of Aboriginal communities resulting in extensive alcoholism and the birth of children with FAS/FASD/FAE because these things are not seen as germane to the case at hand:

One of the things the American public needs to know is that the enforced movement to modernity for Indians is embedded in a legal world which can best be described as a confusing yet vast folly emerging from the 19th century Major Crimes Act, and that for no one has this folly been more profoundly dangerous than for the women of the tribes, who were literally and figuratively, stripped of their authority in tribal life.

(Cook-Lyn 1996: 110)

Aboriginal women are deemed *unreasonable* and exhibit *unreasonable* behaviours by those who are more centrally located *vis à vis* the locale of structured cultural and social power. As a result, once inside the prison institution Aboriginal women are often deemed “high risk” and are often kept at higher security classifications

and/or not given community dispositions as readily as non-Aboriginal women. Those so named take on identities which then become decontextualised and immutable, taking on a life of their own, which then reinforces the social import of those so named. By-products of this complicated process include: (1) the situating of those so named in particular socio-political locations hampering their social inclusion (Li 2003: 1, 2), and (2) the (re)casting of potential resources and indeed potential identities available to those so named.

2.1.2 Identity, Race, Ethnicity, Gender and Crime

Much of the recent literature on prisoners' identities in general gravitates around the development of a set of orientations which provides prisoners' the means of retaining a sense of dignity and self-respect whilst living in degrading conditions inside the carceral institution (Hassine 1996; Jones and Schmid 1993; 2000; Martel and the Elizabeth Fry Society of Edmonton 1999; Martel 2001; 2006). Owen's (2003) research, for example, suggests that women's commitments to pre-prison identities shape the core of female prison culture and that part of the prisonisation process is for the prisoner to learn "to do her own time".

There is much research on Aboriginal peoples in terms of race/ethnicity, and identity. For example, on the impact of legislation on Aboriginal people's identities generally (Andersen and Denis 2003; Lawrence 2003), the impact of legislation on identity and Aboriginal people's health (Oakes, Reiwe, Koolage and Simpson 2000;

McCubbin and Hamilton 2005; Sang and Brown 2008; and Waldram, Herring and Young 2007).

There is also much research on the discrimination of Aboriginal women in general (Anderson 2001; Fiske 2006; Cannon 2006; NWAC 2007; Sayers et. al 2001), and in the justice system (NWAC 2003; Monture-Angus 2002; CAEFS 1999; 2002; 2003). There is also research on the effects of incarceration on Aboriginal women's subsequent life trajectories (Brassard 2006) and on how a positive sense of identity assists Aboriginal women in turning away from lives of crime (Hundleby, Gfellner and Racine 2007)⁶. Much of this literature focuses on their lack of viable healthy alternatives, their lack of healthy social supports, education, parenting resources et cetera as a result of federal and/or provincial legislation (Fiske 2006). The literature focuses on the oppressive social locations from whence these women come and in which they currently find themselves *from the outside*. But there is a paucity of research from the perspective of Aboriginal women who are federally sentenced *as they see it* – from the inside (Lawrence and Dua 2005, Lawrence 2003). This study seeks to investigate the choices federally sentenced Aboriginal women see themselves as having in both their before and during prison lives. In doing so, this study examines the impact of living in such social spaces for not only these women's social and cultural capital but also their identities.

These constellations of choices form the basis of not only the cultural capital and social capital to which these women have access but also form the basis of their identities. It is these identities and cultural and social capital which follows them inside prison. Such a focus on identities which are socially grounded, bridges the traditional

structure/agency dichotomy that much conventional theorising about crime and criminality subscribe to.

2.2 Background Concepts and Considerations

2.2.1 Culture and Cultural Difference

The literature on culture and cultural difference as it pertains to crime and criminality has been generally used to Aboriginal peoples' disadvantage (Youngblood Henderson 2000). Culture is a vacuous term, unless close attention is paid to how "culture" (*i.e.*, federally sentenced Aboriginal women's social location *vis à vis* discourses of racism, sexism and classicism) comes together in these women's lives. As Razack (1998b: 226) points out:

Culture talk is clearly a double-edged sword. It packages difference as inferiority and obscures gender – [and race –] based domination within communities, yet cultural considerations are important for contextualizing oppressed groups' claims for justice, for improving their access to services and for requiring dominant groups to examine the invisible cultural advantages they enjoy.

(square brackets mine)

For example, in the context of sexual violence⁷, Razack (1998b: 227) points out that there are risks involved in talking about cultural difference. Cultural communities may understand culture and community in ways that reflect and leave unchallenged male privilege. Thus when women speak out, the risks encountered can be complex. One runs the risk of: (1) alienating "the cultural community" from the mainstream because, after all, *that community* is "dysfunctional" and; (2) alienating one's self from one's

community (Razack 1998b: 223). Thus when Aboriginal women speak out they run the risk of being alienated from all that they know:

Racialized women who bring sexual violence to the attention of white society risk exacerbating the racism directed at both men and women in their communities; we risk, in other words, deracializing our gender and being viewed as traitors, women without community. These risks are particularly acute when, as so often happens, it is the dominant group who controls the interpretation of what it means to take culture into account.

(Razack 1998b: 223)

Yet if women do not speak out, they are at risk of being perceived as complicit with the conditions of their community. Thus women continue to be at risk of further victimisation both in the hands of those who sexually violated either themselves or other members of their families, the conditions of their community, and that cultural community risks further alienation from the “mainstream” (see also Lyotard 1984; Said 1979; 2000; 2002; Youngblood Henderson 2000)⁸. Yet as Schissel (2000: 322) argues, many easily identifiable subsistence exigencies do exist, especially when compared to the normative practices of Canada’s legal system. The resulting disparities Schissel (2000) argues, are primarily an indication of the inability of a rigid EuroCanadian legal system to accommodate people from marginalised social locations, like many Aboriginal women.

2.2.2 Colonialism

Colonialism situates Aboriginal peoples into particular relationships with the colonisers. It is this relationship – one of disadvantage and minority status – which gives rise to a common cultural relationship and what Razack (1998a; 1998b) and Schissel

(2000) above are referring to. Thus the term “culture difference” in this dissertation is understood not as a thing that people have or embody, rather “cultural difference” is understood as a dynamic process which situates people socially in relation to others and sets out structural parameters for their social behaviour.

Racism, sexism and classism inherent in colonialism are not experienced as mutually exclusive discrete “events” in people’s lives. Subject to the conditions of possibility, these ideological practices or ways of knowing (Smith 1974; 2002) intertwine and “intervene into” peoples’ lives, constructing not only their realities and available choices, but their identities as well. Moreover this process is complex and ongoing. When a change in social location occurs, one might experience colonialism in a number of ways. One might experience less sexism, less classism, and less racism, or more sexism, more classism, and more racism or any combination of the above. Thus these ways of knowing are experienced as oppressions, as prisons, and are not unitary but layered, and they can take on both a personal and collective character (Lucashenko 2002). These ways of knowing can be both physical and emotional and are cyclical and multifaceted in nature (Monture 1999). How these oppressions, these ways of knowing, are taken up is subject to an individual’s perceived constellation of social and cultural capital (West and Fenstermaker 1995). One’s social and cultural capital changes with changes in one’s biography, and one’s biography changes with changes in social location or milieu. Such a conceptualisation may be useful for thinking about how people’s identities change over time given changes in geo-spatial location but still may have

similar sets of underlying characteristics. Thus, Aboriginal female children may grow up, but they still live in a cultural/societal framework that is colonialist.

Drawing heavily on the writings of Indigenous authors, the section below will discuss the effects of colonialism in particular on Aboriginal peoples and importantly, Aboriginal women's identities in particular. Though discussions of the effects of colonialism are ongoing and are discussed more exhaustively by other authors elsewhere (*i.e.*, Anderson and Lawrence 2003; Anderson 2001; Acoose 1995; Schissel and Wotherspoon 2002; Silman 1987), the intent of this section is to provide a brief overview of the effects of colonialism on Aboriginal peoples, and on Aboriginal women in particular.

Aboriginal women were effectively transformed from respected citizens in their own right and as central repositories of wisdom and knowledge in their communities (Acoose 1995; Hamilton and Sinclair 1991; Obomsawin 2004) to shame based non-citizens with no rights.

In the historical context, Indigenous women were stereotyped as good when European interests were furthered by some sort of liaison. Before a so-called good Christian white man could have relations with an "Indian" woman, however, she had to be elevated beyond an ordinary Indigenous woman's status [to one which inferred royalty].

(Acoose 1995: 43)

By implication then, all other Indigenous women were "easy squaws" (Acoose 1995; see also Culleton-Mosionier 1983). Thus as Acoose (1995: 52) further writes, such colonialist concepts which are "constructed outside an Indigenous ideological paradigm

imprison Indigenous women in stereotypes which obscure and distort their very real and lived experiences.”

The devastating effects of colonialism on the fiber of Aboriginal communities and Aboriginal families in particular, resulted in “internalised oppression” or lateral oppression which describes the behaviour patterns of colonised communities (Hill 1995). Manifestations of this internalised oppression include internal fighting, internalised racism, and prejudice, spousal and child abuse, homophobia and conflicts between traditional and elective systems. The result is that Aboriginal peoples have turned against each other in ways that eats “away at the spirit of the community and reaches outwards to the nations. Many of our own people are turning against people of the same nation because they do not come from the same community.” (Hill 1995: 45; see also LeClair, Nicholson and Hartley 2003). Other manifestations of colonialism had to do with residential schools (Cote 2001; Schissel and Wotherspoon 2003), “churchianity” (Hill 1995: 13⁹) and the sixties scoop.

In contrast to public or formal education systems today which are patriarchal and which prepare the child for the labour market, Aboriginal teachings were more informal, more egalitarian and prepared the child for life (Schissel and Wotherspoon 2003).

The dignity of Aboriginal culture was lost initially through forms of discipline in residential schools that attacked the implicit sense of autonomy in Aboriginal cultures.

The ethic of non-interference is the essence of Aboriginal cultures and is probably one of the oldest and one of the most pervasive of all the ethics by which we Indians live. It has been practiced for twenty-five or thirty thousand years, but it is not very well-articulated. This principle essentially means that an Indian will never interfere in any way with the

rights, privileges, and activities of another person. Interference ... is forbidden.

(Ross 1992 in Schissel and Wotherspoon 2003: 39-40)

This principle also applied to children and stood in stark distinction to the use of coercion, physical or emotional discipline or any other form of oppressive behaviour modification which were the hallmark of many residential school practices. Imposing a compulsory system of formalised education premised upon oppressive behaviour modification created generations of traumatised children and youth who were unable to survive in either world (Schissel and Wotherspoon 2003: 40).

Cote's (2001) research for her Master's thesis found some common themes that emerged out of the collective experiences of Elders. These included the common history of abuse suffered by Aboriginal students at residential schools, the wholesale destruction of the Aboriginal family unit, and "social dysfunction" within the Aboriginal community caused by church and state for ideological and political objectives.

Cote also writes of her own experiences in residential schools where Cote was not only repeatedly verbally denigrated, she was repeatedly physically and sexually assaulted as well.

At twelve years old I thought, "I have had it and I am outta here [residential school]." My family had broken up; my dad and my mom were alcoholics. You have to know at that time our parents tried to continue the family as the centre of our social, political, and cultural systems. But as loved, small children were forcibly taken away, the mothers and the fathers couldn't bear it. How could they look at each other with respect? They couldn't protect their own children.

(Cote 2002: 180; square brackets mine)

For Cote, resisting the oppressive conditions of her residential school was through the repression of her feelings, thoughts and perspectives, and absolute, utter silence.

Of the effects of losing one's children to someone not from your community, *i.e.*, residential school, social service agencies, Bennet (in Cook-Lynn 1996: 113; see also Hill 1995) writes:

the alienations of Indian children from their parents can become a serious mental health problem. If you lose your child you are dead; you are never going to get rehabilitated or you are never going to get well. If there are problems, once the children are gone, the whole family unit is never going to get well.

If this is indeed the case, then the question arises of what does the future look like for Aboriginal families?

This situation and views on what a "good mother" provides for the children in her care which were at odds with Aboriginal tradition (see Chapter Four) gave rise to what is known as "the sixties scoop," a term coined by Johnston (1983), as well as other family service interventions. Doing a province by province analysis of child welfare practices involving Aboriginal children specifically, Johnston confirmed that disproportionate numbers of Aboriginal children were being taken into care and placed into non-Aboriginal homes. Such practices however well intended, are colonialist. According to the Royal Commission on Aboriginal Peoples (1995; see also Monture-Angus 1995), First Nations families and communities believe that their future and the survival of traditional ways is dependent upon children. Children in Aboriginal cultures hold a special place and must be protected from harm as there are spirits that want to beguile them and take them back to that other realm. Children not only bring a purity of vision

that can teach their elders but they also renew the strength of the family, clan and village and make the elders young again with their joyful presence. Thus removing children from their homes and placing them in a foreign culture not only weakens the entire community but more importantly is, according to Monture-Angus (1995), an act of genocide.

The traditional circle of life is broken. This leads to a breakdown of the family, community, and breaks the bonds of love between parent and child. To constructively set out to break the Circle of Life is destructive and is literally destroying Native communities and Native cultures.

(Hill 1985 in Monture-Angus 1995: 193)

Furthermore, according to Mackenzie and Hudson (1985: 126) the experiences of native children while in care is generally different from that of non-native children. These authors noted that,

Native children who are placed primarily in white substitute care homes or institutions are less likely to be visited by parents once in care, and they are less likely to be returned home than their non-native counterparts.

The 1996 Royal Commission on Aboriginal Peoples (Volume 3) also pointed out that the effects of apprehension on the Native child were often more traumatic than on non-Native children because not only is the child taken from his parents but also taken from a tightly knit community of extended family and neighbours who might have provided support. The Native child is also removed from a unique culture which is familiar to that child.

Mackenzie and Hudson (1985: 126) also noted this.

There is evidence that native children raised in non-native homes are more likely to experience an identity crisis in adolescence, leading to acute social and psychological problems when they find they no longer fit in the

society to which they have been socialized. If this is true, there can be little argument with the general observation that placement practices and the related actions of the child welfare system have reduced the opportunities for cultural reinforcement of the native child's identity and have, therefore, directly contributed to the negative outcomes which are too often associated with native children who graduate from the child welfare system.

Negative outcomes which included suicide, drug and alcohol addiction, mental and physical health issues, and involvement with the criminal justice system.

Public attention was drawn to the situation of Aboriginal children and families in a series of 24 films entitled “Our Children Our Future – My Partners My People” initiated in the late 1980s. This series drew attention to the misdirected and destructive effects of government-sponsored interventions in Aboriginal family life. More public scrutiny of the destructive effects of government intervention into Aboriginal family life by the Spallumcheen First Nation Community near Vernon, British Columbia by Chief Wayne Christian, who himself had been in foster care. Chief Christian moved to action after the suicide of his brother, who had tried, albeit unsuccessfully to become re-integrated into the community after a period in foster care. With Spallumcheen First Nation support, Chief Christian a degree of autonomy in child welfare administration by passing a child welfare by-law in 1980 under the authority of the *Indian Act*.

The removal of children from their homes and the denial of their identity through attacks on their language and spiritual beliefs were cruel. But these practices were compounded by the too frequent lack of basic care — the failure to provide adequate food, clothing, medical services and a healthful environment, and the failure to ensure that the children were safe from teachers and staff who abused them physically, sexually and emotionally. In educational terms, too, the schools — day and residential

— failed dramatically, with participation rates and grade achievement levels lagging far behind those for non-Aboriginal students.

(Royal Commission on Aboriginal Peoples Vol 3: 1996)

To reiterate, colonialism effectively corroded Aboriginal communities and Aboriginal families displacing women as central repositories of wisdom and knowledge, transforming them from citizens in their own right to shame based non-citizens with no rights. If a woman did turn to her own community, traditions and family as sources of strength, which are not centrally located *vis à vis* locales of cultural power, she would effectively locate herself at odds with mainstream institutions. Now at odds with mainstream institutions, she is also viewed as a risk and therefore cannot to be trusted.

2.2.3 The State's role in the formation of Indian, Métis and Inuit women's identities

It can be argued that Indian, Métis and Inuit women's journey to becoming the "Others" began with their structural and cultural dislocation, dating back to the settlement of Canada by Europeans and subsequent legislations thereof.

The power of the state seeps into the very essence of individual identity and personal well-being. This power is felt strongly by citizens who are not only marginalised by intersecting and contrary regulations, but who are also marginalised by how their social identity is defined in their relationship with the state.

(Fiske 2006: 248)

Firstly, the women's identities as "Indians" are regulated by the State. The women's identities as First Nations however, are not. To move from being a member of a continent wide network of Nations to being an "Indian" – a "race" which is also seen as subordinate is tantamount to having your community identity eviscerated.

Janice Acoose has described how being classified by the Canadian government as a status Indian under the Indian Act represented a violation of the rights of her Cree/Métis and Saulteaux cultures to define her as *Nehiowe* or *Nahkawe*, which removed her, in common-sense ways, from any real sense of being part of the destinies of her own nation(s) and instead placed her as a powerless and racialized individual at the bottom of the hierarchy of Euro-Canadian society (Acoose 1995: 23 in Lawrence 2004: 37)

Lawrence (2004: 25-26) asserts that the Indian Act,

is much more than a body of laws that for over a century has controlled every aspect of status Indian life. It provides a conceptual framework that has organized contemporary First Nations life in ways that have been almost entirely naturalized, and that governs ways of thinking about Native identity ... [and] which has *produced* the subjects it purports to control, and ... has ... indelibly ordered how Native people think of things “Indian.” ... from the designation of certain Indigenous bodies as Indians, some as Métis, and some as Inuit whose difference is now only merely acknowledged.

What is lost, Lawrence (2004) forcefully argues, is how the history of these different kinds of Indigenous subjects came to be via legislation—for example how those Native people designated by whites as “half-breeds” (now called Métis) have been continuously, legally externalized from Indianness. Another example, is how some women have gained their status Indian identity through marriage to Indian men with status, others have lost their status through marriage to men with no Indian status. These women’s current identities in Canada are very much circumscribed by the *Indian Act* (1876), which as a regulatory regime organises status Indian peoples in terms of socio-legal statuses in accordance to a series of regulations. These regulations have simultaneously made Indian peoples wards of the Canadian state, privileged European social institutions, dislocated indeed, decimated Indian cultures, privileged men and historically made Indian

women dependent on the identity of their father if they were single, and their husband if they were married¹⁰. Prior to European contact Indian men traditionally were respectful of women in their respective societies, be they matrilineal, or patrilineal, or both, or neither. Moreover, women played a central role, if not the primary role, either as consultant or as repositories of knowledge and wisdom (Sinclair in McGillivray and Comaskey 1999; Obomsawin 2004; Hamilton and Sinclair 1991; Native Women's Association of Canada 2007; Blair 2005; Acoose 1995). Historically then, Indian women were a key part of the transmission of "right ways of living", that was central to Indian communities, families and the identities of Indian people.

Before the introduction of *Bill C-31 An Act to Amend the Indian Act* (1985), Indian women were removed from the Indian register if they married men with no Indian status. They were forced to move from their communities and were stripped of any rights to property, inheritance of reserve family property, treaty benefits, and social and political participation in their home communities. They also lost access to education and healthcare benefits provided to status Indians under the *Indian Act* (1876) and the right to be buried in ancestral cemeteries. Thus, the process of intermarriage had become a vehicle for dislocating Indian women from their own cultures (Blair 2005; Cannon 2006).

Initially intended to bring an end to sexist discrimination under the *Indian Act* (1876), *Bill C-31* (1985) actually made things worse (Jacobs 2005). *Bill C-31* (1985) inadvertently reinforced the power of *Indian Act* (1876) over people's lives since no provisions were made to reserves for increased infrastructure development to deal with influx of "new" reserve members. This had the potential of turning Indian peoples

against their own. Furthermore, an Indian woman wanting to register her children under *Bill C-31* had to identify paternity. Many do not want to do this, especially if she is in abusive or violent relationship. But if the father is not listed on the birth certificate then Indian Affairs assumes that the father is non-status and the child will either have Section 6(2)¹¹ status or no Indian status¹². The result is that “those status Indians who reside off-reserve have no voice in decisions on self-government, land claims, and Aboriginal rights” (Native Women’s Association of Canada 2007: 3; see also Daniels 1998). Thus a diversity of relationships of Indian peoples as either non-status or status Indian to the State emerged with the advent of the *Indian Act* (1876). With the arrival of *Bill C-31* (1985) this diversity became even more complex.

Not able to get reserve housing, Indian women find themselves living on the economic periphery in nearby communities. “They will have social access to their natal First Nation but are not able to fully engage as citizens of it” (Fiske 2006: 253).

The *Indian Act* (1876) and *Bill C-31* as fact, as ideologies and discursive practices carried real implications for Indian women’s identity, situating them in marginalised socio-political locations denying them rights and privileges. Status Indian women specifically, then, were greatly impacted by legislative means. In sum, colonisation would have differential impacts depending upon one’s location *vis à vis* legislation and the corresponding constellation of resources¹³. Resources refer to not only material resources in the form of economic, fiscal and human social support but also non-material resources which include one’s emotional, spiritual and psychological state and supports thereof. Notably then federally sentenced Aboriginal women are not a monolithic group,

rather they come from different social contexts yet with similar underlying themes (Monture-Angus 1999; Hannah-Moffat 2001; Mann 2005).

2.2.4 Indian and Métis peoples

While Aboriginal peoples' identities have been shaped to an extraordinary extent by the *Indian Act* (1876) – status Indian peoples by both their inclusion and non-status and Métis by their exclusion – their historical trajectories, though different, have common origins. The treaties and the *Indian Act* (1876) together created different categories of Indianness (Coates and Morrison 1986) – who were differentially eligible for access to resources. Without Indian status, and its corresponding membership in a band, Indian people were not allowed to live on reserve land with their community unless leased to them as an “outsider”. Potential “half-breeds” presented themselves individually to the Office of the Treaty Commission to be adjudicated by white officials as to what they were. “Half-breeds” who “lived like Indians, talked like Indians and lived with other Indians” were taken into treaty, while those who had “hailed supplies for the Hudson Bay Company at some point and as a result knew some English were registered as “half-breeds” (Lawrence 2003: 10). With the treaties came ongoing federal obligations to those who signed treaties, *i.e.*, ongoing federal support for education and health care, at least on paper. “Half-breeds”, however, had no similar arrangement with the federal government but rather were given in theory, a one-time payout in the form of “scrip”. The “scrip” certificate entitled that “half-breed” to \$160 or 160 acres of land. Moreover, “half-breeds” had to observe the same game regulations as whites which had

consequences for some “half-breeds” physical and cultural survival; particularly those who not only identified with a traditional Indian way of life of living off the land, but who also had phenotypical features that were identified as common to Indian peoples. These “half-breeds” had no State sanctioned resources from which to draw.

While there are some significant differences in experience of the “half-breeds” and Indian groups, *i.e.*, some Métis communities have been extremely culturally distinct and have had different collective histories from Indian bands, there are significant overshadowing commonalities (Lawrence 2003). These include exclusion from legal rights and exclusion from access to land¹⁴.

2.3 Racism, Sexism and Classism and The Social Organisation of Knowledge – Its Unfolding and Impact on Women’s Federal Corrections in Canada

While the historical context of women’s federal imprisonment in Canada is (in)famous and well documented elsewhere (see Hannah-Moffat 1999; Boritch 1997; Cooper in Adelberg and Currie 1993; Hayman 2006), it is useful to reiterate some significant historical aspects as they serve as the background context to the situation of federally sentenced Aboriginal women in custody generally.

Economic and bureaucratic considerations overshadow much of Canada’s dealings with federally sentenced women, resulting in an approach which was a peculiar “mixture of neglect, outright barbarism and well-meaning paternalism” (Cooper 1993: 33). Prior to 1934, because of their fewer numbers, women were housed wherever convenient for the larger male inmate population in Kingston. After 1934, all women serving sentences over two years were sent to one prison in Ontario-Kingston Prison for

Women. The 1938 Archambault Commission to Investigate the Penal System of Canada (Canada. Royal Commission on the Penal System 1938) declared Kingston Prison for Women “unfit for bears much less women”, recommending its immediate closure four years after it opened, describing criminal women as “the occasional or accidental offender class” who do not represent a risk to public safety¹⁵. Similar sentiments were echoed in fifteen subsequent inquiries commissioned by the Federal Government of Canada. With regards to Aboriginal women under federal sentence, the most salient ones include the 1990 Task Force on Federally Sentenced Women, and the 1996 Arbour Commission of Inquiry into certain events at the Prison for Women in Kingston. The 1990 Task Force on Federally Sentenced Women entitled *Creating Choices*, set forth a daring new correctional plan for federally sentenced women in Canada. This plan called for decentralised custodial facilities that were women-centered, the abandonment of risk classification because it had not been validated for women, much less Aboriginal women, and partnerships with communities with an emphasis on self-empowerment.

In 1994, violent confrontations between six inmates and correctional staff at Kingston Prison for Women, a hostage taking and an attempted suicide, all within a short period of time followed by continued disruptions prompted the Warden to call in male Institutional Emergency Response Team (IERT) from Kingston Penitentiary. The IERT conducted a cell extraction and strip searched eight women in segregation: the six who had been involved in the original confrontation, and two others. The cell extraction and strip searches were videotaped by Correctional Services of Canada [CSC] and the footage was eventually aired on national television. Many people, outraged by what they saw,

began to question the state of women's corrections. In response the federal government asked Madame Justice Louise Arbour to lead the Commission of Inquiry into certain events at Kingston (1996).

Both the 1990 Task Force on Federally Sentenced Women and the 1996 Arbour Commission culminated into five newly minted multi-level regional facilities originally intended for women who are classified as minimum or medium security risk which were to be premised on self-empowerment and choices. One of the new facilities, a Healing Lodge premised upon Aboriginal philosophy and teachings at Maple Creek, was intended for Aboriginal women of any security level, as per recommendations of the 1990 Task Force. The Healing Lodge, however, was to remain under the auspices of CSC as its primary steward.

In the first four months of 1996, a series of events at one of the new regional facilities, Edmonton Institute for Women (EIFW), would change management's strategy for federally sentenced women. These events included "self-injury by a number of inmates, two attempted suicides, two serious assaults on staff, and the apparent suicide of an inmate (though in May it was classified as a homicide and two inmates were subsequently convicted), and seven (7) escapes ..." (Watson 2004: 3). Even though *Creating Choices* called for the abandonment of risk classification in the case of women¹⁶, CSC took actions which were contrary. Those women who were perceived to be either a "risk" to the public, or to the institution, were to be either: (1) temporarily co-located in specially constructed secure units in one of four previously established

maximum security men's institutions¹⁷ or, (2) returned to or remain at Kingston Prison for Women.

These especially "risky" women were to be repatriated once "adequate accommodations" could be made for them in one of the regional women's facilities¹⁸. There is little mention of the fact, however, that much of the trouble stemmed from issues and conditions outside of the women's control, namely, the institutional environment and institutional actions at EIFW. Many of the staff were not only new but also unaccustomed to the unrelenting media attention that each event bought. Further, many of the staff had social services backgrounds onto which a short corrections training course was grafted. Additionally, the abrupt withdrawal of psychotropic medication from a number of the women contributed to instability of the women in EIFW prison population (Rivera Report 1996 in CAEFS 1999). Moreover, when EIFW first opened the health care unit, workshops, gymnasium, chapel and Aboriginal spirituality room, education room and library were largely unavailable to the women (Hayman 2006: 148). The enhanced unit completed two days prior to opening meant that there was building debris still cluttering the grounds. The few programs which were running had to be held in the small programming area in this enhanced unit in the yet to be completed administration building. Both maximum security women as well as those who had just arrived were also both housed in this enhanced unit. Add to this situation, not only the implementation of a new corrections philosophy of empowerment premised on dynamic security in a social environment which had both novice and "seasoned" staff and

prisoners, but also the fact that the latter two groups were accustomed to the old regime of static security¹⁹.

Rather than examining how institutional processes contributed to the events, CSC precluded especially “high needs women” from the new strategy of women’s-centred empowerment and holistic healing that was ostensibly to be the future of women’s prison governance in Canada. Accompanying this decision came a shift in how CSC perceived the residents of EIFW. Women with “many needs” were now women who represented “high risk” (Hannah-Moffat 2006)²⁰. In a letter to Kim Pate regarding EIFW, Ole Ingstrup the then Commissioner of Corrections, wrote “internal and perimeter security enhancements are being put in place ... safeguarding the community from undue risk.” (Hayman 2006: 155). Thus Ole Ingstrup took to pathologising these women also.

In light of these events there was discernible shift in CSC’s corrections philosophy with regards to federally sentenced women back to concerns regarding risk, and away from empowerment. In a subsequent Commissioner’s Directive (CD500 *Interim Instruction: Regional Women’s Facilities Are Not Reception Centres*), a central plank of *Creating Choices* was swept away-the idea that all federally sentenced women, irrespective of their security level, would-and could-live in the same prison.” (Hayman 2006: 157), and under a regime meant to empower these women²¹.

Government expansion of federal correctional institutions for women at an estimated cost of 52 million of taxpayers’ dollars excluding land costs (in 1989) inevitably garnered more public scrutiny with regards to the Government’s fiscal prudence and guarantees of public order and safety. Thus to justify the expenditure of

millions of taxpayer's dollars for either building new or enhancing existing carceral facilities, the government is under a great deal of pressure to use them – to maximum capacity at that²². Such logic is especially problematic for those who are most marginalised. Once these structures are built, public complacency sets in and incarceration becomes *the logical option*, instead of seeking to forge alternatives to incarceration. As Kendall (2002) notes, prisons are risky environments for women attempting to unravel the complexities of their lives because they isolate rather than consistently support prisoners undertaking a healing journey (see also Davies and Cook 1999). Having five regional facilities across the country, only the more problematic issues (even though they all may have the same underlying theme) become differentiated and take on different peculiarities given different institutional milieux, administrative styles and institutional layouts. Moreover, the five institutions have to compete for available fiscal and human resources which are finite. It is difficult to see how any empowerment strategies can be implemented in such environments. Now contained in either regional women's facilities, or co-located in men's federal facilities, or in provincial women's facilities spread across the country, both non-Aboriginal and Aboriginal women, have even more restricted access to bodies which can speak for them as a group with common interests, and needs. What is easy to see, however, is that these women continue to live in marginalised social spaces, which are neither empowering nor supportive, and where the needs of the institution and the public for "order", overshadows the women's needs in order to be well.

Significantly this new plan for women's corrections also included upgrading existing security arrangements at each of the new four regional women's facilities to accommodate the approximately 30 women classified as maximum-security. As a result, not only did these regional women's facilities boast state-of-the-art dynamic security but they now also boasted state-of-the-art static security measures, including new perimeter security fences, razor wire, new cameras and barriers.

Now women who are classified as either minimum or medium security prisoners are also subject to the same perimeter security as those women classified as maximum security -- conditions much different than men contained in minimum and medium security facilities. According to CAEFS (1999), this distinction "represents more than a difference in the physical structure, but includes the availability of work releases, temporary absence passes, employment opportunities and other release planning, as well as the likelihood of favourable consideration by the National Parole Board." These static security measures arguably are reminiscent of conventional corrections operations and certainly not of one of women-centredness, and empowerment, in a supportive environment as called for by the Task Force on Federally Sentenced Women.

The maximum-security complexes were to be completely separate from the remainder of their respective regional facility. They were to have their own outdoor exercise yards and secure perimeters to ensure public safety and were to have "specialised staff who were to provide high levels of intervention and supervision required by these women" (Canada 1999). While such a policy makes sense from the keeper's point of view as it was to contribute to the smooth running of the institution, the

effects of this policy belie such logic on several levels and will be discussed in Chapter Four.

2.4 The Social Construction of Identities and the Institutionalisation of Public Space

2.4.1 Why Identity Formation?

A focus on identity formation which is contextualised allows conceptual space for not only history, but a subject who is reflexive, dynamic, and who is capable of change. A shift from “crime” as a static structure, to “criminalising” as a process, is useful for reminding us that Aboriginal peoples do not have some inherent essential identity that is distinguishable (Smart 1989; Chan and Mirchandani 2002; Miles 1989; Anthias 1998; Small 1999). Inherent in such a concept as criminalising as a process are considerations of politics and history. Such an approach allows conceptual space for not only a consideration of institutional practices and regimes, but also a view of individual setbacks as part of an ongoing process rather than as failures outright. In this view individual setbacks may be seen as expected by-products of living a lifetime at the margins, and is subject to the particular individual’s emotional, cultural and social capital at the time.

2.4.2 On Cultural and Social Capital

Bourdieu (2001), one of the first to use the term cultural capital, distinguished between three types of capital – economic, social and cultural. Economic capital refers to one’s command over economic resources (cash, assets). Social capital refers to potential resources or the collective social wealth availed to the individual based on their group

memberships, relationships, networks of influence and support. Finally, cultural capital refers to forms of knowledge; skill; education; any advantages a person has which give them a higher status in society.

Bourdieu (2001) further distinguished three forms of cultural capital – embodied, objectified and institutionalised. Embodied capital refers to what a person knows and can do. It can be increased by investing in self improvement in the form of learning. Embodied capital becomes integrated into the individual, becoming a type of habitus. In sum, embodied cultural capital refers to a person’s way of thinking. Objectified capital refers to cultural goods, material objects such as books, paintings, instruments, or machines. These are means of cultural expression, such as painting, writing, and dance, that can be symbolically transmitted to others. Institutionalized capital, on the other hand, provides academic credentials and qualifications which create a “certificate of cultural competence which confers on its holder a conventional, constant, legally guaranteed value with respect to power.” (Bourdieu 2001: 248). But social and cultural capital are also social processes, processes which have the potential to continually imbue people with an understanding of the world and of themselves.

With regards to the federally sentenced Aboriginal women in this study, it could be argued that their lived realities did not provide them with the “appropriate or right” kinds of cultural and social capital. These women did not have the “appropriate” social networks, attitudes, knowledge and habits for “success” in “mainstream” terms. In other words, their social and cultural capital was at odds with the societal framework within which they live and as such these women represent a potential “risk” to that societal

framework. These women, however, did have the “appropriate” social networks, attitudes, knowledge and habits for “successful survival” in the social spaces in which they did find themselves. Yet, by implication, these women’s social and cultural capital is “inappropriate” and therefore not to be viewed as a source of strength and resistance to colonialist oppression but rather as an inherent weakness.

Both social and cultural capital are central to identity formation which will be discussed further in Section 2.4.3 *On the Social Construction of Identities* below.

2.4.3 On the Social Construction of Identities

We need to make a space for an understanding of identity and autonomy which will not clash with our conviction that individuals must be understood as embedded, embodied, localised, constituted, and fragments, as well as subject to forces beyond our control. We need to understand ourselves clearly as actors capable of learning, of changing, of making the world and ourselves better.

(Weir 1995 in Bosworth 1999: 205)

Identifying how gender, race and social class define both the choices available as well as the possible evaluative frameworks or understanding of things, gives insight into not only people’s understanding of things but also their possible courses of action.

No one fits into any one category [*i.e.*, gender or race or social class]; instead, everyone exists at the intersection of many categories that shape not only their view of the world and the actions they take but other people’s view of them.

(Wildman 1997 in Barak, Flavin and Leighton 2001: 189 square brackets mine)

Our identity is formed as a result both of expressions of individual agency, and in reaction to various forms of social control. The reflexive relationship between who we are and the choices we have is contingent upon our evaluation of those choices.

(Bosworth 1999: 206)

Theorists who adhere to the belief that how a problem is “named” is a discursive practice, use the work of Edward Sapir (1929) and Benjamin Whorf (1964), especially their idea that reality is socially constructed through the “naming” of things. These discursive practices shape and order our perceptions of the social and physical world (King 2003). With regards to the situation of federally sentenced Aboriginal women, it is the discursive practices of colonialism that create cognitive imperialism (Battiste 2000: xvi; Youngblood Henderson 2000a and Kirby and McKenna 1989). From this perspective:

Human beings do not live in the objective world alone, nor alone in the world of social activity as ordinarily understood. They are very much at the mercy of the particular language [or ideological/discursive practice] which has become the medium of expression for their society. It is quite an illusion to imagine that one adjusts to reality essentially without the use of language and that language is merely an incidental means of solving specific problems of communication and reflection. The fact of the matter is that the “real world” is to a large extent unconsciously built up on the language habits of the group.

(Sapir 1929: 209 (square brackets mine))

Discursive and ideological practices are not mere social constructions. They have very real impacts on people’s lives in terms of what they themselves, and others, see as possible for them (Hill Collins 2002a; Spender 1998; King 2003; Thomas and Janowitz 1966; Whorf and Carroll 1964). These practices impact upon people’s identities and courses of action. And yet, as Fuss (1989), Freire (2000), and Aronowitz and Giroux (1991) point out, these discursive practices become essential in a sense, when they “buy into” or rather “make sense” of what is already known (Walker 1990; Smith 1974). In

other words, particular views of reality inherent in discursive practices come to be recapitulated (and potentially essentialised) because they make sense of what is already known. In Habermasian terms, these ideological and discursive practices are normatively secured. For example, inherent in much of the correctionalist discourses regarding federally sentenced Aboriginal women are assumptions of dysfunction and disease. Those named “federally sentenced Aboriginal women” then take on identities which then also become decontextualised and immutable, taking on a life of their own, which then reinforces the social import of those so named. Thus those so named become situated in particular social locations with particular resources which hampers their social inclusion (Li 2003: 1, 2). In this way social, legal and criminological discourses (re)constitute crime and criminals – bestowing upon *them* their identities simultaneously recapitulating the very social conditions which nurture such identities (see Smart 1989 for a discussion of law as gendered and engendering; and Monture 1999 on law as simultaneously engendering gender and race).

Prescient of some forms of poststructuralisms (Weedon 1987; Grbich 1991), Mead’s symbolic interactionism and his approach to language and identity takes the position that a person’s identity is not unified but always in a state of becoming something other than what she/he is, and that she/he is reflexive. Put simply, a person is conscious, capable of thinking about things and changing their course of action as a result.

Mead’s person is comprised of dynamic subjectivities – one who is both actor and acted upon by his/her material conditions of existence. Rejecting the humanistic notion

of the “essential” individual with fixed identity, Mead set the individual within his/her behavioural context of events. Thus, for Mead the individual did not exist outside of his/her behavioural context (Mead 1934: 6-7; Schellenberg 1978: 46).

Wundt’s concept of the gesture is the beginning of the social process for Mead (1934: 31-32). Using the example of two fencers to illustrate, what one does that elicits a response on the part of the other, is called a gesture. Gestures become significant symbols when they arouse an *implicit* response in their makers that matches the *explicit* response of others. These significant symbols, in turn, become the material of which language and human thought is made because mind and intelligence or rather, identity, is only possible through this internalised conversation of gestures. Language as a discursive practice does not symbolise something which is already there. Rather, language:

makes possible the existence or the appearance of that situation or object,
for it is a part of the mechanism whereby that situation or object is created.
(Mead 1934: 78)

Thus language as both a discursive and ideological practice constitutes our social reality. Here discursive practice refers to processes by which cultural meanings are produced and understood. Ideological practice refers to processes by which ideological assumptions are played out in discourse. Further, the individual does not become a social being or a “self” until s/he begins to develop a mind or identity in the context of social experience. These identities and corresponding cultural and social capital are potential assets when dealing with living in the social spaces in which these women found themselves.

With the introduction of the concepts of “I”, “me” and “generalised other” Mead describes what he calls the “self”. The “self” refers to the process by which she/he acquires meanings for his/her gestures that correspond to the meanings held by those around him/her:

The self has a character which is different from that of the physiological organism proper. The self is something which has development; it is not initially there, at birth, but arises in the process of social experience and activity, that is, develops in the given individual as a result of his relations to that process as a whole and to other individuals within that process.

(Mead 1934: 135)

Because the “self” arises in social experience it is basically a social product. The “self” is comprised of a number of different selves – arising from different social locations – for example, one self may discuss politics with a particular person or persons and then discuss religion with another *et cetera*. During this process meaning, understanding and thought come into play. In this way social processes and the social and cultural capital inherent in these social processes are responsible for the emergence of a dynamic “self” which is useful for thinking about federally sentenced Aboriginal women’s identities as being years in the making, and concomitantly years in the unmaking. The “generalised other”, on the other hand, refers to the organised set of common group beliefs and attitudes that she/he uses as the context for her/his own behaviour (Mead 1934: 154). Thus Mead’s approach of the socially contextualised “self” and the “generalised other” enables contemplation of the larger societal framework within which federally sentenced Aboriginal women live.

Furthermore, it is only *insofar* as the individual accepts and adopts the perspectives of the organised social group towards:

the organised, co-operative social activity or set of such activities in which that group as such is engaged does [she/]he develop a complete self.

(Mead 1934: 155; square brackets mine)

In this way, one can begin to think about an individual who is both subject and object. Put simply, one can begin to think about not only one's social location but also about how that social location impacts upon one's social and cultural capital and one's perceptions of oneself and others.

The capacity to order the attitudes of others develops in two stages: the first stage, called the play stage obliquely suggests some latitude for agency or the person acting as a subject. The second stage or the game stage, develops when the:

self is constituted not only by an organisation of these particular individual attitudes, but also by an organisation of the social attitudes of the "generalised other" ... and are included as elements in the structure or constitution of his self.

(Mead 1934: 158)

In combination, these two stages imply the possibility of a variable and multiply constituted "self". Such a dynamic conception is useful for thinking about the effects of colonization on one's identity as being multi-faceted, multi-dimensional and layered. The significance of such conceptualisation is that one can now account for a person's change in her/his course of action given changes in that person's emotional state and/or social circumstances. To illustrate, a person who feels defeated and/or feels they are without support may embark upon a course of action characteristic of that person in that emotional state. Given different social circumstances, like social support that is

recognisable, and/or a different emotional state, that person may change their mind and thereby may change their course of action.

The “self” is by no means a static state but transforms as the individual’s peer groups and experience changes. In other words, the “self” changes as the “me” and the “I” changes. The “me” being those attitudes of others which are organised into guides for one’s own behaviour. The “I” referring “to the innovative and creative aspects of the self, allowing for forms of behaviour to emerge in action” (Schellenberg 1978: 51). His concepts of the play and game stage, the “I”, the “me”, the “self” and the “generalised other” allowed for the possibility of a reflexive individual who lives in a context but who is always in a state of becoming.

From this perspective, people’s identities are indeed created by the social world in which they live. *Their* identities, in turn, influences their perceptions of the social and physical world impacting upon the way they see themselves, their potentialities, their possibilities. This social world is organized around a constellation of ideological and discursive practices which sets people into particular social realms. Identity, then, refers to how in combination with temperament, and physiology, the cultural and social capital inherent in the daily lived experiences encrypted in particular social locations continually imbue people, with both a sense of themselves and a sense of others – how people *continually become* conscious of themselves both as subject and as object as well as how people continually become conscious of others.

Identity ... our most essential and personal characteristic ... consists of our membership in various social groups (race, ethnicity, religion, gender, and so on), the traits we show, and the traits others ascribe to us. Our identity

locates us in the social world, thoroughly affecting everything we, feel, say and think in our lives.

(Newman 2006: 134)

Discursive practices which are circumscribed by ideology, then, are the vehicle by which a person's self – or a people's identity is conferred. Such a conception of identity and of discursive and ideological practices are useful for contemplating how changes in one's behaviour and perceptions can occur given changes in one's and/or other's perceptions of oneself. For example, by discoursing about one's capacities – what one does well, as the point of departure for discoursing about what one needs to work on, invites different ways of seeing and approaching issues. Thus, rather than discoursing about any particular federally sentenced Aboriginal woman as a broken dysfunctional object, discourse about her as a survivor of colonisation, as *resourceful survivor* of colonisation also invites different ways of approaching issues. A person's identity, then, is neither monolithic nor immutable but can change with interaction with their social environment.

Though Mead's subject is dynamic (Kristeva 1979) and has a reflexivity that is contextualised, it is limited. It does not explain why Aboriginal women are fairly consistently marginalised, and why Aboriginal women usually fare poorly relative to non-Aboriginal women in the criminal justice system; it does not allow theoretical space for how discourses of power (Foucault 1980) constitute people's social identities or a person's individual identity. Where one is socially located *vis à vis* locales of structured cultural and social power will dictate the constellation of social and cultural capital available. In the case of many Aboriginal women, who are not generally centrally located *vis à vis* these locales, they will have access to different constellations of social

and cultural capital than their non-Aboriginal counterparts who are more centrally located.

A person who is continually constituted within a multiplicity of discursive positionings is useful for thinking about: (1) the transhistorical variability yet persistent poor faring of Aboriginal women in Canada's federal carceral institutions, and; (2) the context which Aboriginal women come from and also where they find themselves.

Critical social theorists like Smart (1984; 1989; 1992; 1995; 2002); Hill Collins (2000; 2002; 2002a) Graycar (1990; 2002), Hooks (1981; 1988; 1990), Said (1983; 2000; 2000; 2002) and Ellison (1952) examined the underlying relations of power and their implications for those at the periphery; be they women in general, racialised women in particular like Aboriginal women, or racialised men. Hill Collins (2002; 2002a), argued for a black feminist epistemological approach which took the standpoint of black women as valid. This knowledge, she argued, is more objective and valid in that it is situated knowledge. But because it is situated knowledge, it is partial in that a black woman academic is likely going to have a different view of things than a black woman service industry worker. The recognition of partiality invited dialogue with other epistemologies. In other words, rather than saying I know *the truth* one says I know *something* and use that assumption as a point of departure for future dialogue, social theorising and social planning. Hill Collins then (2000; 2000a) argued for alternative epistemologies rather than alternative claims to truth, as alternative claims to truth were marginalised in mainstream paradigms. Taking Hill Collins' cue, one way forward then is to have federally incarcerated Aboriginal women speak for themselves, listening to their

definitions of “danger” and “risk” rather than having the criminal justice system define these things for them. Section 2.4 above has broadly outlined how a person’s or a people’s identity emerges in context.

2.6 The Social Organisation of Knowledge – Shifting Our Gaze

The question arises of what if colonialist epistemologies like those found in police and legal discourses²³ do not, or can not, accept Hill Collins’ (2002; 2002a) invitation to dialogue”? What if they politely claim, “we understand, but what can we do?” or “we understand but that is not in our purview to deal with”. The significance of these claims is that federally sentenced Aboriginal women’s voices will not be heard in the context in which they were spoken. Excluded from the dialogue is any consideration of these women’s socio-historical location, which is undemocratic. These women will continue to live in marginalised social locations/social spaces and will continue to be regarded as dysfunctional and diseased.

Habermas’ approach to rationality, truth, emancipation and Law²⁴ offer a way for institutionalising public space so that marginalised voices can be heard in the context within which they are spoken. For Habermas, Law is to compel other social institutions to initiate social processes that are responsive to this new knowledge and is beneficial especially for those who are speaking which, in turn, should also be beneficial to those who are the audience. Similar arguments have also been put forward by Aboriginal scholars.

Indigenous scholarship, along with research that requires moral dialogue with and the participation of Indigenous communities, is the foundation for postcolonial transformation.

(Battiste 2000: xx)²⁵

Habermas' theory of communicative action (1987) and discourse theory (1998; 1998a) attempts to institutionalise public dialogue regarding the justness, truthfulness, and necessity of social action taken on behalf of society. Public dialogue and subsequent social action is a measure of society's sensitivity to people's needs and desires and are the basis for emancipation of society. In the case of Aboriginal women in general, and federally sentenced Aboriginal women in particular, the social action in question is the societal framework and its concomitant social institutions under which these women live.

Meant as a corrective to Marxian failures to incorporate the interpretive framework into critical social theory, Habermas' theory of communicative action asserts that human activity is coordinated by the interactive processes of communication in two distinct domains of activity in modern capitalist societies. They are the *system* and the *lifeworld* (Habermas 1987; see also Braaten 1991).

Lifeworld is comprised of two distinct yet interconnected spheres, the public and the private. The public sphere depends on socially-integrated action contexts coordinated via intersubjective (legitimate social) consensus and is where political and civic social activities occur. It is here that social norms, values and opinions are developed through the coordination of speech acts geared toward consensus-building. The private sphere is where activities concerning the modern capitalist (Eurocentric patriarchal) family occur²⁶. Both these spheres are premised on communicative rationality, which reflects our

background assumptions regarding the world and are aimed at mutual understanding and consensus.

System, also comprised of two interconnected spheres, namely the economy and the state, is premised on instrumental or strategic rationality and is characterised by system-integrated action contexts where action is coordinated with others through power and money. The *system* and the *lifeworld* interact with each other only incidentally where the private sphere does not directly influence the spheres of the *system*, but may influence the public sphere which, in turn, *may* influence the *system* (Fraser 1985; 1995). In this way, Habermas implies that *system* influences *lifeworld* more so than *vice versa*, and that *system* influences the public sphere of *lifeworld* more so than the private sphere. Habermas calls this phenomenon *the colonization of the lifeworld* which is characterised by one-sided rationality leaving society's normatively secured interpretive framework unquestioned. In the case of Aboriginal women under federal sentence, the interpretive framework that is not questioned is colonialist. The result has been that we neither question the acceptability of our values nor do we check these values against our collective interests. Habermas' reconstruction of Marx's categorical scheme to include socio-cultural dynamics then is of relevance to the situation of federally sentenced Aboriginal women in that now one can call into question the appropriateness of the framework that is used to interpret and adjudicate these women's actions.

In a democratic society, discussions of ethical norms and ethical choices should be subject to "rational" discussion. For Habermas (1972) "rational" discussions regarding ethical norms and ethical choices are to be grounded in the social not the

transcendental (Seidman 1989: 6, 24)²⁷. Thus, for a norm to be valid or ethical it must be consensually and unanimously agreed upon in an ideal speech situation (where everybody knows the same thing and agrees) and express genuine common interests and common will.

True solutions to crime problems cannot result from the criminal justice system because it is imposed upon people from a perspective that does not do justice to the specific conditions they encounter in their lifeworld. In other words, the criminal justice system colonises social problems in the lifeworld.

(Deflem 1994: 359-360)

Grounding ethics in the social also enables one to contemplate things like social and self-identities changing as social and political circumstances change. “Truth” for Habermas is a process and not an immutable thing. Dialogue is inherent in this conception. The individual’s voice then is important in truth – in this case, the voices of federally sentenced Aboriginal women are to be heard in the context within which they are spoken. Including what their stories tell us about their conditions of existence, and the conditions of their lifeworld and including their words, deeds, intentions and aims, both before and during prison, *vis à vis* institutional aims and interpretations of their words and actions, is democratic and potentially emancipating. Habermas’ conception of *truth as process* is preferred here over Hill Collins’ notion of *partial epistemologies* as the concept of “partial” implies a “whole”, and “whole” implies an endpoint to dialogue. Moreover, Habermas’ truth as process accounts for the dialogical relationship between social and political circumstances *and* people’s social and self-identities (see also Anzanaldua²⁸ 1987 in Ladson-Billings (2000: 260-261)). In keeping with Habermas’

belief regarding truth being a matter of procedure, discussions of the validity of ethical norms are in terms of whether they democratically promote or detract from social cohesion. Needs and generalisable interests must be agreed to consensually via socially grounded reflective rational dialogue with other members of the affected community²⁹.

In the case of Aboriginal women who have been under federal sentence, the normative validity claim under question is the appropriateness and the effectiveness of subjecting them to current carcerative practices. Is it good for all concerned to be continuing current practices of incarceration and (re)habilitative schemes which focus on the individual to the exclusion of the social spaces within which these women find themselves? Are these practices emancipatory for them and for the community? Potential evidence in support of the appropriateness, the rightness and the effectiveness of locking these women up includes the consequences and side effects of this practice for the fulfilment of society's accepted needs and interests. Society's accepted needs and interests are called generalisable interests.

Generalisable interests, discovered through an interactive process called discursive will formation, results in the discovery of our interests as a society. Generalisable interests encompass interests that sustain a general will, that contribute to people thinking about implications of actions for the social well being of society, while at the same time recognises people's liberty. It is against these generalisable interests that norms should be measured as valid or invalid says Habermas (Braaten 1991). In order to determine its collective needs and interests, society requires an adequate interpretive

framework. Hence this is why we need to put our interpretive framework to the test according to Habermas³⁰.

Extending public dialogue is relevant to federally sentenced Aboriginal women in that their stories are indicative of the conditions under which they live and indicative of the conditions which structured their choices and identities. Hence critical rational reflexive argumentation via honest public (and private) discussion about what we do (guided by instrumental rationality) and how and why we are doing it (by moral practical rationality) is emancipatory and is truth.

Rational agreement which is achieved by argumentation in ideal speech situations is not to be a criteria of truth but is an indicator of reliable beliefs. It is here that truth claims, like those revealed in the narratives that the women shared with me, can be vindicated if they are unanimously agreed to in the ideal speech situation (*i.e.*, everybody knows the same things and agrees to a course of action). According to Habermas, this should pave the way for decolonising or emancipatory practices and is what Habermas refers to as deliberative or discursive democracy (Habermas 1998a; Rasmussen 1998).

This is unlike post-modernists who take a very different view of language (Rosenau 1992). Truth claims must operate within language and power relations and language is always already everywhere constructing and reconstructing “the truth” according to post-modernists. Truth is inextricably tied with structures of power and we are unable to exercise power without reproducing truth in accordance with the hegemonic understanding of things. As Foucault put it, we are subjected to the reproduction of truth through power, and we are unable to exercise power except through the production of

truth (Foucault and Gordon 1980; Foucault and Rabinow 1984). The second wave Canadian women's movement's fight to get domestic violence recognised as a social problem by hegemonic social institutions will serve to illustrate. Though understanding the problem as one of patriarchal discourses, in order for their cause to be taken up by hegemonic social institutions, they had to reframe the issue in terms of men who *overidentified* with patriarchal discourses. As a result what was once conceived as a social structural problem – patriarchy, became translated into a problem of an individual nature – over-identification with patriarchal structures. In short, truth for post-modernists has a way of silencing those who disagree and therefore is not emancipatory as it is for Habermas. Truth for post-modernists, then, plays an important function in maintaining existing power relations. But as post-modernists have inadvertently pointed out, different social locations do indeed give rise to different discourses and differing ways of viewing hegemonic discourse, and it is institutionalising the dialogue and coordinating of social practices that are responsive to that dialogue, that Habermas speaks of as emancipation.

Language then, for Habermas, is a medium for communication and ultimately a medium for emancipation (Braaten 1991; Calvet de Magalhães 2003). For Habermas, then, the opening up of public space in which to debate the necessity, the truthfulness and the justness of things is paramount. In order for us to emancipate ourselves we need to come to some mutual understanding about what is true *as well as* what is an appropriate course of action to take. This is to be achieved through deliberative or discursive democracy where everyone concerned, reflexively considers the validity claims on offer

and come to a mutually agreeable conclusion as to what our needs are and the best way forward to realizing those needs.

Law plays a pivotal role in this coming to consensus in modern society (Habermas 1998). In modernity Law is divided into two streams: law as coercion and law as consent. Law as consent is achieved through mutual understanding and deliberative democracy. In an increasingly pluralistic society, the role of law is to mediate between people's social realities (facts) and principles of universal justice and morality (norms), rather than act as arbiter of facts *vis à vis* norms. Increasingly, we must make explicit our understanding of things in order to ensure all parties concerned know the same things. If a claim to knowledge is redeemed through good arguments then it is seen as true (objective rationality). The claim to objective truth in the case of Aboriginal women would be because Aboriginal women are so highly concentrated in the federal carceral system relative to their numbers outside they are dysfunctional/broken/unruly. In this view, the appropriate courses of action (which have been previously subjected to "rational" discussion) are to medicate, separate, or rehabilitate. Moreover, these courses of action are not only seen to be the appropriate/moral (intersubjective rationality) in accordance to prevailing social sensibilities, but are sincere or truthful (subjective rationality). Subsequent social coordination should move forward from there.

If this claim to objective truth is called into question *i.e.*, not redeemable by means of argumentation, then citizens are to revisit the claims to truth in a public fora. This is so citizens may examine the validity claims again and come to some mutual

agreement regarding those claims and the best way forward. Law then is to initiate social processes based upon this new knowledge. This is akin to the parliamentary process and also how circles (be they healing or sentencing) are supposed to work. In circles everyone who is affected and who are concerned are to have a say in things regarding how the decision/action taken impacts or impacted upon their lives. The intent is to have the community concerned come to a mutual understanding of things (objectively/intersubjectively) and from there charts a way forward. When situations change as they inevitably do, the community can come together again and revisit the claims to truth to make any adjustments as to the appropriate course of action. The intent here is to not only transform individuals but also transform social institutions and social structures (Capeheart and Milovanovic 2007).

The contributions of Habermas' insights for federally sentenced Aboriginal women are many. His notions of truth and emancipation as processes and his notion of deliberative or discursive democracy enables one to think about changing courses of action as the situation changes in a reflexive manner and in a manner which is meaningful for all concerned. Moreover, the coming together to debate matters of truth, appropriateness and sincerity in public is a way of building community which may positively impact on the situation of federally sentenced Aboriginal women.

Like Habermas who argues for truth and emancipation as processes, I argue for a shift from "race", "gender" and "crime" as static structures to racialising, engendering, and "criminalising" as processes. This shift is useful for reminding us that Aboriginal peoples do not have some inherent essential characteristics that are distinguishable

(Smart 1989; Chan and Mirchandani 2002; Miles 1989; Anthias 1998; Small 1999), and precludes any consideration of politics and history. In contrast, I argue that their apparent characteristics, their identities are largely a result of their interactions with their social environment (Abrams 1982; Giddens 1991), and are always in a state of becoming.

2.6 Summary

Critical theorists took a critical posture towards agents, systems and institutions of social control (Carrington and Hoag 2002) pointing out that discursive practices were not only racist but sexist and classist also. They argued that these discursive practices simultaneously availed different constellations of resources (Pate 2001; 2002; Comack 1996) to Aboriginal women, and set them into different identities in relation to both non-Aboriginal and Aboriginal men and non-Aboriginal women. Critical theorists also challenged modernist (Enlightenment) totalising discourses, legal apparatuses and ideology pointing to their implications for marginalised persons (Samuelson 2003; Youngblood Henderson 2000; 2000a; Battiste 2000; Ross 1998) like women of colour (Razack 1998; 2002; Hooks 1981; 1988; 1990, Monture-Angus 2002; Hill Collins 2002; 2002a; 2002b; Ross 1998), and for the definition of crime (Cook-Lyn 1996; Sheptycki 1990; Ross 1998). These theorists also suggested that intervention had to do more than just “add women and stir.”

The intent of this dissertation is to learn about these women as socio-politically situated subjects, rather than the more conventional focus as broken or dysfunctional objects to be fixed or manipulated so that intervention goes beyond just “adding [generic]

women and stirring”. This chapter has provided an overview of the academic literature on race, crime and gender. I argued that the societal framework within which Aboriginal women live is sexist, racist and classist. This chapter has also delineated the analytical framework used in this study which is based in part on Mead’s (1934) social construction of the self/identity; and Bourdieu’s (2001) work on social and cultural capital. I argued that Aboriginal women’s *identities* and social locations, social spaces in which they find themselves, shapes not only their *social and cultural capital* but also their perceptions of themselves and their capabilities.

Habermas’ theory of communicative action (1987) and his discourse theory (1998; 1998a) were shown to be useful for addressing institutional inability to respond to other larger societal problems such as racism, sexism and classism and the chronic post-World War Two overrepresentation of Aboriginal women in Canada’s federal justice system. A shift in focus to *truth as a process* as proffered by Habermas (1987; 1998) enables contemplation of changing how one deals with issues, as new truths and new knowledges are made evident. Then as Carlen (1992), Young and Matthews (1992), Code (1998) and Smith (1975; 1987) argue, intervention can take as its point of departure the perspectives and standpoints of women who are not centrally located *vis à vis* the central locale of structured cultural power. This is so interventions make sense for all those concerned.

Finally, current conceptions of race, gender and the criminal as nouns were shown to have implications for federally sentenced Aboriginal women. These conceptions constructed them as the problem to the exclusion of the socio-political locations from

whence they come. A shift in focus to *racialisation, engendering and criminalisation* enables contemplation of how these processes may have contributed to the ongoing construction of these women's self-identities. Now one is able to contemplate the effects of migration, differential access to fiscal, emotional, and other resources as informing federally sentenced Aboriginal women's identities. These shifts in focus are relevant in that one can now begin to account for why some Aboriginal women are able to go through life without much (if any) contact with justice institutions, whilst others are not. One can now also begin to account for why these women's successes/troubles take on different forms given different social locations but still have similar underlying themes.

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1. Four young local white men were implicated eventually in her death. But it took sixteen years after her death to convict any of them and then only one was convicted. After investigating the concerns surrounding the length of time involved in solving the Osborne case the Aboriginal Justice Inquiry concluded that the most significant factor prolonging the case was racism (Hamilton and Sinclair 1988: 98).
 2. On the website of the National Centre on Birth Defects and Developmental Disabilities (2005) states that:

Children with FAS are at risk for psychiatric problems, criminal behavior, unemployment, and incomplete education. These secondary conditions are problems that an individual is not born with, but might acquire as a result of FAS.
 3. For examples of individualistic approaches to crime and criminality see classical theorists Beccaria (1986), Bentham (1967; 1998); structural functionalist *i.e.*, social control (Hirschi 1969; 2004), social containment (Reckless 1940), differential association (Sutherland 2004), differential opportunity (Cloward 1960), social disorganization (Rainwater and Yancey 1967, and Shaw and McKay

1969); positivist (Lombroso 1918; 1980, Sheldon 1970; 1970a), and more recently, biological (Spear 2002).

4. Regarding the lack of correspondence between the goals and means of the justice system and its Aboriginal clientele, now retired Chief Justice Edward Bayda commented “I have to send a message to [this Aboriginal person], as it were, that our values are such that we will not countenance this kind of conduct. Well, I’ve got a problem. I have a good message to send, and maybe I have an effective tool to send that message, namely, jail. But the big question is this-will that message be received?” (CBC Radio Ideas 11 December 2000)
5. Moreover, Ms. Big Pipe’s blood alcohol levels over the next two weeks suggested that her condition was worsening yet she was *never* hospitalised or sent to a detoxification centre.
6. Colleen Dell’s current yet to be titled major research project on the effects of stigma on Aboriginal women’s identity and illegal drug use is one such piece of research.
7. Ninety per cent of federally sentenced Aboriginal women are physically abused; 61% were sexually abused (Arbour Commission 1996).
8. Youngblood Henderson (2000), for example, outlines the components of colonisation, especially the theory of universality and how discourses of difference serve to underpin negative portrayals of Aboriginal peoples.
22. Hill points out that it was not “necessarily the Christian teachings that destroyed our people but rather the Church’s interpretation” of the teachings.
10. The 1876 *Indian Act* again emphasized male lineage, defining an Indian as any ‘male person’ of Indian blood and any woman lawfully married to such a person’. As a result, the rights of women as ‘Indians’ under the *Indian Act* were defined by their fathers and their marriages. Moreover, Shin Imai (in Blair 2005:3) points out:

because of the dual policy of paternalism and assimilation, the *Indian Act* status provisions were a mishmash of nonsensical, ethnocentric and sexist rules. For example, Eurocentric patrilineal rules on family lineage were imposed on all First Nations ... [even] the Mohawks, which were matrilineal.

11. Section 6(1) of *Bill C-31* on eligibility to register has six subsections. Those Aboriginal people who registered prior to 1985 have Section 6(1)(a) status. Those women who regained their status have Section 6(1)(c) status. Her children have Section 6(2) status. If an Aboriginal person marries a person with no Indian status then their children have Section 6(2) status. If a person with Section 6(2) status has a child with a person with no Indian status then their child has no Indian status.
12. The report entitled "*Impacts of the 1985 Amendments to the Indian Act*" (Canada. Indian and Northern Affairs 1990: 8), noted the following:

Not all sexual discrimination has been eliminated by Bill C-31. There remains unequal treatment of some male and female siblings. Women who lost status through marriage prior to 1985 cannot pass status along through successive generations; their brothers who married non-Indian women prior to 1985 can do so. The brothers, their non-Indian spouses and their children, are automatically considered band members, while their sisters children can only acquire status. In the case of bands that have assumed control of membership prior to June 28, 1987, the children of the female line have only conditional entitlement to band membership.

13. At best, an Aboriginal woman who did enter into a "conventional" marital arrangement who is now seeking a divorce may receive an award of compensation to replace her half-interest in such properties. Since possession of on-reserve land is an important factor in individuals' abilities to live on reserve, potential denial of interest in family on-reserve properties upon dissolution of a marriage is a serious disadvantage to Aboriginal women. This disadvantage was again reiterated in a press release by the Canadian Feminist Alliance for International Action on the 3 November 2005 (Feminist Alliance for International Action 2005), where they stated that:

The Committee recognizes Canada's failure to protect Aboriginal women from violence, to address the poverty of Aboriginal women, and to correct overt discrimination in the law. The discrimination in the law is decades old, and it affects Indian women's ability to pass on their status and reserve membership to their children and grandchildren, and their access to matrimonial property rights and to basic human rights protections.

14. With regards to their common origins Lawrence (2003: 11) states that:

Focusing solely on contemporary differences between treaty Indians and Métis, without any exploration of what both groups have in common, at this point seems to conform too closely to the logic of the Indian Act. It would seem more useful to understand contemporary Métis identity less as an issue of inherent cultural difference due to racial mixing and being the product of a "Red River" heritage than as an issue of being nonstatus and historically excluded from legal rights and access to land because of the relentless rigidity with which racial categories were created and maintained under the Indian Act.
15. The Commission also recommended that women under federal jurisdiction be returned to their home provinces to serve out the remainder of their sentence, although the Commission did not elaborate on mechanisms by which this was to occur. Such a mechanism was detailed and put forward by the Ouimet Report (1969).
16. There is a tendency to apply to women and to men, the same criteria used to assess risk, even though these criteria do not relate well to women. Women, therefore, are consistently over-classified in terms of security, and there is some indication that this tendency is even more pronounced for Aboriginal women (Creating Choices The Report of the Task Force on Federally Sentenced Women 1986:78).
17. These include: Saskatchewan Penitentiary in Prince Albert, Saskatchewan; Springhill Institution in Springhill, Nova Scotia; the Regional Reception Centre in Ste. Anne des Plaines, Quebec; and the Regional Psychiatric Centre in Saskatoon, Saskatchewan.
18. This move took no less than seven years to accomplish in the prairies region.
19. Dynamic security is premised upon high prisoner-staff interaction unlike static security which is premised on physical barriers moreso than prisoner-staff interaction
19. Hannah-Moffat notes that while penalty was becoming more gender responsive, risk/need principles became the defining mantra of correctional programming and that women's prisons were heavily influenced by this managerial emphasis on

risk/need principles. She further notes that the criminological, legal, medical and sociological literatures clearly showed that conceptions of “risk” are gendered and racialised and that “risk” operates as a gendering strategy. She argues that in most instances women are assessed with the same (or slightly modified) criteria as men and that their histories, needs and experiences (such as self-injury, victimisation and mental health concerns) are reframed as problematic through the imposition of these risk-based decision-making templates. In this way, most classification schemes “validated for women” continue to call forth male normative standards and stereotyped constructions of femininity and offending, individualising and compartmentalising needs relying on binary oppositions.

21. This change of heart was discernible in the National Strategy For High Need Women Offenders In Federal Correctional Institutions (2003), aimed at not only the 30 women classified as maximum security but also those 35 mentally and physically disordered women classified as minimum or medium security.
22. I call this the “Build Them and They Will Come” Syndrome.
23. Police and legal discourses of good guy/bad guy, guilty guy/innocent guy are examples of colonialist epistemology in that there is no conceptual space for the larger socio-historical and political processes at work.
24. On occasions where “law” is capitalised, *i.e.*, “Law”, it is done to emphasise Law as a social institution rather than as a corpus of laws, legislation and statutes.
25. For example, Hingley (2000) records his own awakenings as dominator, his growing awareness of his mindset which rested upon the oppression of others. He argues that self-honesty with regards to the mindset can lead to a collaboratively structured society, or emancipation for all (see also Tuhiwai-Smith 1999).
26. Fraser (1985; 1995) points out that Habermas’s system and lifeworld mirrors institutional separation in Eurocentric male-dominated capitalist societies. Habermas’ “the (Eurocentric) family” is the polar opposite of the (Eurocentric) “economy”, and in this schema, the household is the mirror opposite to the paid workforce. By setting up his conceptual framework in such a way, the focus of analysis then becomes their differences rather than their similarities. Fraser (1985; 1995) argues that the household is also a site of labour activity primarily done by women and in this way is similar to the system. In not acknowledging this, the subordinated status of women in the (Eurocentric) household, is taken as a given not as a problematic. Because their work is not seen to be as essential

men's work in the public sphere, women are relegated to service-oriented nonprofessional jobs.

Fraser (1985; 1995) argues that Habermas' framework needs to recognise that the household reflects the larger Eurocentric patriarchal capitalist economic system because it enables conceptual space for thinking about how speech situations in the (Eurocentric) household are mediated by power and access to resources. So, for Fraser (1985; 1995), Habermas' framework leaves no conceptual space for issues of power. In the case of federally sentenced Aboriginal women, because they do not mirror the white heteropatriarchal woman, their lack of access to resources and power are even more pronounced.

Not wanting to disregard Habermas' conceptual framework outright Fraser (1985; 1995) reconceptualises the interactions between the system and the lifeworld as more dynamic, bidirectional and dialogical and importantly, gendered and I would also add, racialised. In this way one can begin to think about power relations and generally how power works to keep men-as-a-group in power – that is, white men first, then non-white men. For example, communicative processes that are normatively secured (*i.e.*, not easily called into question) are difficult to tear down. White men, as the primary participants in the world of System (premised on instrumental rationality), communicate instrumentally, strategically and they also communicate in the same way in the lifeworld. Women, on the other hand, do not because of the kinds of labour activities they engage in the private sphere. Thus the communicative dynamics between (white and non white) men and all women mirror the Eurocentric patriarchal capitalist society.

Although Habermas' conceptual framework is gender blind, and Eurocentric, feminists like Fraser (1985; 1995) concede that it is comprehensive providing fertile ground for further theorising.

27. Habermas calls this the consensus theory of normative validity.
28. “Anzaldúa describes her identities fractured not only by her gender, class, race, religion, and sexuality but also the the reality of living along the U.S. - Mexico border.”
29. This is called an ideal speech situation (Habermas 1972).
30. But this poses several problems for Braaten (1991). First how do we put our interpretive framework to the test because genuineness of need interpretation and the interpretive framework are interdefined. In other words, we do not know whether a need has been genuinely articulated without implicitly referring to the

conceptual scheme that we are using to interpret things and this is tautological (Braaten 1991). Second how do we know whether the needs that are articulated are indeed genuine? As Braaten (1991) argues whether individuals really “need” this or that or really have these interests is not necessary as long as they have expressed these interests and articulated these needs genuinely. To overcome these problems Braaten (1991) suggests that an adequate interpretive framework should be one that reflects the participation of all concerned and does not necessarily allow the expression of “true” human interests at all times. While problems remain with Habermas’ formulation, Braaten (1991) anticipates Habermas’ response by stating that the purpose of needs interpretation may not be to discover deceit or uncover some hidden genuine interest but rather to extend the public character of the articulation of basic common needs and interests.

CHAPTER THREE

RESEARCH METHODOLOGY

The term “research” is inextricably linked to European imperialism and colonialism. The word itself, “research”, is probably one of the dirtiest words in the indigenous world’s vocabulary.

(Smith 1999: 1)

3.0 Overview

Thus far, this dissertation has delineated the underlying social and historical processes leading to the marginalisation of Aboriginal women and their subsequent chronic overrepresentation in Canada’s federal carceral facilities. As discussed in Chapter Two, the *Indian Act* (1876) and *Bill C-31, An Act to Amend the Indian Act* (1985), located Aboriginal women in marginalised social spaces with marginalised identities. Using both Mead’s (1934) approach to the social construction of the self/self-identity, and Bourdieu’s (2001) notions of social and cultural capital as conceptual lenses by which to look at and understand the lives of these women, this study extends Habermas’ theory of communicative action (1987) and discourse theory (1998a). The intent of this chapter is to delineate the logic of inquiry and the methodology used to

operationalise the concepts of not only self-identities, but also social and cultural capital which are contextualised as outlined in Chapters One and Two.

3.1 Logic of Inquiry

In order to live in the world, we must name it. Names are essential for the construction of reality, for without a name it is difficult to accept the existence of an object, an event, a feeling.

(Spender 1998: 163)

I employed a critical ethnographic approach based in part on critical discourse analysis to examine the women's voices. The information and resource base was provided by human subject interviews and document examination, such as those documents regarding risk classification. Unlike narrative analysis or phenomenology which focus on how individuals (Baumgartner 2000; Labov and Waletzky 1967) or groups (Todres and Holloway 2006; Culler 1975) make sense out of their life experiences, critical ethnography is generally more interested in identifying the structures through which a particular understanding or interpretation is possible (Babbie 2001: 283). In terms of this dissertation then, critical ethnography would be interested in how gender, race, and social class define both the choices available as well as the possible evaluative frameworks or understanding of things that determine people's courses of action.

Before embarking on a delineation of this analytic approach, it is notable that Aboriginal peoples have been researched to death and second, that research has historically not benefitted Aboriginal peoples themselves (Kovach 2005).

According to Prior (2007), Aboriginal people's mistrust of social research can be

attributed to the methods, particularly ethnography, imposed by founding anthropologists, Malinowski, Mead, and Boas. The intent of these anthropologists was to develop knowledge about “native cultures.” However, their methods of observing were inherently oppressive. Their ethnographic approach effectively historically (re)constructed Indigenous peoples’ lives and the stories they shared from a Eurocentric perspective (Said 1979; 2000; Smith 1999; King 2003; de Ramirez 2007; Goldie 2006; Clifford 2006)¹. This, in turn, creates cognitive imperialism (Battiste 2000; see also Clifford 1986) and has been used not only to exclude, to silence, to deny Indigenous people’s realities, but also to facilitate the annihilation of their cultures and their ways of living, being, and knowing (Youngblood Henderson 2000a; Prior 2007; Fanon 1965; Smith 1999). In sum, early ethnographic methods effectively set Indigenous peoples into social spaces that were variably colonised by racist, sexist, and/or classist assumptions.

Critical ethnography, on the other hand, acknowledges people’s social location *vis à vis* the central locale of structured cultural and social power, and that social location is central in the construction of people’s experiences². Critical ethnographers take on the added task of seeking to give voice to those who live at the periphery and are struggling for social change by challenging “truth” in ways that subvert “taken-for-granted” ways of thinking (Thomas 1993:18; Mobley 2003). By observing the symbolic and other material actions of the oppressed:

... critical ethnography is a type of reflection that examines culture, knowledge, and action. It expands our horizons for choice and widens our experiential capacity to see, hear, and feel ... Critical ethnographers

describe, analyze, and open to scrutiny otherwise hidden agendas, power centers, and assumptions that inhibit, repress and constrain.

(Thomas 1993: 2-3)

Critical ethnography, then, is most appropriate for capturing the perspectives of the voiceless and marginalised, and for interpreting their behaviour as an expression of their social location *vis à vis* the central locale of structured power (Owen 2003)³. Interpreting Aboriginal women's perspectives and behaviour as an expression of the racist, sexist, and classist societal framework within which they live is relevant to the research questions set out in the Introduction. The research questions are again: (1) What is the societal framework within which these women live? (2) How does the societal framework within which these women live impact their identities and their subsequent social locations and constellation of choices? (3) How does their constellation of choices affect their identities and ultimately the choices they make? (4) Do these women see their time in prison as widening the constellation of choices of action for them?

Critical ethnography begins with the premise that situated knowledge is a resource as powerful as any tangible tool and works to aid emancipatory goals or to militate against repressive processes.

Emancipation refers to the process of separation from constraining modes of thinking or acting that limit perception of and action toward realising alternative possibilities. Repression is the condition in which thought and action are constrained in ways that banish recognition of these alternatives. Critical ethnography is simultaneously hermeneutic and emancipatory.

(Thomas 1993: 4-5)

In this way, new ways of thinking then become implements by which we can act upon our world.

Understanding is based on several cultural assumptions. The most significant ones are the assumptions that the speaker and audience possess mutual competency⁴ and that there is no intent to deceive (Habermas 1972; Mueller, 1972 in Thomas 1993). In reality, however, these assumptions break down.

In everyday life, deceit, private languages, veiled meanings, communicative incompetence, differing interpretive abilities, and other factors mediate how identity is formulated, culture is understood, and behavioural responses are chosen and implemented (Bok 1983, Goffman 1967; Katovich 1988).

(Thomas 1993: 14)

If the goal is to come to a mutually reciprocal understanding through the meaningful exchange of symbols, then repressive communication refers to obstructions either in symbol creation or exchange (Mueller 1972 in Thomas 1993: 14):

If for reasons related to the structure of communication, it is not possible for groups and individuals to locate themselves in society and to articulate their interests, then repressive communication occurs. If predefinitions are inherited from traditional ideologies and explanations are engendered by specific interest constellations, repressive elements enter communication, the generalisations and synthesis attained through these elements become inadequate or obsolete.

(Mueller 1972: 103)

By implication then, conditions for non-distorted communication include symmetry where no communicants possess a culturally defined privileged position because of role, power imbalance, status, or other attributes that work to: (1) conceal; (2) speak for the Other; or (3) dispute the message of the Other. But, because representational processes can only be understood in terms of what is already there (representational processes inherent in culture are always normatively secured, pre-ordained, pre-patterned in ways that militate against mutual understanding), the inherent capacity for distortion of speech

acts is very real and, as a result, may prevent understanding (Thomas 1993: 15).

The task of the critical ethnographer in this scenario is to identify and illustrate the processes by which cultural repression occurs, reflect on its origins, suggest ways forward (Thomas 1993) and create an understanding of the world from the point of view of the Other. A useful way of thinking about the stories these women shared with me comes from Jane McMillan (2007), reiterating what a Mi'qMac elder shared with her -- "our stories are not data, our stories (represent) living breathing moments" (see also King 2003). The intent is to listen to these women's stories with a view to looking at how the societal framework, its social forces and social institutions, within which these women live, organised and impacted upon those living breathing moments. More particularly, the intent is to look at how living in colonialist conditions not only impacted upon their social and cultural capital but also their identities. Listening to what these women have to say as *socio-politically situated subjects* about living in such conditions, listening to their perceptions regarding the alternatives available, has the potential of addressing their chronic overrepresentation in the criminal justice system in a client-centered way. Addressing their chronic overrepresentation in the criminal justice system then requires a way of thinking that does not attempt to "fit" what these women are sharing with me into preconceived categories. The goal of critical ethnography here is to understand their actions as logical, given their social location and their understanding of themselves. Thus, what we can begin to "know is how these women depicted and framed their actions and the actions of those around them. As such, this discourse is an important indication of their subjectivity and identity" (Silverman 1983 in Kruttschnitt and Carbone-Lopez

2006: 331). For example, of the assumptions of institutions of law, Carlen (2003: 127)

writes:

... the questioning of rape victims or women on charges of carrying offensive weapons or assaulting males is frequently based on moralistic assumptions about what moral women should do when threatened with rape or attack that are quite opposed to what reasonable women with prior experience of rape actually do.

Things are further complicated when race and class (and age) as structural parameters are added to Carlen's scenario above in that one's response might be influenced by class or gender or race, or race and class, or gender and class, or class and race and gender. What is learned from this critical ethnographical approach has important public policy implications in terms of resource allocation and service delivery for their healing and reintegration into communities, not back into prisons. For example, resource allocation may then be directed at these women as socio-historically situated subjects who are reflexive. Critical ethnography, in this case, then works to point out the racist, sexist, and classist features of the societal framework in which these women live. In Habermasian terms, critical ethnography works to decolonise that which has been colonised.

The benefits of such an approach are not so much in terms of reaffirming or discrediting official discourses such as those found in much of the corrections literature (Maidment 2006; Kendall 2002; Kendall and Pollock 2003; Janus 2000) *per se* but rather discovering what subjects see as significant and why they think it is significant (Li 1985). As a result, critical ethnography as a qualitative methodology validates orality, voice, and story (Battiste 2002) and enables an understanding of these women as politically situated subjects.

On this issue, Battiste writes:

Continuing research agendas have exploited peoples, appropriated their knowledge and denied them their ability to assume their self-determination by framing their life and choices from within the narrow lens of western thought, removing their resources from their own use and benefit. They seek to find a solid place for their own knowledge to define their existence and future.

(2000: 34)

Much of the recent research and writing on federally sentenced women in general, especially since the 1990 Task Force on Federally Sentenced Women (Canada. Dept of the Solicitor General 1990), takes the standpoint of women as its point of departure. There is little research, however, that investigates the standpoint of federally sentenced Aboriginal women in particular, with a few notable exceptions (Morin 1999; Sugar and Fox 1990; Monture 2002)⁵.

The aim of this dissertation is to begin filling that void and listen to federally sentenced Aboriginal women's stories of "risk" and "danger", in their own words. This is profoundly valuable as it gives insight into the world and social forces bearing down upon them as to what they see as significant in shaping their choices (Battiste 2002).

3.2 Ethical Considerations regarding Research within Aboriginal contexts

Being an "outsider" meant that cultural differences had to be overcome so as to gain access to federally sentenced Aboriginal women in a sensitive and mindful way. Once my dissertation proposal was vetted and approved by my committee, an application for ethics approval to do research on human subjects was made. At this point, I sought the guidance and support of an Aboriginal Elder, who is a residential school survivor and

a graduate from the Aboriginal Justice and Criminology programme (ABJAC) at the University of Saskatchewan. Her spirit name is Blue Thunderbird Sitting Woman. Guidance was sought on how to approach this research and the women in a culturally appropriate and respectful manner (see also Smith 1999; Brown and Strega 2005). Elder Blue Thunderbird Sitting Woman was a former student of mine and a former Elizabeth Fry Society of Saskatchewan staff person. She was also working at Pine Grove,⁶ the only provincial women's correctional institution in Saskatchewan, as a guard. Notably, Pine Grove's prisoner population, on any given day, is 80% - 100% Aboriginal.

Additionally, I attended a couple of formal educational sessions at the University of Saskatchewan: a workshop in 2001 entitled "Respectful Research" organised by the Indigenous People's Initiative; a seminar entitled "Research Involving Indigenous Peoples: Issues for Researchers" with Dr. Marie Battiste; and a brown bag luncheon on Research in Aboriginal Communities. These events reminded me of advice I received from an Aboriginal woman⁷ in the early 1980s when I was with the Elizabeth Fry Society as a volunteer. Basically, the message I received from all these sources was four-fold: (1) ask the approval of community representatives first; (2) understand and respect community cultural protocols; (3) ask for input from the community regarding your findings; and (4) be mindful of the impact of what is reported on the community.

It was difficult to identify who the community representatives were for these women, being mindful of the fact that the "community representatives" may not be the "community" with which these women identified. The Elder overseeing this research suggested that as a way forward I contact Elizabeth Fry Society, as the first point of

contact, as they worked with women who have been or are at risk of being criminalised. I explained my research project to them, requesting their assistance in contacting the women. I asked representatives from the various Elizabeth Fry Societies to contact the women on my behalf. I requested a sweat asking the Creator for a fruitful and positive journey before embarking on any interviews, and I was also smudged. Draping a black ribbon around my shoulders before the start of any interview, I informed the women that the Elder overseeing this research had smudged the black ribbon so as to ward off any ill meaning spirits as the journey on which we were embarking was heavy.

In keeping with the Aboriginal custom of giving back to the people who gave to me, I will validate their experiences and their perspectives. The intent is to share what the women shared with me with all the local Elizabeth Fry Societies as well as their national association, women's community training residence staff and clients in the prairies, the Native Women's Association of Canada, the Deputy Commissioner of Women's Corrections, the National Parole Board, and the local Public Legal Education Association. The aim is to better the conditions of these women's communities. Additionally, I hope not only to present what these women shared with me at academic venues as well as those venues which are more public, but also to publish in both these venues. From an academic perspective, I will have contributed to the opening up of public space for their voices to be heard in the context within which they are spoken.

3.3 Background context to the sample population

Upon receiving ethics approval on 18 December 2002, I continued to discuss

access with Correctional Services of Canada. The initial intent was to conduct in-person taperecorded semi-structured interviews with the following: (1) federally sentenced Aboriginal women who were either previously or currently housed at Saskatchewan Penitentiary; and (2) select criminal justice personnel, especially, case-management workers and institutional parole officers at Saskatchewan Penitentiary who are responsible for security-level classifications and inmate release plans.

The sample population changed to Aboriginal women who were either still under federal sentence but serving the remainder of their sentence in the community, or those Aboriginal women who had recently exited the federal system altogether. Those women who had recently exited the federal system altogether did so in two ways: (1) either by successfully completing their sentence by way of parole in the community; or (2) by being released directly from a carceral facility at *warrant expiry*, or in other words, at the end of their sentence. The interviews with select criminal justice personnel was also abandoned. These changes were due to the following circumstances.

Before any due consideration could be given to my application by the University of Saskatchewan's ethics review board, I had to have already contacted the relevant carceral institutions and had their approval for the research. However, at the time of application, it was not known where the women were going to be housed as Correctional Services of Canada was planning to move the federally sentenced women housed at Saskatchewan Penitentiary into federal women's institutions within the next few months. To circumvent this dilemma, I passed my research proposal onto the Regional Administrator of Aboriginal Programming, Mr. Gerry Cowie, for feedback, footnoting

this in my ethics application. My research proposal inadvertently landed on the desk of the Regional Director, Dr. Terry Nicholaichuk. In an e-mail from Dr. Nicholaichuk, I was informed that I needed University ethics approval before his office could give my application any due consideration. I told him of the dilemma and that ethics approval was pending. Dr. Nicholaichuk was most helpful by directing me to links to government research that might be germane to my research proposal, and by sending me a CSC application for research to fill out. He also explained that my research application had to be vetted by both Regional and National headquarters, as well as the Aboriginal Research Directorate before any decision could be made.

Upon receiving ethics clearance on 18 December 2002, I let Dr. Nicholaichuk know of this by e-mail. I received a reply on the 18 January 2003, stating that Regional headquarters had not approved my research proposal, citing limited understanding of my methodology and my definition of “risk.” After meeting with Dr. Nicholaichuk regarding their concerns some weeks later, I realised that the current political climate in the criminal justice system rendered the original project envisioned impossible. In my view, the political climate was the result of a confluence of two major events.

First, the tense history regarding women’s imprisonment in Canada was coming to the fore once again. In response to a complaint submitted to the Canadian Human Rights Commission in March 2001 by the Canadian Association of Elizabeth Fry Societies (CAEFS) and the Native Women’s Association (NWAC), the Commission conducted a broad-based systemic review of the treatment of women prisoners in Canada. To this end, no less than 11 organisations, including CAEFS, NWAC, the Women’s

Legal Education and Action Fund (LEAF), the DISabled Women's Network (DAWN), the National Council of Women of Canada (NCWC), and the National Association of Women and the Law (NAWL) submitted briefs to the Commission in May 2003, all calling for an end to the discriminatory treatment of women in prison.

Second, the intent to move these women from Saskatchewan Penitentiary, a "temporary" holding facility, to other facilities was coming to fruition in March 2003, seven years after the first federally sentenced women arrived there. In my view, the confluence of these two major events made Correctional Services of Canada uneasy about any researcher going into speak with these women regarding such issues as "risk" and "danger". Unofficially, I was told that I was dealing with "political dynamite." I was also informed that many of these women were indeed suffering from severe fetal alcohol syndrome. These women therefore, could not foresee too far into the future, so few if any new insights could be gained from interviewing these women. This justified CSC speaking on behalf of these women, because, after all, they were "sick" and "broken" (Arrigo 2002). It was not until March 2003 that CSC got back to me with a final "no" decision. Hence, I decided to sample Aboriginal women who were residing in the community but who had spent time in a federal institution since 1990. To do this, I solicited the assistance of all four of the Elizabeth Fry Societies in the prairies region, namely the Elizabeth Fry Society of Saskatchewan in Saskatoon, the Elizabeth Fry Society of Manitoba in Winnipeg, and the two Elizabeth Fry Societies of Alberta, one in Calgary and one in Edmonton. Two of the societies ran community training residences while the others did not. Instead, the remaining societies ran reintegration programmes,

and/or ran parole out of their office, and/or prison liaison programmes.

I also solicited the advice of Margaret Shaw, now with the International Centre for Crime Prevention, and Kim Pate, the Director of the Canadian Association of Elizabeth Fry Societies on how to access the women on the inside to complement what the women were sharing with me on the outside. In true activist fashion, they had a strategy – give my information package to the Elizabeth Fry Society prison liaison staff to take into the women. If any of the women did indicate interest, they would then get me on their visitor’s list.

Unfortunately, CSC made it next to impossible to access women who were incarcerated for this research project. The vetting process to speak with the women made the project envisioned an impossibility. If not on the immediate family and/or contacts list, CSC wanted to know what your business as an “outsider” was. If not forthcoming with details of this project, the possibility of getting the women as well as myself into trouble could have been a reality. But if forthcoming with details of the project, the project had to be vetted by Director of Research Prairies Region, Dr. Terry Nicholaichuk and his committee (see above). Thus, this latter element of the research project was abandoned at this time.

3.4 The Sampling Method and The Sample

A nonprobability purposive sampling method was deemed most appropriate as I was interested in listening to the stories and perspectives of Aboriginal women who had or were currently serving a federal sentence since 1990, and who were residing in the

community, about their experiences both before and inside Canada's federal prison system. A purposive sampling method enables one to seek out "information-rich" cases for in-depth study potentially yielding insights and in-depth understanding. So, what would be seen as a biased sample in statistical sampling, and, therefore, a weakness, is viewed as a strength in qualitative research studies such as this.

The year 1990 was chosen as the cutoff date for this research because 1990 was the year the Task Force on Federally Sentenced Women entitled "Creating Choices"⁸ was tabled calling for just that, the creation of choices for women in prison. Creating Choices also issued some groundbreaking principles which included:

- (1) empowering programmes to raise women's self esteem
- (2) provision of more meaningful choices in programmes and community facilities (wider range of options)
- (3) provision of an environment which cultivated respect and dignity in the treatment of women
- (4) provision of a physically and emotionally supportive environment; and
- (5) sharing of responsibility for women's welfare between correctional workers and community members and organisations

My contacts and involvement with the Elizabeth Fry Society were invaluable. In order to respect prospective participants' privacy, Elizabeth Fry Society workers initially contacted potential participants who had previous contact with the Society on my behalf. I also contacted local parole offices on more than one occasion and asked and indeed, reminded them to forward prospective participants names to the local Elizabeth Fry

Society for them to contact on my behalf. In the end, sixteen Aboriginal women residing in the community agreed to an in-depth interview with me. These women had either recently exited completely from the federal prison system or they were finishing up their sentence in the community. Three women of the 16 women, however, did not complete the interview. Of these three, one had been returned to prison before our interview, and the remaining two, in my view, did not complete their interviews as they were just beginning to deal with some major life issues. These latter two women's voices, however, are included in a general way where appropriate. Thus, in the end, 15 women met and shared part of their lives with me.

Once the women gave their contact information to the Elizabeth Fry staff, I contacted the women either in person or by telephone, initially introducing myself and the research. I also informed the women that there was an Elder who was overseeing this research. In any case, I arranged to have a copy of both the interview schedule (Appendix One), the consent form (Appendix Two), and the permission-to-tape interview form (Appendix Three) delivered to the women well in advance of the interview for them to peruse. I encouraged them to contact either me or the Elder overseeing the research by telephone (collect, if necessary), or the local Elizabeth Fry Society, should they require assistance or have any questions or concerns about anything regarding the interview prior to the actual interview. Before any interview would proceed, I reintroduced the research and its intent, went over the interview schedule, the consent form, and the permission-to-tape form and reminded them that an Elder was available for them should they want her input and asked them again if they had any questions or concerns. I also reminded them

that their participation was completely voluntary and that they were free to stop the interview at any time. Once the women gave me their consent in writing, I asked them verbally whether it was alright to begin the interview, before proceeding to the interview proper. In every case, the women gave me a verbal go ahead.

3.5 Interview Process

As I did not know any of these women beforehand, and, as many of these women's lives were quite chaotic, it meant that there was not likely going to be a second chance to arrange any follow-up meetings to probe matters further. Consequently, a semi-structured in-depth interview format was chosen (see below). Using a semi-structured interview format with a pre-determined agenda meant that a public space was created for Aboriginal women's voices but that space was loosely circumscribed by the agenda and the task at hand (Kovach 2005: 26). Relying on a minimal number of broad questions, I listened intently to what these women had to say, filtering their comments through the ideas of risk and danger that I wanted to touch upon in further depth. Often times, what these women were sharing with me resonated with those ideas, prompting immediate follow-up questions, enabling further exploration and expanding on potential conceptual intersections. In doing so, I also ensured that all participants talked about the central topics of interest in this study and, at the same time, explored additional particular domains when and where appropriate. The strategy proved to be effective in all cases, most of the time, as the interviews were dynamic and stimulating, producing rich and often unexpected data. As such, their stories yielded insights into their conditions of

existence (and, by implication, the social forces brought to bear on their lives, lives which were bound up by race, gender, and class oppression) which is what critical ethnography is intended to do (Thomas 1993; Glaser and Strauss 1973). The interview schedule then was used as a guide to engage participants in a non-directive fashion where possible. Follow-up questions were used to probe, clarify, and expand on comments made, or to explore unanticipated or intriguing comments. Knowing that the majority of the women had only recently been released into either a community training residence, or directly into the community, I did not explicitly ask about their post-prison lives.

The questions were constructed some time before the interview and inquired into a broad range of experiences, either good or bad, during their childhood, with their family or their community or school, as well as experiences with/in the justice system. I also disclosed information about myself when I thought it was relevant. The intent was to gain insight into how the social conditions within which these women lived shaped their choices of action and shaped their identities.⁹ These questions were sent to the prospective respondent ahead of time to enable her to gather and provide relevant information to me upon our eventual meeting. The broad questions were asked, which did not constrain the conversation, and new questions were allowed to arise as a result of the discussions. It is in this way the interview was somewhat guided by what the women were sharing with me. This is different from questionnaires and surveys where there are very structured questions and whose aim is generally to gather pre-determined data from which there is no deviation. The aim of these semi-structured interviews, on the other

hand, was to glean an understanding of things from the respondents' perspective (Fontana and Frey 1994).

All of the interviews were conducted, tape recorded and transcribed by the researcher. The interviews ranged anywhere from 45 minutes to two and a half hours, took anywhere from 8 to ten hours each to transcribe, yielding a total of over 375 single-spaced typed pages of transcripts, providing a rich information source for respondents' assessments of their lives and the criminal justice system. This enabled in-depth investigation into contexts and reasons for respondents' answers to questions. Since these respondents are, or were clients of the criminal justice system, the in-depth interview materials provide rich insights into their experiences of the criminal justice system and their communities that other research methodologies are unable to provide.

The interviews were conducted in a variety of places and ways. These included long distance over the telephone, in my hotel room, and walking around their neighbourhood, or in their homes in the company of their children. I also conducted interviews in the community training residences in which some of them were residing, either privately in their own apartments or semi-privately in common rooms sometimes within the possible earshot of others (see below). In a couple of instances during the course of one of my interviews, young children of other residents wandered in and out the craft room that was doubling as the interview room at one community training residence. At another community training residence, one interview was conducted in the common room potentially within earshot of two other people – one watching television at the other end of the room which was quite large, the other restocking supplies in the kitchen area

while she was waiting for her coffee to brew. Though there was a possibility that interview content and process was affected it was unlikely as we were both speaking very quietly.

Nevertheless, conducting any interview in semi-private to public conditions has implications that may not occur with those interviews conducted in private uninterrupted conditions. If interrupted during the course of a discussion, as occurred twice in one of my interviews because of the entry of other residents' young children into the room, a woman's voice or train of thought is also interrupted. It may be difficult, if not impossible to resume the line of discussion or train of thought once the interview resumes. If the interview takes place within potential earshot of others, this may limit or change the woman's voice, both in terms of content and depth.

All but one of the women who agreed to be interviewed also agreed to allow me to tape their interview. Draping the black ribbon around my shoulders, I explained to the women the reasons for doing so (see section 3.2 above) before starting any interview. I left with each woman my business card as well as the telephone number of the Elder who was guiding me through this research project, should they want or need to speak with her as a result of doing this interview with me. Permission papers to interview (Appendix Two) and tape record (Appendix Three) the interviews were signed, and copies were left with each woman for their and my protection. Transcript release forms accompanied each woman's transcript (See Appendix Four), along with a self-addressed stamped envelope and a letter. The letter thanked them again for their participation and explained that if I did not hear from them within ten weeks and did not receive their transcript

release form within those ten weeks, I would assume that they were alright with their transcript (See Appendix Four A)¹⁰. Moreover, two of the women also shared some of their writings (*i.e.*, poetry regarding their experiences) about their lives and about their stay inside of prison, as writing acted as a catharsis for these women.

3.6 The Voices Not Included in this Research

I wonder whether the stories of those women who did not participate or withdrew from the project mirror those stories of the women who did. I suspect that at the time those women who were approached but did not participate, either their lives (physically and/or emotionally) were too chaotic and/or unstable, and/or they felt this project intruded upon their privacy. Despite this potential weakness in the methodology, those who did participate represented an array of life experiences, some harsher than others, which will be described in the following chapter.

In sum, the merits of this research project highlight not only the rich detail of background contexts of the social phenomenon in question but also the idea that that the knowledge gained is contextualised knowledge. This knowledge should assist in understanding “a situation that would otherwise be enigmatic or confusing” (Eisner 1991: 58). Its primary weakness is representativeness, in that the stories, the experiences these women shared with me may not be representative of the experiences of the majority of Aboriginal women under federal sentence.

3.7 Critical Discourse Analysis and Its Complementarity to Critical Ethnography

Critical discourse analysis recognises the role of language in the structuring of power relations (Wodak 2001). The intent here is to understand how power relations, manifested in the form of public policy discourse, affect the ways in which programming and assessment tools are constructed and used to interpret Aboriginal women's lives and needs *for* them.

In the tradition of Michel Foucault, discourse analysis denaturalises concepts such as risk, danger, and fetal alcohol syndrome (FAS) showing that these concepts are socially constructed rather than having some independent existence "out there" (Wodak 2001; Anderson and Denis 2003). Critical discourse analysis is "aimed at enlightenment and emancipation" (Wodak 2001: 10), as is critical ethnography.

For example, critical discourse analysts may argue the concept of the "chronic violent offender" gets translated into "fetal alcohol syndrome (FAS)" or "fetal alcohol spectrum disorder (FASD)" and masquerades as a disorder, a syndrome of the individual. Constructed as an individual problem FAS/FASD becomes a problem for the community only insofar as the community has to deal with the added resource strain put on it because *this person* has been diagnosed as FAS/FASD. The only way to deal with persons diagnosed with FAS/FASD is *via* medication and formal social control mechanisms, because persons with FAS/FASD have little foresight and no effective informal social controls as seen in the following example. The website of the National Centre on Birth Defects and Developmental Disabilities states that:

Children with FAS may have the following characteristics or exhibit the following behaviors: small for gestational age or small in stature in relation to peers; facial abnormalities such as small eye openings; poor coordination; hyperactive behavior; learning disabilities; developmental disabilities (*e.g.*, speech and language delays); mental retardation or low IQ; problems with daily living; poor reasoning and judgment skills; sleep and sucking disturbances in infancy. Children with FAS are at risk for psychiatric problems, criminal behavior, unemployment, and incomplete education. These secondary conditions are problems that an individual is not born with, but might acquire as a result of FAS.”

(<http://www.cdc.gov/ncbddd/fas/fasask.htm#character>, Date retrieved 17 June 2005)

The result of this process is two-fold: first, it justifies interpreting the needs *for* the individual with FAS because, after all, he/she do not know any better because he/she is sick. Second, it focuses attention on the individual or his/her immediate environment as the problem to the exclusion of the broader social and political environment from whence he/she came and/or in which he/she currently finds himself/herself. Thus, what is ignored when such rubric is used are the socio-political and historical conditions that contribute to the making of FAS, or to the making of the person named as a “chronic violent offender” (*cf.* also Cook-Lyn 1996: 110-111). It is within such discourses that federally sentenced Aboriginal women are “officially” constituted as faulty, dysfunctional objects, in other words “higher risk,” as critical discourse analysts may argue.

Critical discourse analytic research then primarily studies the way *social power, dominance, and inequality are enacted* and reproduced through public discourses constructing federally sentenced Aboriginal women as faulty, dysfunctional objects. Critical discourse analysis works to deconstruct these public discourses. In this

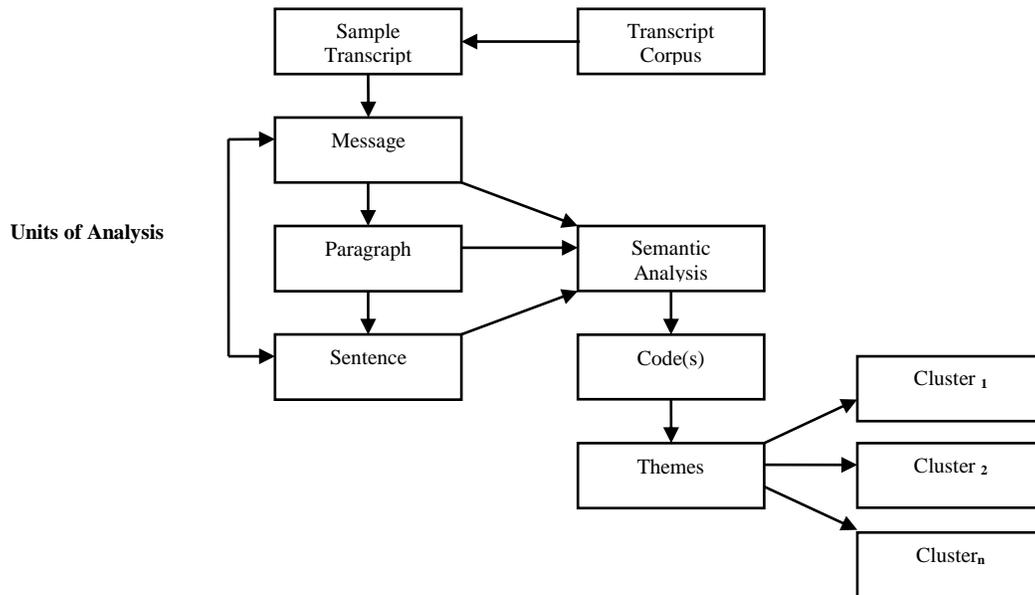
dissertation, critical ethnography works to bring to the fore the *effects* of living within these public discourses on people's identities, their social and cultural capital, and their constellation of choices. Critical ethnography works to capture the perspectives of the voiceless and marginalised and interpret their behaviour as an expression of the effects of living under the ambit of such public discourse (Owen 2003). As such, rather than looking at federally sentenced Aboriginal women as dysfunctional and/or diseased, one can begin to see these women as dys-functional and dis-eased. It is in this way that critical discourse analysis complements critical ethnography.

3.8 Data Management

Both critical ethnography and critical discourse analysis served as lenses by which I examined the actual information, such as interview transcripts and/or field notes and/or corrections-based literature on risk, public safety and federally sentenced Aboriginal women, looking for patterns and trends. In this process, variables and their relationships (called categories, concepts and properties) were "discovered". I analysed the information with the aid of Atlas-ti¹¹ v. 5.0, a very powerful yet easy to use qualitative information management software workbench. According to Bishop and Corti (2004), Atlas-ti offers a variety of tools for accomplishing the tasks associated with any systematic approach to "soft information" to help unearth complex phenomena hidden in the information in an exploratory way. The act of comparing noteworthy segments leads to what we might all see as the start of actual theory-building: a creative conceptualization phase or moment where one's own ideas begin to materialise.

Schematically, diagram 3.1 illustrates the logic of analysis below¹²:

Diagram 3.1 The Logic of Analysis



3.9 Data Storage

The original mini cassette tapes used for the interviews are housed in a locked cabinet in one of my co-supervisor's office. The cyber copies of the transcripts and the Atlas-ti files related to this research are all housed in password-protected files on an external hard drive in a secure location. Any hardcopies of any portions of the transcripts are kept in a locked cabinet in my office and shredded immediately after their use.

3.10 Situating Myself In Relation to the Research

Reflexivity is a deconstructive exercise and is useful in terms of “locating the intersections of author, other, text, and world, and for penetrating the representational exercise itself.” (MacBeth 2001: 35). How did I come to understand what the women were telling me about their conditions of their existence?

In response to this question, I posed two further questions: how can this researcher, who is not Aboriginal, who has not spent a sustained amount of time inside of prisons other than as “tourist,” who does not work for CSC, and who has a specific research agenda, make any claim that she can see things from the point of view of the Other? Moreover, how credible, consistent and trustworthy are my findings (*cf.* Borland 1991)?

Being an “outsider” gives me a unique perspective. Though not Aboriginal, I am a visible minority and a woman, and I have experienced discrimination on both these fronts separately and simultaneously, though not in the ways Aboriginal women have experienced these. Also having never worked for CSC, I do not have first hand experiential knowledge of what Correctional staff experience on an ongoing and daily basis. Nor do I have first-hand experience of what these women experienced in the care of CSC.

But, because I am a visible minority and a woman, who is affiliated with the Elizabeth Fry Society, I have some credence with the women themselves which ideally fostered franker discussions of the issues at hand. Furthermore, my personal experiences as a visible minority on two fronts also gave me insight into the effects of life at the

margins.

3.11 Regarding the Validity of my Findings

Regarding the credibility, consistency and trustworthiness of my interpretation of the information, the following preventive measures were taken:

- (1) Respondent check of the interview transcripts
- (2) Indigenous and academic cross check of my interpretations of the interview transcripts
- (3) Multi-site design
- (4) Audit Trail

Respondent check of the interview transcripts – I ensured that all the women received a type written copy of their interview with me within three or four weeks of their interview to peruse and make any amendments or additions. Only one respondent made amendments and clarifications to her transcript, sending the signed transcript release form back with the amendments and clarifications. Only two women did not return their transcript release forms; however, it is not known explicitly why these two women did not return their transcript release forms.

Indigenous and academic cross check of my interpretations of the interview transcripts – I ran my discoveries and my tentative conclusions by the Elder overseeing this research as well as both the former¹³ and current Okimaw Ochi Healing Lodge representative for the Canadian Association of Elizabeth Fry Societies, requesting their input and advice on my findings.

My interpretation of the information was also checked to see whether it was in line with the interpretations of other critical criminologists generally engaged in similar research projects¹⁴. This dissertation goes beyond these research projects to elucidate how the societal framework has impacted upon federally sentenced Aboriginal women's identities and their cultural and social capital. In other words, these women's social spaces will be shown to impact on their strategies of resisting and coping.

Multi-Site Design – I used several sites, cases, and situations, especially those representing some variation, which should allow the results to be *tentatively* applied to a greater range of other similar situations. For example, I interviewed women who either served time in one of four different federal carceral institutions in the prairies, (namely Edmonton Institute for Women (EIFW) in Edmonton, Alberta; Saskatchewan Penitentiary (Sask. Pen.) in Prince Albert, Saskatchewan; the Regional Psychiatric Centre (RPC Prairies) in Saskatoon, Saskatchewan; and Okimaw Ohci Healing Lodge (OOHL) on the Nekaneet First Nation near Maple Creek, Saskatchewan), or any combination of the four carceral institutions and who were now residing in the community. Those who spent time in more than one federal carceral institution were able to compare, and importantly share, their experiences of incarceration at these different institutions. Some of the women started their journeys through the federal justice system at one institution and were subsequently transferred to other institutions¹⁵ whilst others found themselves incarcerated in a different carceral institution because of a new Warrant of Committal. As well, these women were in the community in different ways (*ie.*, day parole, full parole, finished with parole, or warrant expiry (see Appendix Five), and in three different

locales, namely Calgary, Saskatoon, and Winnipeg.

Audit trail – I provided a detailed, thick description of information collection methods, and the logic of decisions that were made. I also kept field notes and wrote down reflections about how I thought each interview proceeded, as well as my perceptions of anything I felt was significant regarding the surrounding political, economic, social *et cetera* environments.

3.12 Summary

Research historically has, by and large, set Indigenous peoples into colonised social spaces and has been used to (re)constructed Indigenous peoples' lives and stories they shared from a Eurocentric perspective (Said 1979; 2000; Smith 1999; King 2003; de Ramirez 2007; Goldie 2006; Clifford 2006). Critical ethnography, on the other hand, acknowledges people's social location *vis à vis* the dominant institutional framework and that social location is central in the construction of people's experiences and attempts to create public space in which their voices can be heard as socio-politically situated subjects. Using human subject interviews and document analysis as the resource base, I employed a mixed methodology of critical ethnography and critical discourse analysis to investigate these women's life experiences from their perspective. Their stories were understood to be indicative of the social conditions under which these women live, examining how these conditions structured their choices and identities.

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1. Whereas de Ramirez looks at representations of the Navaho in particular in the United States, Goldie looks at stories of Indigenous peoples in general. However, they both both argue that the bulk of the published narratives have been framed within a Eurocentric perspective. Clifford looks at representations in art of Indigenous peoples, coming to much the same conclusion as de Ramirez and Goldie, that Indigenous art objects have been framed within a Eurocentric perspective.
 2. As such, critical ethnography has a certain affinity to indigenous methodologies which attempts to create public space for people's voices to be heard (*cf.* Kovach 2005).
 3. Critical ethnography is, according to Thomas (1993: 4):

... not just criticism, which is a complaint we make when our eggs are too cold. Nor is it to be confused with critical theory (associated with the Frankfurt school), which is a theory of capitalist society. Critical ethnography is conventional ethnography with a political purpose. [Whereas] conventional ethnographers generally speak *for* their subjects, usually to an audience of other researchers, critical ethnographers accept an added research task of raising their voice to speak *to* an audience on behalf of their subjects as a means of empowering them by giving more authority to the subjects' voice.
 4. *i.e.*, that there are no private languages and/or that competent speakers know how to base their interactions on validity claims that their hearers will accept, or that could be redeemed with good reasons (Habermas 1998).
 5. Recently, NWAC initiated research on the differences between Aboriginal women's conceptions of responsibility and Law's conception of responsibility. More particularly, this research investigates how this disjuncture impacts upon Aboriginal women being overrepresented in the criminal justice system.
 6. Pine Grove had other functions also, which included serving as:
 - (1) a releasing facility for federal women;
 - (2) an interim holding facility for federal (and provincial) women who were on remand; and
 - (3) a transfer facility for federal women being transferred either to, or from, the RPC prairies in Saskatoon to, or from, other federal carceral facilities.
 7. Her name escapes me unfortunately.

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8. In the words of Kim Pate (2001), “The Task Force was one little shove that was aided by a tremendous push occasioned by the deaths of seven women at the Prison for Women in Kingston during the late 1980s and early 1990s. Six of those women were Aboriginal women. There is no doubt in the minds of many of us, that it was the blood of these women that caused the Correctional Service of Canada to make a special push to ensure that the Task Force on Federally Sentenced Women issued recommendations that were followed by the Corrections Service of Canada.”
9. I received an appreciation of how chaotic these women’s lives were when it came to giving them a copy of their interview with me a few weeks after their interview. One woman was back in the system, where in the system, her parole officer was not at liberty to say. But the parole officer did offer to deliver the transcript on my behalf. I was reluctant to do so, and with good reason. It is CSC policy to open any “unofficial” mail in their continuous search for contraband and evidence of sedition. I managed to locate her in the newly opened (but not yet fully operational) maximum security unit in EIFW, through my other contacts. In this case, I chose to inform this woman by letter that I had her transcript and that she could call me collect if she wanted to go over it by telephone. Whether she received my letter and had access to a telephone at the time was unknown. I found out much later, from my sources at the Elizabeth Fry Society of Edmonton, that if a maximum security woman wanted to make a telephone call, she would have to be escorted (pending human and technical resource availability) to another part of the institution, as there were no telephone facilities operating in the maximum security unit at the time. Moreover, I was also informed that the women who were moved into this newly opened maximum security unit at EIFW were complaining about not receiving telephone calls from their lawyers as well as not receiving adequate nutrition at that time.

Another woman had moved between the time I initially contacted her and the time of the interview, approximately three and a half weeks later, and was planning to move again because of the risky neighborhood in which she and her family currently resided. Confirming her location and ensuring she received a copy of her transcript also presented a challenge. Living in a risky neighborhood meant that she did not always receive her post. To circumvent this, I called and confirmed with her a time when she would be home, so I could hand deliver her transcripts on two separate occasions but without success. This woman had a very large family, some of whom she described as quite crisis ridden and needful, necessitating her to be “on call” much of the time. I finally resorted to registered mail delivery as a means of guaranteeing her receipt of her transcripts.

10. I informed Les Samuelson, one of my co-supervisors of this.

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11. The acronym, “Atlas-ti” stands for “Archiv fuer Technik, Lebenswelt und Alltagsprache” which translates into Archive for technology, the life world and everyday language. The extension “ti (pronounced tee eye) stands for text interpretation.
 12. Diagram excerpted from Poon and Daniel 2005.
 13. The former Healing Lodge representative, a Cree grandmother, upon reading a draft of my data analysis chapter, informed me that I thought like a Cree grandmother!
 14. For example: (1) Christie (2000) and Arnold, Carlen, and Liebling, Durie, Stiles and Tait, and Johnson in Liebling and Maruna’s (2005) edited volume contemplate the effects of the carceral complex in general, arguing that there are more negative effects that are long term than positive ones; (2) Maidment (2006) who argues that treatment-based approaches tend to individualise and pathologise women, to the exclusion of “any contextual analysis as to why certain groups of marginalized women are criminalized in the first place” (Maidment 2006: 35); (3) Neve and Pate (2005) and Kendall (2002) who contemplate the effects of “rehabilitation ” in prisons, pointing out that they not only tend to isolate people but also tend to be premised upon assumptions which are, by and large, racist, sexist and classist¹⁴ (see also Hannah-Moffat 2001); (4) Martel and the Elizabeth Fry Society of Edmonton (1999; Martel 2006) who contemplate the effects of segregation, one of the most onerous social exclusionary penal measures, on women’s survival/resistance strategies and identities; (5) Hannah-Moffat (1999; 2001; 2004; 2006) who examines how women’s needs get translated into risks that are then used to justify higher security classifications for them; (6) Webster and Doob (2004) who raise serious questions as to the predictive validity of the Custody Rating Scale overall, one of its two sub-scales, and many of its individual components when it comes to assigning women in general, and Aboriginal women in particular, to a security level upon initial entry into the penal system. Webster and Doob (2004) conclude that using the Custody Rating Scale to conduct business raises serious questions of inequity and discrimination that violates CSC policy to place inmates in the least restrictive environment possible; and (7) Kruttschnitt and Carbone-Lopez (2006) and Kendall (2002) who contemplate the ability of the prison to deal with the diversity of motivations behind women’s criminal actions and the complexities of their lives.
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14. Officially, transfers occurred primarily for two reasons: (1) the women’s needs as perceived by CSC, and; (2) the needs of the institution. As an example of the former, CSC policy was to transfer women to RPC Prairies for further psychiatric

evaluation and intensive programming, or alternatively, transfer a woman to OOHL if CSC felt the woman might benefit from a prison regime that was more in line with Aboriginal teachings. As an example of the latter, official transfers occurred to alleviate overcrowding, alleviate potential conflicts due to incompatibility issues, either between members of the inmate population or between a particular member of the inmate population and management.

CHAPTER FOUR

THE WOMEN'S LIVES

4.0 Overview

Thus far, this dissertation has laid out the colonialist history that impacted upon Aboriginal women's life experiences, contributing to their chronic post World War Two over incarceration. I argued that charting a way forward involves the inclusion of federally sentenced Aboriginal women's voices not as broken dysfunctional objects but as politically situated subjects. This chapter aims to listen to Aboriginal women's voices in the context within which they were spoken. Such a stance requires a way of thinking that does not attempt to "fit" what these women are saying into preconceived categories. This chapter will identify how the social spaces within which these women live defined both the choices available as well as the possible evaluative frameworks that determined their courses of action. Employing a critical ethnography approach based in part on critical discourse analysis, the women's stories reflect the pressures brought to bear on their lives, lives that are bound up in race, gender, and class oppression. The women's stories will show, much like the women about whom Sugar and Fox (1990: 3) wrote 18

years prior, that “Aboriginal women who end up in prison grow up in prison, though the prisons in which they grow up are not the ones to which they are sentenced under law.”

Section 4a documents the women’s lives prior to entering the prison system, highlighting how their home and community lives within which these women live forced them into marginalised identities with marginalised social and cultural capital. The metaphor of the “reasonable (white) man” permeates not only mainstream legal institutions but also social service institutions and serves as a regulatory regime biasing adjudications of Aboriginal women:

... regulation of women has always been as much physical as ideological. Physical exclusion from public space, public institutions and workplaces has primarily been managed via law, economy, and tradition. Sexual and physical regulation within the home and on the streets has been via either threatened or actual male violence and the peculiar mix of gender [and race] ideologies that engender such violence and facilitate its persistence (Adler 1989; Carrington 1999; Dworkin 1981; Radford and Russel 1992; Stanko 2001).

(Carlen 2003: 124 [square brackets mine])

Worrall (in Carlen 2003: 121) writes of the anguish of being always and already Other:

women ... are always-already *not men*. Femininity is constructed on the site vacated by masculinity.

Given the strength, pervasiveness, and elasticity of informal controls, Carlen (2003: 121) adds that:

... when the formal system of control is invoked against women, the courts tend to be doubly harsh on those who are seen already to have eluded or violated informal gender, [race] and cultural controls.

In this context, I would further argue Aboriginal women are doubly “Othered” in that they do not mirror the image of men nor do they mirror the image of women. Section 4b

documents these women's lives inside prison. Once inside, aspects of these women's social and cultural capital will be shown to be both a liability and an asset. Their social and cultural capital act as a liability for the women – in terms of getting out and staying out of prison. By the same token, their social and cultural capital also act as an asset – in terms of surviving the harsher aspects of life inside prison walls which will be shown to be not that different from their lives before prison. The social space of the prison will be shown to be oppressive and colonialist, and has the potential for entrenching the harsher aspects of these women's identities. In other words, the prison regime represents yet another risky social space for Aboriginal women.

4a.1 The Women -- Demographic Characteristics

Though the women I interviewed were comfortable using their own names, many felt uncomfortable about having their real names appear anywhere else with the exception of the permission-to-tape and transcript release forms. Furthermore, as there are relatively few federally sentenced Aboriginal women serving the remainder of their time in the community, revealing their First Nations membership could possibly jeopardise their anonymity. Thus, in an attempt to both respect these women's wishes for anonymity, and at the same time attempt to have readers remember these 13 women (other than as "this woman" or "that woman"), pseudonyms and the colonialist categories of "Aboriginal", "Métis" and "Inuit", are used as identifiers rather than their First Nations:

1. Brenda Beeman, a status mother of five, had just successfully finished full parole three months prior. She was living on her own with three of her younger children. One of her older children was in provincial custody in another city at the time. The whereabouts of her fifth child was unclear.
2. Dana Dean, a status mother of three children, was on full parole and living with a roommate. She had “given” two of her three children over for adoption to Social Services, and one child was living with the child’s biological father.
3. Anne Anapolis, a Métis mother of four, was released directly into the community on full parole, as she was deemed “too rank” for the local community training residence. Anne was living on her own with two of her children. The other two children were adults and were living on their own.
4. Claire Carleton, a Métis mother of two adult children, was on day parole. She resided at a community training residence, and her adult children were living on their own.
5. Evelyn Edwards, a Métis mother of four children, was also on day parole and also resided at a community training residence. Two of her children were taken by Social Services. The youngest child was living with the child’s biological father whom Evelyn described as abusive, and one child was living with her mother whom she described as alcoholic.
6. Reena Reynolds, a status mother of six teen age to adult age children, was also on day parole and resided at a community training residence. One of her children

was “adopted out” when she was quite young, another was currently in foster care, and the remaining four were living on their own. One of her adult children was in her words, “heading for big trouble,” if he did not get his own place away from his friends who drank and did drugs. She was actively encouraging him to move away from them.

7. Mary McIntosh, a status mother of two, went to warrant expiry before being released from prison directly into the community some three months prior to my interview with her. Mary was living on her own. Both her teen aged children were living with their father whom she described as abusive.
8. Tania Tobin was on full parole and living on her own. She was a Métis mother of two children, both of whom were living with her. She indicated to me that one child had been diagnosed with ADHD (Attention Deficit Hyperactivity Disorder) and described her as “quite a handful.”
9. Samantha Smith, a Métis woman, had finished parole four years prior, and was living on her own.
10. Gail Gibbons, a Métis mother of a nine month old baby, was on day parole. She was residing in a community training residence with her baby.
11. Janina Jaworski, a status mother of three adult children, was also on day parole and also resided in a community training residence.

12. Hayley Hicksen , a status mother of one young child, was on day parole and was also residing in a community training residence. Her child was in the care of her mother.
13. Nancy Nixon, a status woman, was on day parole and living in a community training residence.

Table 4.1 Selected Demographic Characteristics of the women

	Status	Metis	# of Children	Day Parole	Full Parole	Warrant Expiry
1 Brenda	X		5			X
2 Dana	X		3		X	
3 Anne		X	4		X	
4 Claire		X	2			
5 Evelyn		X	4	X		
6 Reena	X		6	X		
7 Mary	X		2			X
8 Tania		X	2	X		
9 Samantha		X	0			X
10 Gail		X	1	X		
11 Janina	X		3	X		
12 Hayley	X		1	X		
13 Nancy	X		0	X		
N =	7	6	33	8	2	3

While the majority of these women were the primary caregivers for many of their children, some of the children were either in another person’s care or “put” into the system by their mothers; others were taken away by Social Services. It is unclear how these children were removed from their families. But it is instructive to know that many Aboriginal cultures afford children a great deal more autonomy than Eurocentric ones. Any good Aboriginal mother (or Kôhkum) then would leave the children who were in their charge to their own devices as children were “gifts from the spirit world and have to be treated very gently lest

they become disillusioned with this world and return to a more congenial place” (Royal Commission on Aboriginal Peoples 1996:3:23). Moreover, these children were often living in what is seen as overcrowded and woefully inadequate conditions according to contemporary Eurocanadian standards (Warick 2006; Schissel 2000). Doing so, however, potentially garners for the mother (or Kôhkum) a pronouncement by the State that she is a “bad mother” that would then follow her in perpetuity¹. Many of the women I interviewed were not only dealing with the justice system but also with agencies of child welfare which is indicative of the multi-faceted and layered nature of risk that these social spaces represent for Aboriginal women.

These women did their time in one or more federal institutions in the prairies region since 1990, and they had either recently exited from the system completely or were currently on day or full parole. These women shared their stories with me between late May 2003 and February 2004. The women’s ages ranged from 25 to 50 years with the average age being 35.6 years. At the time of their interviews with me, six of the 13 women reported being in their thirties, four in their mid twenties, two in their early forties, and one fifty years of age.

Eight of the 13 women reported having a rural upbringing, being brought up on a rural reserve, or in, or near a small community. Five conveyed they grew up in a larger prairie urban centre. Of these five, one described her “northern” upbringing as being significant:

Well I consider myself first and foremost a woman of the north ... Born and bred in the north ... I just happened to have parents who one was French one was Cree ... But that's a normal thing from where I am from ... We grew up in a northern way I didn't know any difference if it was the right way or an Indian way ... We got stuck in the bush ... And in the far north ... I think we had our own culture of our own being that isolated community ... I don't think there was a world outside of that town ...

(Evelyn Edwards)

Levels of education at the time of their first involvement with the federal system for these women ranged from grades six to some college, with two women reporting having completed grade six, two grade eight, three grade nine, two grade ten, and two grade eleven. One stated she had her GED, and one did not say what her education level was at the time of first involvement with the federal system. In sum, 11 of the 13 Aboriginal women I interviewed reported having no high school diploma.

Only two of the 13 women reported being steadily employed at the time of their arrest – one in the service industry, and the other was a business owner. As well, one recounted being between odd jobs and another taking a business course at the time of her last involvement with the federal system. In sum, 10 of the 13 women were unemployed at the time of their arrest.

Eleven of the 13 women I interviewed were mothers. These 11 women had children ranging from two years of age to 23 years of age. Two of the women reported having one child, three had two, two had three, two had four, one had five, and one had six children. The women were either currently serving or had served federal time for offenses ranging from less serious offenses such as minor drug trafficking to serious offenses such as murder. The majority of the women I interviewed for this study were on their first

federal sentence. All but one had prior experience with a provincial system and/or the young offenders system.

These 13 Aboriginal women came to be involved with the justice system in many ways. Some women indicated the choice they made was what they saw as the most viable amongst available alternatives². This then inadvertently started a series of events that led them to incarceration. For others, it was the thrill factor. For example, Hayley Hickson described herself as coming from a good family where no one drank and no one got into trouble. Because she moved into an impoverished neighbourhood in a tough part of a new city from a smaller community at the age of five, where alcohol was readily available, and where alcoholism was a coping mechanism for many in this neighbourhood, she also became addicted.

I became addicted to alcohol when I was like eleven ... I started running away and getting into trouble with the law like ... and nobody else is like that in my family ... At first I just loved the adrenaline rush of bein' in trouble you know ... and running from cops and stuff like that ... I just liked living that wild life ... I like it I like the thrill of it ... you know ... but I had all these good things in my life and I didn't give a shit about them.

She also indicated that her family moved no less than six times in and around the same tough area in the next six years.

4a.2 The Women's Lives Before Prison – Colonialist Communities: Colonised

Identities

I did not ask the women specifically about discrimination, hardships, and instability. I only asked about what they saw as significant events in their lives. However,

much of what the women shared with me was indeed studded with those issues. Lives filled with racism, sexism and classism, and the ensuing hardships and instability are likely to give rise to identities and corresponding cultural and social capital that is different than those who have *not* chronically experienced these. People with such marginalised identities, more often than not, are uncertain and conflicted, *vis à vis* people with identities that are more centrally located relative to the locale of structured cultural power and knowledge. A questioning, a defiance, of this power is risky.

To illustrate, if one grieves or heals in ways that are strange to the locale of cultural power (*i.e.*, use of an eagle feather and medicine bundle), one's ways of healing or grieving represent a defiance, a risk to mainstream social institutions, like the criminal justice system. This is because the societal framework does not know how to interpret and respond to the peculiar behaviours. That person's way of healing and grieving also represent a risk to the very person who is grieving in that she/he is not receiving any meaningful support and thus she/he is at risk of continued or further alienation and/or marginalisation.

This was the situation in which Dana Dean found herself; she was not allowed access to an eagle feather or her medicine bundle in all but one of the institutions in which she had been held:

... I wasn't even allowed to have an eagle feather [or allowed to see an Elder] in there ... at all ... nothing [...] that was my strength ... that's what had gotten me through all my challenges before ... I had brought a small bundle with me ... that's all I bought ... and they would not allow it to me [...]

Because such a response from the criminal justice system is not meaningful, it is unfamiliar. One of two courses of action may occur on the woman's part. She may do nothing because she feels ambivalent about herself and her way of dealing with things, which undermines her sense of herself in ways that cannot be articulated. She may respond in accordance her understanding of the situation, which is may or may not be the same as the criminal justice system's understanding of the situation, using the social and cultural capital to which she has access.

What were some of these women's experiences before their involvement with the justice system that impacted upon their social and cultural capital, their choices, and their identities?

Some women described themselves as second generation residential school³ graduates, meaning that they themselves did not attend residential school but either one or both of their parents did. All of these women described their parents' experiences whilst attending these schools as negative.⁴ Of her parents' experiences in residential school and its effects, Brenda Beeman said:

My mother ... was stripped ... And treated bad ... And that's how she bought us up ... But I didn't realise that until we went through therapy together ... I guess that was one of the reasons for her alcoholism too ... She couldn't deal with what was going on in her life her childhood ... Same as my father ... he wasn't sexually molested but he was beaten up lots And [we] never talked our language we were afraid we were going to go through the same thing when we started in school so ... That's where we lost our language ...

Abuse and alcoholism was the cultural capital that Brenda was most familiar with and was the capital she used to bring her children up. Moreover, losing or never learning one's inherited cultural language(s) represents disjuncture with those cultural communities. For

those who have close relations who only speak that cultural language, not having learned that language ultimately means being without that community, being a stranger, without a sense of belonging. Being a stranger has likely implications for one's understanding of oneself, one's identity. One may feel as if one never really "measures up", or "fits in" *vis à vis* one's heritage or cultural communities of origin, and, as a result, one will likely feel unsure and ambivalent about oneself and one's capacities⁵. Regarding losing her cultural language, Reena Reynolds insightfully commented, "I think that the language is a really big part of ... who you are ..."

It was not uncommon for the women to share stories of anger, of wanting out of their families and their current realities. Some women spoke of coming from family environments that were quite oppressive, predatory, and violent, born out of a lifetime of living in oppressive social conditions, which for some of the women was the norm.

Um ... there wasn't too much good ... no ... I guess respect my mum did teach me ... in a tough love way ... and I mean I was ...everything was around me ... all the abuses ... physical, emotional, substance, sexual, financial ... [but] It wasn't normal [but] I didn;t know it wasn't normal
(Tania Tobin)

I was sexually abused ... I was raped at fifteen [...] it was somebody we all knew [...] I was ... ah ... taken out of the city and beaten and raped and ... ruptured me down there and ... just things I've ... you know ... fifteen I was a virgin ... fifteen a big kiss would be a big hit for me ... I went through the court ... oh gawd ... that was a nightmare [...] I was angry because I thought justice sucked because he was white I was native [and] I had a half a beer that night so it's like ... hmm mmm ... you know ...?

(Anne Anapolis)

Of living in such environments, Brenda Beeman had the following to say:

Myself as a person had a lot of anger inside of me ... Not only was there alcoholism ... There was also ... Incest ... Like rape ... I had cousins and

uncles that were real piggy ... And they ... Did some bad things ... I knew was wrong and I just wanted out of my home ... Because my parents couldn't protect me because they were always drunk ... there were always house parties.

Many others shared stories of siblings, close relations, or close friends being suicidal, addicted, in gangs⁶, or dead due to suicide, overdose, or gang involvement. Not only do violence and addictions become mechanisms for coping and resisting such oppressive environments, they also become the cultural capital -- the habits, with which one is most familiar.

Clare Carleton described her home community as racist and sexist:

I hated the town I lived in ... I hated the people ... I hated everything ... I think because they knew too much about me ... I mean I wanted to go somewhere ... where I wasn't ** anymore where I could be somebody else ... like you know ...? There's always so much like this sexual abuse and everything is always with Natives ... you know ... half breeds ... we were always called half breeds ... um ... Métis only came later ... um ... poor half breeds like ... you know ... I shunned that too ...? I didn't want to be a half breed ... I didn't want to be poor anymore I didn't want any of that anymore.

Clare Carleton's identity as a Métis woman, and Brenda Beeman's as an Aboriginal woman, both of whom were living in oppressive social spaces circumscribed by colonialism, led both of them to shun their cultural heritage completely.

Mary McIntosh shared similar stories of problems at home compounded with problems of racial oppression in the town in which her family lived, which piqued her temper:

There's been nothing but bad memories ... Like my parents drank lots ... We fought ... um ... I grew up in a white town ... There wasn't too much natives there so I grew up with a lot of racism ... And being teased ... So I had to fight ... I dunno ... Prove that I wasn't ... What they said ... And you know ... If they wanted to see a wild Indian ... I'd show 'em a wild Indian ... And I

had lots of people or that ... There were some people that would try to help me ... Like ... Some teachers and stuff ... But ... The kids were mean ... And the older I got when I started maturing ... They would think that because I was an Indian I was easy they could get me drunk and sleep with me and all this and ... That [was] kind of life I was ... [fighting]

Mary McIntosh's story not only is one of conflict and inner turmoil, but also is indicative of the cultural capital with which she was all too familiar – that of violence, alcoholism, and other oppressive practices. Living under such conditions, one learns distrust and non self-disclosure. In resisting the archetypal stereotype of a “drunken wild Indian”, an identity which she understood herself to represent, using the cultural and social capital with which she was familiar, Mary McIntosh inadvertently became what she tried to resist.

Growing up in racist, sexist, and classist social spaces, these women found that violence and alcoholism became a means of dealing with things, a means of resisting one's conditions of existence and impacts on one's cultural capital. For many of these women, violence and alcoholism became central to their way of life, their perceptions of themselves and their identities, as well as their understanding of the world around them. One is more likely to feel comfortable seeking out familiar situations, which featured violence and alcohol because that was what was known, was familiar, and was understood experientially. This is just what a number of these women did. Even though Brenda Beeman *thought* she was in a different place, relative to those women still in abusive relationships, she still found herself in exploitative, abusive relationships, because that was central to what she knew *experientially*:

That's when I realised ... I was about 13 that I wanted kids but I didn't want the dad ... And I wasn't going to have a husband ... Because there's too much abuse I'd seen so many women getting beaten and I didn't want to be

that kind of a woman ... But even though my choice was like that ... You know ... I considered myself single, superior you know... To these other women because they were getting beaten ... I still ended up being beaten up by men and raped ... So yeah that kind of screwed my head up ...

Some women resisted their current living situations and the instabilities of their current realities, wrought with violence, abuse, alcoholism, or poverty, or a combination of the four, by transgressing either parental or State authorities in an attempt to get sent away. Others resisted by leaving their families and their communities.

Dana Dean, born in jail to an alcoholic mother, and who lived with over 35 foster families in the first twelve years of her life, spoke of not attaching herself to anyone, not wanting to risk cultivating friendships because she never knew where she was going to end up next. Instead, as a child, Dana Dean attached herself to her stuffed toys which came with her from one foster home to the next, until one foster mother threw them away:

I had a whole bunch of stuffed animals because for me ... I gave up on having friends ... I gave up on people and I just related to stuffed animals ... Like that was my way of ... Even having I dunno know what ... but the second week I lived in that home I was in school and the mother threw out all my stuffed animals ... Yeah she threw them out and yet she deliberately lied and said that she donated them to the Salvation Army ... Because when I went to school that afternoon I remember seeing them in the garbage dumpster ... And that's what kind of all started a lot of this ...

Added to this were accusations of theft and damage to personal property, so Dana Dean intentionally transgressed the boundaries of one State authority –the legal system, in order to get out of the control of another, the foster care system:

so what happened was I rebelled I stole her son ** bike and it had no seat, no pedals and no brakes ... I stole it and rode it downtown Calgary locked it up and took the C-train back up and I actually phoned the cops on myself because I wanted out of the house. So I went to court I had to pay a hundred

dollars and I had to serve six months in Y(outh) D(etention) C(entre) Strathmore .. And so I was like the happiest kid in there ...

Evelyn Edwards shared a similar story of calling social services and asking them to get her into a youth facility to get out of what she described as a bad home life:

I'm goin' I'm outta here you guys are fucking ... the worst ... you know ... you're drunks ... and I'm not gonna deal with you I'm going to see my social worker ... there was physical fights and stuff like that ...

One wonders about the choices these women saw themselves as having. Living in abusive, exploitative situations, as did Dana Dean who had no community upon whom she could rely, psychic and physical survival, became a solo and paramount effort. Survival was by means that Dana Dean had learned along the way, from living in physically and sexually abusive foster homes and on the streets for many years. Not only was she familiar with the means and methods but she was also familiar with (if not accustomed to) their likely outcomes, which were predictable:

... Like I was packing pot ... I was hanging out with the dealers ... Yeah I thought it was cool to drink [fade] ... Yeah I saw a lot and did a lot [...] I learned everything that a *normal* person would wanna learn ... like for example ... how to make a pot pipe out of a pepsi bottle ... like that kind of stuff ... the whole lifestyle of being on the street ...

(Italics mine)

I watched chicks give blow jobs for tokes ...

Thus, once Dana Dean was released from the Youth Detention Centre, she began to drink and do drugs in earnest, as well as work the streets to survive:

I also turned into a prostitute at 19. And I sold myself ... for pimps for two years ... I ended turning into a crack head because I was tired of turning my money over to people ... to guys ...

Brenda Beeman learned to numb the pain of being raped on three separate occasions at a young age by drinking.

I was an alcoholic ... You know ... I was taught early ... I seen people drinking because they were hurting inside and I thought oh okay what numbs you makes you feel better and that's what I did and I ended up hating myself for it because I knew it was wrong not the way to do it ... You know and I tried getting counselling for the rapes and stuff but none of it really helped me ...

Evelyn Edwards spoke of milieux similar to those facing Dana Dean, both in her home life as well as the youth facility in which she resided for part of her childhood. These options then became familiar, became habit – with familiar outcomes. Evelyn Edwards spent time at Ranch Ehrlo, a residential treatment facility for children, youth, and young adults, who are experiencing a range of social, psychological, mental, psychiatric, and/or physical “disabilities”. Drinking was a coping habit that Evelyn learned from her parents. Once at Ranch Ehrlo, she became exposed to other negative options:

The Indian girls that were in the Ranch (Ehrlo) were already into harder drugs ... and stuff but I was never a drug user ... I wasn't a drug user [at the time] that wasn't my thing ... the booze ... was my thing ...

The question that arises is why does one continue to choose the same negative option even when the options on offer have changed and may have more positive outcomes? If one is unfamiliar with the means as well as the outcomes of new behaviours, new ways of thinking (*i.e.* not drinking as a means of dealing with things); has had little or no time to think things through; and has no support *that is familiar* for engaging in new behaviours, one is less likely to engage in unfamiliar behaviours, with unfamiliar people, at least not at

the outset, and not all at once. In other words, one is more likely to go with the cultural capital and social capital, and identity with which one is familiar.

For many of the women like Dana and Evelyn incarceration represented a step up, a gradual change from whence they came (see also York 1989; 1990; 1992). Incarceration represented a roof over Dana and Evelyn's heads and three meals a day. And yet at the same time, State involvement in Dana and Evelyn's lives *via* incarceration represented what they knew from their experiences, lives shaped by legislation, policies, practices, and institutional frameworks not of their own making, such as residential schools and reservations (see also Thakur 1997). Involvement with social welfare and justice institutions at a young age, however, also puts one at risk of further involvement with the criminal justice system, reduced non-criminal opportunities, and reduced opportunities to cultivate cultural and social capital that is not marginalised. This situation, in turn, potentially affects one's future "success" in the mainstream world.

Aboriginal women, who are not living with their families, either their family of orientation or procreation, and who do not fit the mainstream conceptions of women, are at odds with mainstream cultural and social institutions such as those organised around the nuclear heteropatriarchal family. These women are viewed as already being out of their proper place and are also less likely to receive support in a manner which they can appreciate and embrace. Thus, when Aboriginal women come into the federal prison system, they are already damned as they have already resisted informal and/or formal gender *and* race controls⁷, and are less likely to receive support in ways they can appreciate.

Many of the women shared stories of feeling peculiar *vis à vis* the larger community in which they lived. For example, the aftermath of her parents' experiences in residential school also had implications for Brenda Beeman's identity, her understanding of herself, in that it often times left her embarrassed, ashamed, and conflicted:

I was embarrassed to walk down the streets with my parents ... People driving by or people you know or people would have to stop and let us cross and you know they would be saying "Oh look at those poor children ... Who have to be stuck with parents like that ... oh look at those poor kids they're going to end up being drunk just like their parents ..." It was real embarrassing because ... For me when I was in school she would come pull me out of my classroom to come home and look after the younger ones ... You know ... Totally embarrassed me as far as I was concerned (laughter) and ... it was hard you know to try to fit into white society for me ... And I was embarrassed about being an Indian ... I denied that I was an Indian ...

Unfortunately for Brenda Beeman, and for a couple of the other women I interviewed, they did not see their mothers' actions of pulling them out of activities to look after their siblings as being the responsible thing to do. These women's perceptions effectively placed them at odds with their mothers and potentially their cultural community. The likely outcome of such a scenario is the women never completely reconciling with their parents and/or cultural community, and/or potentially having identities that are irreconcilably conflicted, either partially or totally.

And yet others, in retrospect regarding their disadvantaged upbringing, saw things differently which effectively placed these other women closer to their mothers and their cultural community:

I guess respect my mum did teach me ... in a tough love way ... and I mean I was ...everything was around me ... all the abuses ... Physical, emotional, substance, sexual, financial ...

(Tania Tobin)

We weren't rich because we were a big family so Christmas we have ... um ... I'd get a doll with a broken arm and then mum would teach me ... I mean that's how I knew parts of their body ... I knew they had a booboo ... and that's how I learned about a lot of stuff ... she was really great ...

(Anne Anapolis)

Evelyn Edwards shared stories of being conflicted regarding her Aboriginal as well as her non-Aboriginal ancestry. She felt simultaneously both ashamed and proud of both her lineages:

I took a lot of pride in my Native side ... but mind you I took pride on my white side ... but I had a lot of conflicting thoughts towards it because I was really angry at the white man for destroying so much of the earth and for being such a conquering type of a people and who in the hell were they to say that this was their land you know this was the people's land and the animals [...] and then I started to see that the natives seemed to get stepped on and they seemed to do it to themselves [...] you're given land you're given reserve land you're given a place to stay why don't you take more pride in what you got [...] why are there fuckin' diapers out on the street here ... you know you should know better than that ...

For Evelyn Edwards, this situation was intolerable, because she expected much more of both Aboriginal and non-Aboriginal people alike than what she experienced.

Many of the women spoke of negative experiences with school, neighbourhood, and community. Lack of the "right kind" economic, cultural, and social capital meant an increased risk of a lack of correspondence between school and community expectations, and the realities of their neighbourhood and home lives.

Many of the women shared stories of lives rife with violence and discrimination.

For example, Anne Anapolis stated:

it had everything to do with we were dirt poor we were ... it was very explosive violent home life as a child ... like there was a pile of us ... there

were thirteen of us ... and ... you never had the proper clothes to wear, you never had enough sleep, never enough anything ... like you know what I mean so you didn't wanna go to school ...

In many instances, the school curriculum was described as strange or unfamiliar relative to both their social realities at home and what they perceived to be their future prospects. In other words, the school curriculum did not speak to their social location as Aboriginal female children. What the school curriculum taught was that authorities of the State like police, social workers, and teachers were to be looked up to, when in fact these were the very people who, in many cases, made the women's lives miserable. Upon asking Dana Dean about whether the realities of her home life had influenced her dislike of school, she replied:

I hated school ... It was because ... poverty ... more than the violence and the ... all that ... it was just ... I don't know ... my head could never ... I could never really ... like ... relate to school ... in the early early grades I could and I did well ... in the early grades ... before my home life ... ah ... started to show ... in my everyday life it was a wipe out ... I quit in Grade six ... [and] three months into Grade seven I quit ... and I mean it took everything to get me even to there ... it was a challenge ...

For Samantha Smith, a Métis woman, school was completely alien. She was later diagnosed with a "learning disability" as well as a mental disorder. Living in an affluent midwestern city, because she did not reflect the cultural ideal of a young girl, Samantha Smith was already seen as deviant. Because she could not relate to school, and because she was also outspoken, she was then subsequently seen as triply deviant. She was seen as a problem ridden girl child who was at risk, because, after all, she was not attentive in school. Other labels soon followed. The initial label and subsequent labels became the

interpretive lens through which every one of her subsequent actions was scrutinised by “mainstream” social institutions⁸.

So, when Samantha Smith “the perennial problem ridden child” got drunk at school one day, it represented the start of her descent into troubles with the justice system. Getting drunk, she told me, was just what kids did. In other words, getting drunk at school was not a conscious choice but was part of the constellation of choices available to her, given her cultural and social capital:

I just got drunk one day at school and got kicked out [...] I was just stupid ... it was just kids ... you know ... being stupid ... it was kids ... you know ... getting very stupid ... the police were called and they said I couldn't go home and so I went to a service centre and then ... I ran away there ...

But the framework used to interpret her actions had grave consequences for her, in that they represented her journey into the criminal justice system. If she was found by the authorities, Samantha Smith, the perennial problem child would not be allowed to go home, and so she began working the streets at the age of 12. Life on the streets was hard and oppressive. To cope with such oppressive living conditions, Samantha Smith, like many of the women I interviewed, used drugs and/or alcohol.

It was an illusion you know ... like you think that it's a good thing and you're independent and stuff but you're being used by pimps and johns ... and [...] I was just a kid [...] They'd beat me up and stuff and robbed and ... lots of bad stuff happened to me ...

The experiences of Anne Anapolis, Dana Dean, and Samantha Smith are indicative of the problems facing many young Aboriginal women who have been failed by an underfunded educational system that is unwilling to deal with the diverse needs of a multi-racial and differently abled population. Rather than being places of education, schools

became locations in which to warehouse people and, increasingly, police them (Sudbury 2004: 228)⁹.

Even though they had troubled home situations, some women told of good experiences with their community, experiences of acceptance, be they from teachers or neighbours, and of their effects on them. Tania Tobin shared some experiences that were indicative of inconsistencies between her own perceptions of her identity and others' perceptions of her as a young Métis girl. These experiences, in turn, impacted upon her perceptions of others and herself in that some people could be trusted. She discovered that she was not just a nuisance and someone to take advantage of:

When I was in the hospital ... it just seemed weird ... like people taking care of me ... like what do you want from me you know ... it was eye opening [...]

a neighbour lady ran a daycare out of her home and I used to help her and when I seen her being so nice to these kids and doing stuff for them and inviting me for lunches it was like ... wow!

she'd often take me under her wing ... when mum would be gone for a week at a time ... she taught me ... I guess ... kindness ... kindness with trust ... how to take care of myself ...

Others experienced more discrimination in the larger community. Illustrative of this is an experience that Brenda Beeman shared with me, which deeply affected her. Knowing about their abusive home situation, a Catholic priest took Brenda and her siblings under his wing and encouraged them to go to church which was presided over by a different priest:

... I go to this church one day 'cos I wanted to go to Sunday school so I had everybody dressed up clean and the priest there ... stopped us children as we were going in ... And I'd be about nine years old now ... And he said ... What are you children doing here? I felt really intimidated by this person because he was so tall and he had this big gown on and I thought he had to be somebody pretty important. I told him we were coming to Sunday school

... And then he asked, “are you baptised?” I didn’t know what baptised was ... and I thought okay baptised must be a bad word because he’s looking pretty angry at me ... So I said, “no ...” so he said. “well are any of these kids baptised?” And I said, “no ...” And he said, “well get outta my church ... Run home we don’t allow pagans in our church the house of God ...” And I thought pagans? We’re pagans? And I started crying and I took the kids home and I said okay kids we can’t go in there because we’re evil ... You know?

Many told stories of life on the streets, drug dealing and prostitution. These social identities are officially unacceptable and are certainly not intentionally encouraged by our society and our social institutions. These social identities are seen as both particularly unacceptable, and yet typical, when embodied by Aboriginal women. As Pate and Neve (2005: 21) point out, sexism, racism, and classism intersect to provide a discriminatory lens through which [Aboriginal] women are viewed and judged by colonialist social institutions.

4a.3 Summary

It is a widely accepted fact that the pattern of experiences for the majority of Aboriginal youth is still distinct from that of the majority of non-Aboriginal (Anderson 2003; Canada Mortgage and Housing Corporation 2001; 2002; Douglas and Hunter 2003). As MacKay (2005: 8-9) writes, “parenthood, poverty, mobility, homelessness, (and in the case of Aboriginal women I would add racism and sexism) and incarceration are among the life situations that may make it unfeasible for people between the ages of 15 to 25 to take advantage of education, employment and training programs. Youth younger than 15 and older than 25 are ineligible” for these programs. MacKay (2005) also implies that there is much room for improvement so that Aboriginal youth, and I would add, Aboriginal women (and men), can feel at home with an identity with which they can live and be proud of.

The 13 women whom I interviewed confirm the situation about which MacKay (2005) writes. Much of these women's early lives were in social spaces which were indeed studded with hardship, predatory environments rife with violence and discrimination. Much like the women about whom Sugar and Fox (1990) write, the 13 Aboriginal women whom I interviewed also grew up in prisons built of institutional racism, sexism, discrimination, poverty, and violence, and then set into marginalised identities with marginalised social and cultural capital.

4b.0 Women's Lives Inside Prison – The Colonialism continues

A society can be judged by what goes on in its prisons

– Dostoevsky

Much of the literature on prisoners' identities gravitates around the development of a set of orientations which provides prisoners' the means of retaining a sense of dignity and self-respect whilst living in degrading conditions inside prison (Laughlin, Arrigo, Blevins and Costin 2008; Evans and Wallace 2008; Colwell 2007; Hassine 1996; Schmid and Jones 1991; 2003; Riley 2000; Acaro 1984). For example, with regards to the identities of women prisoners, Owen's (2003) research suggests that commitments to pre-prison identities shape the core of female prison culture and that part of the prisonisation process is for the prisoner to learn "to do her own time". And yet, somewhat contradictorily Owen (2003: 242) states that, in learning to do their own time "some women take on prison-defined ways of acting and feeling whilst others may maintain their pre-prison identity and not become attached to the values and culture of the facility."

My research here suggests that the women's pre-prison identities, and their lack of the "right kind" of social and cultural capital were a liability in terms of getting out and staying of the prison system. Yet, these very same identities and corresponding ways of doing things, were an asset in terms of surviving, of resisting, some of the harsher aspects of life, both outside as illustrated in the first part of this chapter, and inside of prison, as will be shown in this section (Lowman 1986).¹⁰ In terms of Owen's (2003) research, my findings suggest that the Aboriginal women maintain aspects of their pre-prison identities, and, for good reason, as these aspects help them survive some of the harsher aspects of living in prison. Moreover, aspects of these women's pre-prison identities are at risk of becoming solidly entrenched once inside prison.¹¹ The discussion that ensues is divided into three themes: the institutional milieu; the prison-as-an-institution; the prison-as-an-institution – programming.

4b.1 The Institutional Milieu

Many of the women whom I interviewed recognised that their incarceration was a time to pause and think about things, and perhaps begin to sort out some of the more troublesome aspects of their lives, but those who had been residents at a number of different facilities also indicated that in their opinion, some facilities were more supportive and more helpful than others. Okimaw Ohci, despite some of its problems, was favoured by most of the women as they found it to be the least racist and most supportive in its approach. When Dana Dean was transferred to Okimaw Ohci, she was finally allowed

access to an Elder, her eagle feather and medicine bundle, things she was denied in other prison institutions.

... I wasn't even allowed to have an eagle feather in there ... at all ... nothing [...] that was my strength ... that's what had gotten me through all my challenges before ... I had brought a small [medicine] bundle with me ... that's all I bought ... and they would not allow it to me [...] I guess, it all started from Portage [La Prairie Correctional Centre] ... they wouldn't give it to me there ... nothing ... not even the eagle feather ... okay maybe the medicines they don't understand that's fine ... let me have my eagle feather ... you have to put in a request ... I put in four requests ... even to see an Elder and I never got it ... And this carried onto Sask Pen ... I put in a request ... I never got it ... the day I got to the Healing Lodge ... I got all my stuff ... no problem ...

Another woman, told of how she inadvertently received drug paraphernalia (also known as “rigs”) whilst at Okimaw Ohci, which slipped past security. After much thought and anguish, Evelyn approached the Elder for guidance on its disposal who advised her to speak with the nursing staff. One member of staff discretely disposed of it for her in a way that sat well with Evelyn:

... there was dope at Okimaw [...] I got rigs in Okimaw ... sent to me by accident [...] well fuck me ... I got this?!? In my hand ... all I need is the dope now ... a week ... took me a week though ... what the fuck am I gonna do? I sat on that [...] then I went to an elder ... I said “How do I dispose of these rigs? That is not insulting to Mother Nat ... to Mother Earth ...?”

But, as one Community Training Residence Director pointed out, women at Okimaw Ohci had more difficulties in (re)integrating and/or making the transition to community training residences than others at other institutions. This situation did not prepare these women well for their gradual (re)integration back into a milieu which was neither as flexible, as “supportive”, nor was the milieu premised upon Aboriginal philosophy.

Okimaw Ohci, because of its uniqueness, represented a risk to Aboriginal women in other ways also. Because it was “an experiment unique to Canada and Aboriginal Peoples, and CSC” that was “without precedent or guideline” (Hayman 2006: 200), Okimaw Ohci became a showcase for both the curious public as well as visiting dignitaries who came in on foot or flew over, often in droves. Brenda Beeman, a recent arrival at Okimaw Ohci, was sitting outside and was trying to come to terms with what she was doing time for when a helicopter with visiting dignitaries flew over. Brenda Beeman inadvertently gave the occupants of the helicopter the monodigit salute as she saw this as yet another violation of her space, of her healing time. Her actions represented a defiance, a potential risk to the good order of the institution and garnered her a verbal reprimand.

There are further implications however. Now also the taxpaying public, largely unaware of the impact of socio-historical processes bringing her to that place, has witnessed a female Aboriginal prisoner being obstinate first hand. Brenda Beeman, already viewed as triply deviant (once for being Aboriginal, twice for being a woman, and thrice for being a prisoner), and is now also viewed as obstinate. The public then sees itself as justified in locking up such defiant Aboriginal women.

My observations below are primarily about the institutional milieu, at least in the prairies, under which federally sentenced Aboriginal women who have been classified as maximum security live. Having toured Saskatchewan Penitentiary, a multi-level men’s prison facility, including the now disbanded maximum security women’s unit, in the old mental health unit of this aging facility on many occasions, two things stood out for me. First, the austere and somber climate of the women’s unit, and second, the tiny, fractured,

and barren exercise, living, and sacred areas to which eight to 12 maximum security women prisoners had access¹².

This particular women's unit was three stories tall, and each of the two top stories were divided into two wings called ranges. In each of three of the ranges, on the top two floors were four cells divided by cinder block walls. The fourth wing, comprised of one room and a tiny office, was reserved for programming. The segregation unit, on the main floor, was not accessible to the public at the time. I was told that the segregation unit had plexiglass barriers on wheels which the staff would stand behind "for added protection" whilst making their way down the range for whatever reason. On a subsequent visit, the segregation unit, was now accessible. These cells had solid steel doors equipped with slots where food or communication could pass.

The ranges felt like the size of a modest 50 seat classroom at best. Each range also had a small common area in front of the cells with a universal gym, a table and four seats all welded or screwed to the floor. Conditions obviously are magnified when living in such oppressive, closed conditions with two or three other people, not of one's choosing. This would be challenging place to live for most at the best of times, let alone if one or more of a woman's cellmates or the woman herself is faced with the following:

- (1) either the woman or her cellmates are currently dealing with issues arising from past lives on the outside, or the current situation, in ways with which she or her cellmates are familiar; and/or

- (2) either the woman and/or her cellmates are not accustomed to “prosocial” relationships as she and/or her cellmates have had a lifetime of living in environments which are, by and large, racist, sexist, classist, and predatory.

On a number of occasions, the guards at this unit informed me that the women would frequently set their cells on fire, and/or self-injure, and/or turn on the staff, and/or turn on each other, and/or turn up their music to full volume as a resistance/coping strategy.

Given the closed quarters that echoed quite loudly, one can imagine this environment if one or two women are dealing with either current or past issues and if a third has her stereo turned up full volume. These women will likely deal with their living conditions which, in this case, are immediate and pressing-in ways that they know how.

For example, Mary McIntosh indicated to the authorities upon her admission into custody that she could not stand being around people and that she had a very strong beliefs against people who abuse children as well as strong beliefs against same sex relationships. If she ever encountered any of the above and was unable to walk away she would resist acquiescence in ways she knew how -- those of violence:

I have strong beliefs ... I don't like people who abuse children ... or kill their kids or sexual offenders against children and stuff like that ... and I knew that's where they kept all those people and I didn't want to go there ... so ... I was gettin' transferred through from Lethbridge ... I was in Calgary for about a week ... and there's a lady there who ... who ... killed her baby and she was cryin' about gettin' three years ... and this 'n' that so I gave her a lickin' ... [...] they raised me to maximum ... and they sent me to Sask Pen ...

This situation might have been handled differently if Mary had some alternative choices other than custody in a small medium security area as she may been able to walk away or put on her headphones as a means to deal with the situation:

I couldn't stand being around that much people ... It was really hard ... And I still feel that way sometimes ... That's why nowadays I have to wear headphones just so I can be in my own mind and not have to listen ... I can just .. [do my own thing].

Thus, many of Mary's "violent outbursts"¹³ were primarily the outcome of both the social spaces in which she found herself before prison as well as the social space inside – the institutional milieu of the prison. These two milieux garnered Mary McIntosh not only an increase in her security level, but also time in segregation; additional time added to her sentence; and eventual release from EIFW on warrant expiry (See Appendix Five) only. Being released on warrant expiry meant that Mary was not eligible for CSC support in the community in the form of a parole officer or institutionally mandated programming in the community, leaving her to her own devices. Moreover, she informed me she still had a drinking problem and that she was also having difficulty finding consistent employment:

It's been hard ... like um ... I miss the routine that I had ... um ... like out here ... I find it ... sooo ... it's hard for a native person to come out and try and get a job especially having a criminal record ... and ... I haven't had a full time job since I've been out ... I've been working part-time here and there and it's just been very hard ...

Because she was using alcohol, she did not want to be in the company of an Elder out of respect, "because I still use so ... use alcohol ... and ... I just don't want to be disrespectful and be around Elder when I'm drinking" (Mary McIntosh). Such a situation puts many Aboriginal women like Mary McIntosh at increased risk of being without community – that is, without any support that is meaningful as well as increased risk to "re-offend." Of CSC's intake assessment and correctional release plan, Mary had this to say:

... I think that's really stupid cos when you first come in ... they do [intake assessment] ... of course you're going to be pissed off and whatnot ... I was

anyways ... and so I talked to this woman for maybe three hours and then all of the sudden they come up with this plan and this is what this woman needs ... they don't know anything about what I need ...

... they just ask you a bunch of questions ... then depending on what the answer you give they say oh this is what she needs ... and I know a lot about what I needed at the time ...

Ironically then, as a (re)habilitative strategy, such conditions intended to empower and offer choices as envisioned by the 1990 Task Force Report, in fact, have contrary disabling effects for those who are imprisoned in Canada's federal prison facilities. Moreover, this (re)habilitative strategy represents a risk to both the societal framework and the keepers. It is a risk to the societal framework in that more people are returning to the community less able to manage their own affairs. It is a risk to the keepers in that working in a prison environment with an unwilling population puts the keepers at risk of cynicism and burn-out¹⁴ (see also Arnold 2005).

My findings suggest that CSC's intent to move towards "women's centredness" and "empowerment", as per the recommendations of the 1990 Task Force Report, did not come to fruition. Indeed it would appear that the approach to women's imprisonment in Canada is "an even more draconian approach to punishment" than previous practices (Hayman 2000). Other critical criminologists like Shaw (2000), Hannah-Moffat (2000; 2001), and Webster and Doob (2004), have come to similar conclusions. In light of emerging risk-based actuarial assessment strategies pervading much of corrections literature and logic, these authors assert that even though things have changed at least cosmetically, in the guise of rehabilitation, choices, holistic healing, empowerment, and women-centredness, for

those on the receiving end in Canada's federal female prison facilities, the situation remains much the same, if not more pernicious¹⁵.

4b.2 The Prison as-an-Institution

The observations reported in this section regarding risk assessment *vis à vis* federally-sentenced Aboriginal women are underpinned by the writings of Hannah-Moffat (1999; 2001; 2004; 2006), Hannah-Moffat and Shaw (2001), and Webster and Doob (2004).

Actuarial risk assessment strategies gained popularity in corrections logic and were increasingly used in parole and security classification decisions because they represented a managerial tool for predicting undesirable behaviour. These assessment strategies had the potential for minimising fiscal and human resources required to respond to behaviors deemed out of order by law or by institutional regulation before and/or after they occur (Feeley and Simon 1992). Efficiency emerges as a central rationale, and, according to Carlen (2004: 19), the prison system has shifted its emphasis from discipline and punish, to discipline and programme, to discipline and audit. Armed with computerised data systems and standardised lists of static¹⁶ and dynamic risk factors¹⁷, actuarial risk assessment strategies afforded administrative institutions (such as prison institutions), a great deal of autonomy. Professionals trained to engage with *individuals as individuals* were now subordinate to professionals trained to engage with *individuals as a series of risk factors*¹⁸. Thus, with actuarial risk assessment came a shift in corrections governance generally from personal reformation with its emphasis on personal responsibility for changing one's skill

sets and oneself, to the management of offending populations. According to Samuelson (1998: 955), this latter shift occurred in Canada after 1977 when corrections moved:

... away from “normalizing” social control ideology and practices to politico-bureaucratic sponsored, social science guided and frequently community run programs for classifying and managing the marginalized.

The Custody Rating Scale (CRS), originally developed in 1987 (Porporino *et. al* 1989), and revised in 1998, is one such actuarial risk assessment tool (see Appendix Six). Intended to assess the level of supervision and control necessary to detain inmates safely by assigning them a security classification (Canada. Correctional Service of Canada 1995: 9; Farr 2000: 4), and it is the statistical instrument of choice for CSC to determine both initial and subsequent penitentiary placement of federal offenders. More particularly, it is supposed to assess two types of risk posed by an inmate: (1) to the public in the event of escape; and (2) to the staff, other inmates, and oneself, caused by problems relating to institutional adjustment (Canadian Human Rights Commission 2003 in Webster and Doob 2004: 398-399).

A prisoner’s security classification is determined by looking at a number of risk criteria which include Institutional Adjustment, Escape Risk, and Public Safety. The underlying logic of the Offender Management System (OMS) is to have the prisoner cascade through the system down from higher to lower security classification and then to eventual release. Therefore, assessment is to be done on an ongoing basis, adjusting the prisoner’s security classification as the prisoner’s biography changes.

The question arises of how does one’s biography change? It changes in accordance to the milieu in which one find oneself which is particularly significant for Aboriginal

women. To illustrate, because Mary McIntosh was not able to walk away to another part of the facility or put on her headphones, when she came across same sex relationships or women who abused or killed their children inside, she dealt with things in ways she was familiar with, that of violence. Because the prison institution did not offer Mary McIntosh any alternatives that were meaningful to her, illustrates clearly that the institutional milieu, the institutional social space, is likely responsible for further entrenching her marginalised identity.

Criticisms of actuarial risk assessment strategies like the CRS include those that are more epistemological in nature (Simon 1987; 1988; 1994 in Hannah-Moffat 1999; and Ericson and Baranek 1982). Critics argue that our definitions and interpretations of what constitutes risk are contingent upon specific cultural, political, and moral evaluations of behaviours and events. Criminal records, police reports, and pre-sentence reports are far from objective. Rather, they are the outcome of legal and normative processes that are quite subjective. To illustrate, Schissel (2000), in the situation of Aboriginal youth in courts, argues that courts often (mis)interpret cultural signs and practices which in turn may be partly, if not completely, responsible for their incarceration. Schissel (2000) and Green (1998) point to body language, the meaning of eye contact in particular, as a case in point. According to some native traditions, eye contact is disrespectful, but the courts may perceive the lack of eye contact as a sign of resistance, evasiveness, or indifference. Another example is the lack of verbal participation by Aboriginal offenders at sentencing, potentially leading to erroneous conclusions regarding the offender's attitude. Regarding displays of remorse, Judge Murray Sinclair (in Green 1998: 43) explains:

... the implicit expectation of lawyers, judges and juries that accused will display remorse and a desire for rehabilitation. Because their [Aboriginal offenders'] understanding of courage and their position in the overall scheme of things includes the fortitude to accept, without protest, what comes to them, Aboriginal people may react contrary to the expectations of non-Aboriginal people involved in the justice system. Many years of cultural and social oppression, combined with the high value placed on controlled emotion in the presence of strangers or authority, can result in an accused's conduct in court appearing to be inappropriate to his plea.

Such (mis)behaviour, Schissel (2000) argues, is viewed as ostensible inattention or apathy, and this is interpreted as confrontational, as defiance, because it lies outside of correctionalist views of how a remorseful person should act.

Similarly, in the case of federally-sentenced women, according to correctional researchers, the higher the stability of an inmate's street life, the more likely she will abide by prison rules and not escape. Accordingly, those who have successfully completed high school and/or hold employment full-time, and are married are a better risk (Alexander 1988 in FSWP 1994: 6). Thus, one received a higher score for risk if one was associated with social spaces and/or behaviours such as:

- (1) "resisting"/resenting institutional authorities;
- (2) moving away from public and/or social spaces in/formally designated for Aboriginal peoples *i.e.*, away from reserves or the inner city, to suburbs;
- (3) living in poverty;
- (4) having no or poor legitimate employment;
- (5) having little or poor education;
- (6) using drugs and/or alcohol "irresponsibly";
- (7) living in violent and/or unstable lifestyles; or

(8) any combination of the above.

These risk descriptors about the social spaces in which the women found themselves, I would argue, are more telling not only of the inherent assumptions of the rule-makers but also of the risk presented to these women by those who make the rules.

Nowhere is this more blatantly obvious, I would suggest, than in the case of Claire Carleton, a long-time business owner and Métis mother of two adult children. As aforementioned, institutional placement and security level are usually determined by three factors: offender history, institutional adjustment, and escape potential. Having no prior state welfare institutional involvement and therefore no offender history, and not convicted for a violent crime, Claire Carleton was told that she received a maximum security classification. Not because of anything she did to threaten institutional or public order, but because of the social capital availed to her in the social spaces she found herself in, as Claire Carleton's brother was a member of Hell's Angels.

That Claire Carleton had a relative who was gang affiliated not only represented a liability to her in terms of the prison institution, it simultaneously represented an asset to her surviving some of the harsher aspects of living inside Canada's prisons as her, albeit indirect, gang affiliation gave her immediate respect with the women inside.

cos they all looked up to me because of who I am my brother's a Hell's Angel [...] ... it's the respect thing and it's the street thing ... you know what I mean ...?

Not only is Clare Carleton's situation more telling of the assumptions of the rule makers (*i.e.*, one should not associate with people who resist or defy authority) but her situation is also telling of the conditions of her social space (*i.e.*, gang affiliation and

membership often represents a community for those residing at the margins). This case also demonstrates CSC's move away from discourses of empowerment that offer choices to discourses of management that offer little or no choices that are meaningful.

Thus, because systems that rely on standardised lists of risk factors are set up to look objective, staff seemingly have incredible leeway to interpret behaviour and factors as risky to institutional order (Canada 1995: 11¹⁹; see also Pate in Canada 1996: 696), and override the CRS²⁰ (see also Balucci 2008). Yet, it is the classification tool of choice for CSC.

The third criteria, "escape potential," has as one of its risk factors "concern for their children's needs", a concern that is normally highly regarded elsewhere. Many of the women I interviewed, had young children for whom they were the primary caregiver and for whom they were concerned²¹.

For example, Evelyn Edwards was visibly distracted during her interview with me, by concern for all four of her children. Her youngest was living with her biological father whom she described as abusive; two had been taken away by Social Services; and the fourth was living with relatives who were not well, either physically or spiritually. It appeared that virtually every action she undertook was to ensure these children go to a safe place. I say this because during the course of our interview, she would ask me questions regarding child welfare and social services, or she would make notes on people to contact regarding next steps on her children's behalf.

While in Okimaw Ohci, she applied and was accepted to Berkana House, a federal women's community training residence in Calgary that could accommodate at least some

of her children²². Evelyn was willing to uproot herself from Saskatchewan, modify her release plans with her Kimisinaw, (Primary Worker at Okimaw Ohci) that included schooling and employment, to go to Berkana House just so she could have her children with her. She also had her Kimisinaw set up medical appointments for her in Calgary to get her back surgery back on track.

Even though she was accepted by Berkana House and had subsequently made changes to her release plan with the support of her Kimisinaw, funding this endeavour proved to be an insurmountable obstacle. Parole had denied her the funding to get her children transported to Calgary, and like many federally-sentenced Aboriginal women, Evelyn Edwards had little to none of the “appropriate” resources to help her make this move as her relations neither were in a position to help out economically, nor were they able to support her emotionally:

... when that [decision] came down there before Christmas too and that was a [...] hard one to take but I was willing to move to Calgary and just do ... as long as I could have my kids my kids. It was hard [...] ** was sleeping on the floor at his dad’s house ... being mistreated so badly ... ** was at my mum’s house and she was [...] half dead and [...] bootlegging ... my brother [who also lived] there pot smoking and [my son] started to drink ... my daughter ** was up in [Alberta city] ... and that’s crack capital and the baby ... [the father] wouldn’t let me talk to her ... what a frustrating frustrating place to be ... I figured we could at least get to Calgary and I could get the 3 oldest again and try this out ...

Even though “concern for one’s children” is a risk factor from the perspective of offender management, from Evelyn’s perspective as a Métis mother with few of the “appropriate” resources upon which to draw, such a view is likely to be seen as dis-empowering and non-supportive. There are further implications. If a woman’s security level does increase

because of her “concern for her children”, she may be less able to (re)establish links with not only her family but also her future community. From the woman’s perspective, what is clear is that it becomes increasingly difficult to entrust her faith in such an institutional framework and/or in herself to care for her children. Thus, the woman comes to be or continues to be dependent upon (colonialist) State agencies for assistance. This, in turn, fuels pronouncements such as “this woman is incapable of caring for the children in her care,” as well as further (racist, sexist, and classist) intervention into both the woman and children’s lives in the name of her children. The fact that many of the women I interviewed were not only dealing with the justice system but also with agencies of child welfare, is also indicative of the multi-faceted and layered nature of risk that these social spaces represent for Aboriginal women.

Another CRS consideration is “Public Safety”. A primary consideration here, is whether the prisoner has a past history of violence either in the community or institution, the nature of the violence, and the person’s role in the “incidents” (be it as instigator or not). Also considered under “Public Safety” is the person’s programme participation, and any discernible “positive” benefits derived forthwith. Notably, not only are violent incidents and programme participation considered when determining a person’s risk to “Public Safety” but also for “Institutional Adjustment.”

Regarding women’s participation in institutional violence, Shaw and Dubois (1995) point out that women’s offences are not contextualised by, or correlated with, participation in institutional violence or behavioural difficulties in prison. Rather, their participation in institutional violence is situational and reactionary. Thus, for women, it would seem that

the institutional milieu as a social space puts women at risk of involvement in violence. This certainly appeared to be the case for Mary McIntosh (see page 126) and Evelyn Edwards. Evelyn Edwards told of an experience that occurred in her first week at Edmonton Institute for Women (EIFW). Evelyn Edwards, then classified as minimum security, became involved in a fight upon the challenge of another inmate. Evelyn stood her ground, as her experiences in similar situations on the outside, told her that whatever transpired right there and right then would follow her for the rest of her time in prison. Evelyn's response in this situation would signify to others whether she could be easily taken advantage of, whether she was an easy mark²³.

Wanting help and seeing that she could potentially benefit from her time at EIFW, Evelyn Edwards let her caseworker know what she was up against. What she was up against was a milieu, a social space that was predatory and competitive, similar to the social spaces from whence she came. She told her caseworker about the fight:

I told her about this ... 2 or 3 weeks into my stay here ... "all I'm trying to find my way I'm trying to do good here but [...] you gotta understand the stuff that goes on" ... and I had told her about this fight ... but I didn't mention the names and that ... I'm not a dumb person [...] but I figured okay I could tell this person so she understands what I'm going through everyday, maybe then she can help. Because I was really set on using jail for my benefit in a good way, to get the most out of it [as] by then I had heard about programs and things that are available and what a person can do and I saw the potential that a person can do in that jail [...] "I'm telling you so you can understand what I gotta go through" and I got put in as medium security for it ...

Thus, this one altercation was interpreted as (1) "non-compliance with institutional requirements" and (2) "previous violence", which are risk factors for "Institutional Adjustment" *as well as* "Public Safety". In other words, the altercation was considered

twice, in adjudicating Evelyn's "management needs" (see also Hannah-Moffat 1999); once for "Institutional Adjustment", and once for "Public Safety". Thus, Evelyn's story illustrates that the social space of the prison was still oppressive and its effects magnified in that she received a higher security classification. Evelyn realised that it was institutional practices that were largely responsible for the ways in which those who were kept were perceived by their keepers:

I found a lot of distrust eh ...? [...] I realised there's this distrust ... that these people are programmed to do that ... or they're not programmed ... this is their job ...

What was missing was:

compassion you know and just plain heart and realise that a lot of the women have been through hell and back and it's like okay now this is a critical time where ... we need to be understood ... you know ... you don't get too much of that ...

(Brenda Beeman)

Mary McIntosh pointed out that native women come from more oppressive social spaces than non-native women, so compassion had to go beyond understanding women as women but understanding native women as native women:

when I look at women [in general] we all go through a lot of the same stuff ... mental, physical, sexual abuse ... but for native women it's harder ... we're more degraded ... we're more thought of as ... drunken Indians who are easy to sleep with and do anything to them they won't say anything ...

In light of the typical institutional response received, that of distrust, and to make prisoners take responsibility and be accountable for something outside their control, it should be no surprise that those kept are less likely to meaningfully and seriously engage with CSC

programs and personnel. Such experiences do not cultivate trust or erode any trust that may have existed.

Self-disclosure goes against not only what these women learned from living at the margins in social spaces rife with violence and alcoholism, but also the stoicism of many Aboriginal cultures. Whatever a prisoner discloses may be used against that prisoner by other prisoners, or by the institution, as was clear in Evelyn Edwards' case. In light of the above, it should also be no surprise that it takes little to no effort for Aboriginal women who have experienced living at the margins to get a higher security classification. This raises questions regarding the utility of the sub-scale Institutional Adjustment for either the keepers or those who are kept²⁴.

The final score one receives on the Custody Rating Scale, in turn, potentially affects one's security classification, which, in turn, affects institutional placement²⁵. These, in turn, affect privileges, such as discretionary leaves and programming choices²⁶, and even one's ability to move around the institution in terms of whether restraints will be used, and if so, what type. For example, a movement framework governs the movement of women classified as maximum security to other parts of multi-level facilities. Under this framework, a woman may be handcuffed or put in a body belt or leg irons while being escorted by one or several correctional staff -- subject to staff availability -- to other parts of the facility (Morin 1999). Though such a policy appears to be sound from a managerial perspective, how it operates and with what effects is quite another.

While trying to locate Hayley Hickson to provide her with a typewritten copy of our interview to vet, I learned that she had been subsequently returned to EIFW. Moreover,

now classified as maximum security, she was being contained in the recently opened but not yet completed maximum security area of the complex. Contact with her by telephone was next to impossible as the new millenium telephone system was not on-line as yet in the maximum-security area. As this was a newly opened area, the staff, many of whom were novitiates, was just now becoming familiar with the institution, its rhythms and its policies. The result was that there were few staff available who could escort her, in restraints as a maximum security prisoner, to another part of the facility to take or make calls, let alone to lend support or provide information to the women. I was also informed that the millenium system did not come on-line for seven months after the facility started housing maximum-security women, and that the women were not receiving mail or telephone calls from their families, lawyers, or government representatives. Because many of the staff were novitiates, if one applied for an escorted temporary absence to attend a funeral, for example, it was unlikely one was going to be able to attend²⁷. Stories of lack of institutional support, which came in many forms and for many reasons, were not uncommon²⁸.

The difficulties I experienced trying to contact Hayley were not isolated to the Secure Unit at EIFW. After her interview with me, Janina Janowski had subsequently returned to Okimaw Ohci to participate in further programming. Through written correspondence, Janina and I finally managed to arrange a day of the week and a time that I would call her to see if she had time to go over her transcripts over the telephone. I called on four separate occasions at the agreed time on the agreed day, yet no one picked up the telephone at the other end²⁹. Thinking that I had possibly dialed the wrong number, I

dialed the number several times on each occasion. Difficulties in communication were not uncommon, as many of the Elizabeth Fry Society staff, as well as many of the women I interviewed, indicated having similar experiences:

There's a lot of women complaining, like when people phone in – like the family – the staff don't give the message that you've gotten a phone call.

(Reena Reynolds)

Some women spoke of issues arising regarding the proximity of the facilities to their families. The construction of regional facilities to relocate the women closer to their families potentially meant that travel time to visit or the cost of transportation was not as onerous. While CSC is to be lauded for agreeing to their construction, an unintended consequence, however, is that it potentially builds up false hope for women to reconnect with their families. This is because often the women's hope was often dashed due to fiscal and/or bureaucratic considerations:

My children and my ex-husband ... They were going to come and visit me like I arranged for a lot of times for them to come and visit and just nothing ever happened ... Um they finally moved away ... They moved to a different city and ah ... I didn't find any way that I could get help for them to come and visit me ...

(Reena Reynolds)

Lacking the “appropriate” economic and social capital, she was unable to have any of her family members visit her as they as they still resided too far away.

While none of the women reported staying at a provincial facility on an Exchange of Services agreement to be closer to family, one woman reported doing whatever it took to stay in the women's maximum security unit at Prince Albert Penitentiary. This was so that she could be close to her family who lived in and around

Saskatoon and Prince Albert, and could not afford to make the six hour journey by land to EIFW in Edmonton or the four hour journey by land to Okimaw Ohci in Maple Creek.

4b.3 The Prison-as-an-Institution – Programming

Some of the women described the institutional alcohol and drug detoxification programme in prison as being harsh, lonely, and without support:

... it's really hard when you first go in cos you have to sober up and clean up and stuff ... and it's like they don't care cos they let you go cold turkey and you suffer a lot you know ...? And they try to put you on bug juice ... you know the stuff that makes you crazy and ... they need to give you something that's gonna help you through your withdrawals ... not something's that's gonna get you addicted ... I've seen lots of women who have come in ... not bad ... semi-normal ... and then they put them on this medication ... and they're worse than they were when they first came in.

(Mary McIntosh)

Moreover, none of the women mentioned the existence of any meaningful therapeutic interventions, only pharmaceutical intervention when dealing with addictions (see also Kilty 2008). Thus, the “rehabilitation regime”, a regime meant to *empower*, was perceived by the women to have the opposite effect.

Turning to the issue of sentence length, if a woman (or man) had a lengthy sentence, barring any eligibility issues, the receipt of programming was unlikely until closer to their release date, if at all. The reason is that there are others, who have earlier release dates and, therefore, require programming first. While such a policy makes sense from a managerial perspective, such policies represent a risk for the long-term prisoner who might already has some serious underlying issues arising from living in colonized social spaces. Now the long term prisoner has a good chance of becoming institutionalised

and certain aspects of her before prison identity, aspects that the prison had initially deemed risky, have a good chance of becoming further exacerbated and thereby entrenched. Thus delays in meaningful intervention, combined with living in a prison milieu, a social space that is oppressive and predatory, represents a risk for the long-term prisoner.

Those doing short-term sentences for minor offenses experienced similar obstacles. For example, two of the women indicated choosing to serve federal time for hybrid offenses,³⁰ as they thought they could access resources in the federal system not available in the provincial system that would help them. Gail Gibbons, who was serving a two year sentence for such an offense, summed up her experiences of institutional non-support, and of its effects. Wanting to take a family life programme called “FLIP,” she was informed that:

Because my family life wasn't worse enough [...] I wasn't I able to get in ...
But how worse can my life be ...? I don't want my life to be as worse as it is
now ...

She also pointed out that by the time she was able to take these programmes, a month before her release date, she had other things on her mind. These things included her release plan, the nature of the Community Training Residence accommodations for her and her child, its proximity to amenities, the provisions she would be afforded there and what she had to make provisions for, *et cetera*:

They put me in a programme for eight days ... *Eight days* ... But what's that gonna do ...? I should be in for six months ... On programmes ... Tell people what's going on ... how you're feeling ... Six months of like ... Inside your head ... Change your life ... Do something [...] This is a vacation ... You eat, you do your chores you go to school, do what ever you want sit around the

house all day ... You know what I mean ...? You follow the rules and that's it [and] ... that's nothing ... you're in jail [and] you have time to do [the programmes].

[emphasis in the original]

It's scary to know that there are girls who have been in there longer and there's only limited amounts of things they can take ... Limited amounts of things they can do ...

Regarding her access to programmes and resources whilst doing federal time for a hybrid offense, another woman, Evelyn Edwards indicated that she felt as if she was doing time in a provincial jail rather than in a federal prison facility:

It is an extension of a provincial jail is what this house is ... so I've done more provincial time than I have federal ... the joke's on me ... the joke's on me ...

Regarding availability of programmes, Gail Gibbons also pointed out that sometimes demand for programmes far outstripped supply³¹ and that many of those who did not have serious enough issues were left to their own devices:

... oh yeah you can take the programme when you get out ... well it's too late ... when I get out in the community ... I'm going to survive ... I don't have time to [...] you're not gonna put bread and butter on my table ... no ... I'm gonna [have to] go get it myself ...

Most prisoners, especially those with trust issues, were not likely to trust prison staff. Consequently, it is likely these prisoners did not engage in any meaningful manner with the staff. Those who did participate in institutional programmes found many of them to be boring and not terribly beneficial, particularly those that were individualistic in orientation, such as the cognitive skills programme (Poon 1991; Kendall and Pollack 2003; Kendall 2002) and dialectical behavioural therapy (Pollack and Kendall 2001 in CAEFS 2002), as they were irrelevant to the realities of these women's lives.

As an example, in speaking about the cognitive skills programme at EIFW where the facilitator would lay out scenarios for the women to figure out solutions, Hayley Hickson had this to say:

... okay your power is getting cut off on Monday ... in 24 hours and your bill is 60 bucks and you don't have the money to pay for it ... What are you gonna do? You know ... and all of us lived the street life you know ... and lived that lifestyle ... and we're like ... okay ... some of the girls would say I'd go out and work for that sixty bucks so my power don't get cut off or some girls "I'd go rob somebody" [...] our facilitator was telling us ... "no you wouldn't ... this is what you do, you go and ask your family members for sixty bucks" [...] and some of us ... were like ... "no ... we never asked our families for shit in our life ... what makes you think we're gonna go ask them for sixty bucks ...?" You know, we'd rather go out and work on the streets for three hours or whatever ... than to bring ourselves to ask our families for help [...] some of the facilitators haven't lived a life in our shoes ... you know ... so how can they facilitate something ...? Or how can they even ... you know ... connect with us ... when they haven't lived the life?

Claire Carleton echoed similar sentiments:

If you've never lived it you can't understand it ... you can sympathise and empathise with it ... you can't understand what you're saying and how it will leave you feeling dead inside ... all these things get ... destroy you ... like you know what I mean ...? Like how do you say that to somebody and they say ... "you know I can just imagine what that's like" ... well you know what ... you can't ... you can't imagine what it's like ... yeah we are different ... and our healing process is much different because of that very reason right there ... it's like we have to talk to somebody that understands what we're talking about ...

The above two passages are indicative of the lack of correspondence between institutional programmes and the realities of these women's lives, and which echoed the women's stories regarding the lack of correspondence between schooling and realities of their home lives. These passages are also illustrative of the risky social spaces in which they continue to find themselves as these programmes continue to marginalise these women. My

research suggests that both CSC's empowerment model, and the CRS, continue to focus on individual deficiencies, rather than look to social structural issues such as the effects of colonisation on Aboriginal communities and on Aboriginal women in particular. What is clear is that, for the most part, colonialist-based practices of classism, racism, and sexism continue to persist once inside the prison walls³². Thus it would appear that Aboriginal women have access to the same kinds of choices to which they had access on the outside.

Many of the women also pointed generally to the lack of any transitional link between institutional programmes and those in the community:

... when I was in there I asked about school ... I was in school for five and a half months ... I was going to take my GED ... but unfortunately because there wasn't enough people and because there's problems during that time the person who was going to come and do the GED ... he quit and there's another person and because there was only two students that were ready to do the GED he wasn't prepared to come and do the test for us because there wasn't a lot of students in the class so I wasn't able to do my education there ... cos I got out July ** ... 2003 ... and I was supposed to take my GED test before that and that never happened ... so I was really disappointed with the system because I went in school for six months when I was in ... for nothing you know and it made me mad because now I have to get out and I was pissed off because I have to go pay a hundred dollars a hundred and fifty dollars to register a book my GED book ... with what money?!? They want me to do that when I get out ... I don't have no money [laughter] ...I was really pissed off ...

(Gail Gibbons)

At the same time, others pointed out that the programmes and release plans did not prepare them for what many would encounter when they did return to the outside:

... just about every girl I talked to that came back ... it was either her husband had screwed up and he was with somebody else or her boyfriend had cheated on her ... or her house was no longer was there ... or everything she owned was gone and ... you know what I mean ... all of the little things that she never expected ... like you know ... and that's the kind of thing that gotta be drawn attention to like you know ... so you *don't* repeat ... like you

know ... I don't know ... I just ... and even more so [...] with Métis and Aboriginal women ... like even more so because our support systems are not strong .

... cos a lot of them come out and they don't have the community support and the family health and everything [...] I think then you come out with all these ideas ... like you know [...] I'm gonna do this I'm gonna do this and when you're sitting in your cell or when you're sitting in your house ... it's easy to make all those plans [...] you can go out you can get a house you can buy a new dress but we forgot when we were making those plans how we were going to get the money to do that

(Claire Carleton emphasis in the original)

Others spoke of not getting support because of the bureaucratic system:

We had a primary worker which is someone if you have any questions ... It took them forever to talk to us ... We'd have to fill out a paper ... A request for someone to talk to us ... If they were away that day or busy ... you'd have to call them you know what I mean ... Or say needed to call someone ... Um make a phone call to a lawyer whatever right away or just to request some questions of programmes which I did

... my primary worker was very helpful [...] in the beginning [...] it's such a slow system ... it wasn't her fault it was just the steps it's the paperwork ... it takes forever ...

(Gail Gibbons)

Another woman, Susan Saville, did not get very far in her interview with me, as she was dealing with the death of a sibling to whom she was very close. More particularly, she was dealing with the realisation that she was unable to either say good-bye to her sibling or attend the funeral "because her paperwork was incomplete". She described herself as numb and shut down emotionally, and, after her sibling's funeral, she was sent to Alberta Hospital for assessment. The resident doctor there wrote a harsh letter to CSC stating that in his opinion, she was unjustly detained. Upon her return to the institution, despite her emotional state, CSC thought they, and she, could be best served if she was in

administrative segregation “to ensure the adequate observation of prisoners ”whose mental condition requires it” (*Correctional Institution Regulations*, 1977 sect. 19(1)(2) in Martel 2001: 201)³³.

The experiences of Gail Gibbons in accessing information about programming and support, Claire Carleton and Hayley Hickson in feeling alienated in the programmes, and Susan Saville in reconnecting with dying family members because of paperwork, arguably, are the equivalent of being barred from support. These situations are neither empowering nor supportive. Indeed, these prison practices create or perpetuate a dependency, similar to those arising out of colonialist rule.

Part of many of these women’s correctional plans were requirements to “participate” not only in programmes, but also “benefit” from them as these were also important in determining their risk classification. A problematic issue emerges: what does it mean to “participate,” and by whose yardstick are those “benefits” being measured?³⁴ When the facilitator presented Hayley Hickson (see page 145) with a problem of having to find money to pay an outstanding power bill, she responded that she would rather work the streets for the money rather than ask her family for money. A question arises: did Hayley Hickson “successfully” complete her cognitive skills programme?

Additionally, the Euro-Canadian cultural tradition of besting or embarrassing others common in cognitive skills and anger management programmes, is at odds with Native cultural traditions. In their attempt to trace the origins of the person’s behaviour or thinking patterns, cognitive skills and anger management programmes inadvertently bring other people in that person’s life into the picture. By the very nature of such programmes

(that there is something dysfunctional about the woman and/or her relations), these other people are potentially presented in a bad light, and, in this way, these other people are embarrassed or bested. Thus, as Schissel (2000) asserts, “It is difficult to imagine a typical Native if [she] holds to the principle of not disgracing others, to be successful in a system that demands self disclosure, that others be bested or at least embarrassed.”

Lack of “success” in programming or lack of meaningful programming because of correctional fiscal and/or human resources constraints also affects a woman’s status in terms of progress in her correctional plan. More particularly, it will affect her eligibility for temporary absences (TA’s) and ultimately her potential for her “successful” release into the “community”:

there’s lots of programming needs especially today when they’re saying their funding is getting cut back and that only stops the women from being able to get out on TA’s ... stuff like that. And that really affects the women when they fill in their paper they look forward to going out on the street somewhere and then all of the sudden they say no we can’t there’s not enough money there’s not enough staff or ... that makes the women flip out ...

(Mary McIntosh)

In such an institutional milieu, faced with circumstances largely beyond these women’s control, these women are potentially at risk of institutional infractions, such as institutional violence, and/or self-harm which, in turn, could increase their security classification, increase their chances of being put in solitary confinement, or alternatively, cause them to be detained after their statutory release date.

These experiences, of having limited access to scarce programming that is relevant and meaningful, are similar to those experiences of women, both Aboriginal and non-

Aboriginal, in maximum security as maximum-security women³⁵ are, for the most part, ineligible for core programming due to their security classification³⁶. Potential by-products of this process is (increased) cynicism and distrust of the State³⁷ and of its citizens, and/or ambivalence about oneself on the part of those who are kept. Also, those more “troublesome” aspects of these women’s identities are at risk of becoming solidly entrenched.

Two of the women shared with me stories of trying to empower themselves and others, by informing or reminding other prisoners as well as the warden of their rights in the institution, or by informing the public by way of letters to radio stations about the abuses of the rights of women prisoners. The women who spoke out on behalf of themselves or other women prisoners were seen as defiant and such defiance, such resistance represented a threat to the smooth operation of the institution. As a result of these acts of resistance, both these women told me they spent a great deal of time in segregation and/or at higher security classifications. When Anne Anapolis’ statutory release date came, she was not allowed to go to a women’s community training residence to complete her sentence as she was described as “too rank” (Anne Anapolis). The only two alternatives that were given to her were for her to do all her time inside prison or for her to agree to be put on methadone (a heroine replacement drug that she had no knowledge of) and to complete her sentence in the community, somewhere other than the women’s community training residence. Being released directly back into the community also meant that she was responsible for securing accommodation as well as the means to pay for her accommodation and all expenses therewith:

I'm on Natroven (a methadone substitute?), that wasn't my decision that was the pen and CTR because they heard I was [...] too rank to be in the [...] in the CTR. They didn't trust me which was not good because when I came out I wasn't using. They put me on a meth[adone] programme [which] I found that really harsh because it's no better than drugs ... you're addicted ...³⁸

(Anne Anapolis)

4.1 Summary

What is clear from the discussion above is that these women were neither without agency nor completely a product of personal and social oppression. On this issue, Kruttschnitt and Carbone-Lopez (2006) point out that little attention has been paid to the ways in which structural position and social context influence how women construct and understand their involvement in crime. In other words, their structural position and social context circumscribed their available courses of action and impacted their identities. These women's corresponding social and cultural capital, in turn, would impact upon the choices they ultimately made. The issue then becomes one of how do social institutions, such as the criminal justice system, affect change, when dealing with women who not only come from multiple social locations, variably circumscribed by classist, racist, and sexist social organisations (see Chapter Two), but also may have multiple motivations:

The problem with an approach that pits the aggressive and inherently evil female offender against the victimized or incapacitated offender is that it ignores the complexity of gender identities and fails to see women as active subjects and responsible human beings ... recent ethnographic work on female offenders, though not ignoring gender distinctions in crime, suggests that women's involvement in violence [and other kinds of crime] like men's, has multiple motives and meanings in different contexts

(Kruttschnitt and Carbone-Lopez 2006: 326 square brackets mine)

At a theoretical level, the tendency is to invoke a structure/agency dichotomy, subsuming agency into structure, or *vice versa*. Such an invocation is limited in explaining the transhistorical variability of these women's involvement in crime. Moreover, such a dichotomy does not address people's ability to change.

Historically, Aboriginal women were a key part of the transmission of "right ways of living", that were central to Aboriginal communities, families, and the identities of Aboriginal people in a "balanced" lifeworld. What did the stories, the lived moments that the women shared with me, tell me about their social spaces? What were some of the experiences these women had before their involvement with the justice system that had an impact upon their social and cultural capital, their choices, and their identities?

The women's lived moments told of the oppressive conditions of their existence before they got to prison. In response to the first of the research questions regarding the societal framework within which these women live, their stories illuminated the ways in which their daily lives were overshadowed by larger systemic issues such as racism, classism, and sexism. Their experiences suggest that a consideration of the societal framework and the social spaces within which race, gender, and class oppression are played out is paramount, as these places can prove to be particularly risky for Aboriginal women.

The second research question was how does the societal framework within which these women live impact upon their identities and their subsequent social locations and constellation of choices? The daily oppression began with the women's families of origin, many of which were of lower socio-economic status and usually comprised of parents with

their own troubling issues and extended beyond to their communities which were circumscribed by racial, sexual, and/or class oppression. Their lives were often punctuated with addictions, violence, instability, and physical and sexual abuse. These ways become the mechanisms for coping and resisting such oppressive environments; indeed they become the cultural and social capital with which these women were most familiar.

The third question was how does their constellation of choices impact upon their identities and ultimately upon the choices they make? What is clear, given the evidence regarding these women's lives before prison, is that their identities, the constellation of choices available to them, and, ultimately, the choices made, were shown to be mainly circumscribed by the colonialist societal framework, in which they lived. As a result, these women will have different skill sets and social and cultural capital. Indeed, these women will be differently habilitated and may have a different focus or perspective on things, *i.e.*, how to survive on a daily basis as opposed to how to thrive in the long run. This different focus, in turn, affects the alternatives the women see available to them and this, in turn, impacts upon their course of action. Moreover, the oppressive social spaces in which these women find themselves do not stop at the prison gates. Rather, these spaces have been shown to extend and are magnified behind prison walls.

The fourth and final question of whether these women see their time in prison as widening their constellation of choices of action, the answer is not so clear and seemed to be dependent upon the individual-prison-institution in which one was serving her time. Okimaw Ohci was spoken of as most favourable in terms of choices and in terms of empowerment. But it was also pointed out that those serving their time there had more difficulties in

(re)integrating and/or making the transition to community training residences than those serving time at other institutions. In general, prisons overall offered much the same in terms of the constellation of choices as to what was available to these women on the outside. The oppression, racism, sexism, and classism behind prison walls came in the following forms: (1) the biased nature of the CRS and the discretionary way in which it was applied; (2) an institutional milieu which was, for the most part, colonialist and predatory; (3) the questionable relevance and appropriateness of those programmes that were indeed available; (4) the question of how “participation,” and “success” in these programmes was adjudicated; and, (5) institutional action when one spoke out against or resisted being oppressed.

The women did not say as much about their experiences inside of prison as they did about their experiences before prison. One reason for this could be that they felt they had already described the oppressive social spaces in which they found themselves, and their prison experiences were just more of the same. Another reason could be wariness on their part. Even though every reasonable precaution was taken to ensure their anonymity in this research, whatever they said and/or did, could potentially be used to reincarcerate them. This is because the majority of the women were either on day parole or full parole and therefore not yet completely out of the justice system. The remaining women who were completely finished with the justice system recognized their residency out of the justice system was tenuous at best as they were still struggling to make ends meet and still struggling with addictions and mental health issues.

It is easy to see how one can have little purchase in such a system that is seen to offer more of the same oppression and little in terms of meaningful alternatives, empowerment or support. The women's stories have shown, much like the women about whom Sugar and Fox (1990: 3) wrote 18 years prior, that "Aboriginal women who end up in prison grow up in prison, though the prisons in which they grow up are not the ones to which they are sentenced under law."

The identities and the corresponding social and cultural capital that the women had became an asset to surviving in such conditions. Aspects of these women's identities and social and cultural capital are then at risk of becoming solidly entrenched, and this has grave consequences, not only for their future functioning on the outside, but also for the future functioning of the community-at-large.

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1. It is instructive to note that between the years of 1960 and the mid 1980's a very high number of Indian and Métis children were "adopted" or put into foster care. This period coined "the 60's scoop" because, in many instances, children were literally scooped from their homes and communities without the knowledge or consent of families and bands. According to Sinclair (1991) and Manitoba (1985), many First Nations charged that in cases where consent was not given, that the government authorities and social workers acted under the colonialistic assumption that native people were culturally inferior and unable to adequately provide for the needs of the children. The potential ensuing cultural and identity confusion on the part of the adoptees as well as their biological parents likely had an impact upon their subsequent parenting skills and styles.

Many of the adoptees, now adults, are seeking to reunite with birth families and communities. A substantial number of these adoptees face cultural and identity confusion issues as the result of having been socialized and acculturated into a euro-Canadian middle-class society (Hall 1995; Gilchrist 1998; Richard 1998)

(http://www.aboriginalsocialwork.ca/special_topics/60s_scoop/)

2. On this issue, the women I interviewed confirmed much of the prior literature on

women and girls living in dangerous and disadvantaged neighbourhoods (Kruttschnitt and Carbone-Lopez 2006: 327).

3. Premised on Canada's missionary experience, the Indian residential school system predates Confederation. In order to meet legal obligations under the Indian Act (1876), and to assist with the "integration" of Aboriginal people into the broader Canadian society, the federal government began brokering the development and administration of this system as early as 1874.

Nearly every school was operated jointly by the Government of Canada with various religious organizations, with the Government assuming total responsibility for the school system in 1969, although churches, in many instances, remained involved for some years. Most ceased to operate by the mid-1970s with the last federally run residential school in Canada closing in 1996.

While not uncommon to hear some former students speak about the positive experience in these institutions, "their stories are overshadowed by disclosures of abuse, criminal convictions of perpetrators and the findings of various studies such as the Royal Commission on Aboriginal Peoples, which tell of the tragic legacy that the residential school system has left with many former students.

In addition to allegations of physical and sexual abuse, which are found in 90% of the legal claims, allegations relating to such things as cultural loss, breach of treaty, loss of education opportunity, forcible confinement and poor conditions at the schools are also alleged". (<http://www.irsr-rqpi.gc.ca/english/history.html>)

4. While not all Aboriginal people's experiences in residential schools were negative, indeed some admitted to benefitting from their time there, as noted in endnote 9, the concern here is with the effects on those who did not fare well during their time at residential school that contributed to their lives of hardship and instability.

5. Of the loss of his language, Randy Fred (2000: 294) states:

The needle tortures suffered by my father affected all my family ... My Dad's attitude became "why teach my children Indian if they are going to be punished for speaking it?" so he would not allow my mother to speak Indian to us in his presence, I never learned how to speak my own language, I am now, therefore, truly a "dumb Indian."

6. While there is no such thing as a native gang nor a youth gang, according to a spokesperson from the Winnipeg Police Service Street Gang Unit, most members are adults between 21 and 24 and none of the gangs are exclusively ethnic or

racially based.” but a significant number of the members are Aboriginal. (Dolha 2003; see also Native Women’s Association of Canada 2007).

7. Carlen (2003) notes that although there is statistical evidence to support claims that at least some female offenders are treated more leniently than men by both the police and the courts, official figures still indicated that women are more likely to be imprisoned for a minor crime of theft than for any more serious offence.
8. Inherent in this lens are rules of how one organises reality so it translates into “meaningful” knowledge so it makes sense and fits in with what is already known (Hawkins 2003 in Hannah-Moffat 2004: 370-371). In other words, particular views of reality come to be recapitulated because of they make sense of what is already known (Smith 1974; Walker 1990). And what is already known is itself an always emerging product of historical processes.
9. Rather than dealing with these women’s needs when they were children, “schools and child psychiatrists treat difficult behaviour as medical problems rather than seeing them as social problems, justifying notions of inherent (racialised) mental incapacity” (Sudbury 2004: 228). In an era where social infrastructure funding is restricted to crisis intervention rather than prevention, social services becomes forced to raise minimum intervention levels, and families in situations that are not considered urgent are thus left to their own devices.
10. In “Images of Discipline in Prison,” Lowman (1986) broadly examines the argument that the practice of custody necessitates the tolerance of deviance. Lowman points out that the hidden economy of the prison, the system of bartering, trading, and social control that goes on within prison walls is largely drawn from prisoners’ experiences on the outside. More significantly, he points out that this hidden economy occurs within eye and ear shot of prison staff and is contradictorily condemned and condoned by institutional staff. It is condemned because it is the inmate code. It is condoned because prison staff might directly profit, or indirectly profit by being able to negotiate order in the prison.
11. Inherent in any prison system are assumptions regarding im/proper conduct, im/proper demeanour, and im/proper beliefs and thought processes for both the keepers and the kept. However, what is regarded and used as a basis for institutional reaction is much more narrowly circumscribed for those who are kept.
12. Though the layout was different, the climate was similar at Edmonton Institute For Women.

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13. The concept of “violent outburst” is problematic, because it presupposes that the outburst occurred in a sea of otherwise normal tranquility. This effectively precludes any consideration of the broader social processes that brought many federally sentenced Aboriginal women, like Mary McIntosh, to the social locations they currently find themselves in.
 14. It was not uncommon, during the course of my tours, that the guards would denigrate offenders, slagging them, calling them “animals” or some such, either to their face or under their breath to me. On one occasion, one guard, upon being approached by a woman prisoner, gave her the monodigit salute. Many of the guards on this unit also described these women as “high needs” and “animals,” indicating to me that they would rather work with a “bunch of male maximum security prisoners with major issues” over the women any day.

One of my students shared with me the effects of having a family member work in such an institutional milieu. Though her comments are about conditions at a men’s medium security institution, I think it would be fair to say that generally the work conditions are similar, if not more exacerbated at women’s facilities, given their smaller sizes, the women’s greater needs, and fewer resources upon which to draw:

“My dad – you could always tell when something was going down at the pen because before he quit drinking he’d drink more. After he quit drinking he’d be extremely short tempered, wouldn’t have idle conversation, was awake late and up early among other things for a couple days. Finally when the family told him he was acting this way he’d be extremely introverted and still short until the problem was over.”

One of her father’s friends became alcoholic and retired five years early due to the high likelihood of mental breakdown, which put a terrible strain on his wife and their family. Another transferred to a part of the system that ensured he would not have to interact with inmates, and a third committed suicide.

Another guard told of how he came to have a huge red welt on the top of his skull trying to do a cell extraction some months prior. A cell extraction is where staff, usually armed with plexiglass shields and riot protection gear go into a cell to forcibly remove its resident(s) for whatever reason. This particular resident had already been tear gassed and was throwing feces hard at the ceiling so it would rain down on the staff because they had plexiglass shields. The combination of the tear gas and feces caused a great red welt on this guard’s skull.

Working daily in such an austere oppressive institutional milieu with involuntary clients, and punctuated with situations such as the one described immediately

above, the keepers too are oppressed for the most part. Cynicism and burnout on the part of the keepers should not be surprising. Thus it would seem that there are negative implications for the keepers and their communities as well as those who are kept:

Everyday exposure to conflict (however subtle) and argument, to the claustrophobia and enclosed nature of a prison, to the various tasks involved in trying to “achieve quiet” clearly has its effects.

(Liebling and Price 2001: 150-1 in Arnold 2005: 413)

15. On a related issue, regarding the Youth Management Assessment strategy (YMA), an actuarial assessment tool similar to the Custody Rating Scale, Balucci (2008) has pointed out that actuarial assessment strategies are not only a new way of governing the governed but they also inadvertently represent a strategy for governing those who govern. This is because the need of governors to be publicly accountable underpins any decision they make and demonstrates the subtleties of neo-liberal governance.
16. Static factors refer to historical social facts which are not changeable, such as age at first offence and prior criminal history.
17. Dynamic factors refer to those social factors which are amenable to deliberate interventions, such as substance abuse issues, and unemployment.
18. In Habermasian terms, this process is or may be indicative of “the colonisation of the lifeworld.”
19. According to Hannah-Moffat (2000), disclaimers are frequently included indicating cautious interpretation of results, because of the actuarial assessment strategy’s cultural limitations.
20. The Custody Rating Scale was overridden at a rate of 26% in 1996 and only about half of these were for legitimate reasons (Canada 1998).
21. Hannah-Moffat (2006) points out that most classification schemes “validated for women” continue to evoke male normative standards and stereotyped constructions of femininity while offending, individualising, and compartmentalising needs rely on binary oppositions. She further points out that such an approach fails to appreciate how “gender,” and I would add “race,” operate because thinking about such things requires attention to socio-economic status, relationships, the context of offending, and the inter-relatedness of these issues.

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22. Berkana House, a converted old apartment block, could easily accommodate a mother and a few of her children.
 23. My students were often subject to leers and wolf whistles while touring through Saskatchewan Penitentiary. On one occasion, I overheard one of my students muttering in response: “what a bunch of animals ...” Once outside all of the security barriers and in the next class, I reminded them about the prison milieu and about the fact that whatever the inmate did would follow her/him wherever she/he went inside.
 24. This questioning has been corroborated by Webster and Doob (2004). Using CSC’s own criteria, Webster and Doob (2004) statistically demonstrated that the overall scale, one of its sub-scales and many of the individual sub-scale items that comprise the Custody Rating Scale had weak or no predictive validity for Aboriginal women offenders. More particularly, when it came to predicting Aboriginal women’s propensity for involvement in institutional violence (part of the “Institutional Adjustment” sub-scale) or escape potential (part of the “Public Safety” sub-scale), the Custody Rating Scale had weak or no predictive ability.
 25. Institutional placement affects not only the level of surveillance, in terms of movement within the custodial facility, but also whether, and how, one interacts with other prisoners. Institutional placement will also affect accommodation type. For example, it will dictate whether one is placed in community-like accommodations where the offender controls basic activities (*i.e.*, cooking and cleaning) or until at least until recently, specially constructed cells where the offender has little or no control.
 26. For example, a prisoner is not eligible for work release programs if classified as maximum security. If a prisoner is eligible for discretionary absences, the prisoner’s security classification dictates how long and for what type of absence she/he can apply.
 27. This scenario is corroborated by statements made by the Native Women’s Association of Canada (2003) where “many Aboriginal women are still serving oppressive time ... locked away in maximum security cells, unable to access the necessary programs and services (and support systems) related to their increased potential for successful reintegration back into the community.”
 28. Regarding federally sentenced women in general, a recent CAEFS report (2005) to the Elizabeth Fry Society of Saskatchewan notes:

Escort programs to assist women in their reintegration into the general society are described as disasters. There is a lack of proper paper work being done to set them up, if that is done there is no one to take the women out and sometimes when a community member has signed on to take the women out - the Correctional Services of Canada staff have not done their end of the work.

(22 February 2005)

29. I knew the number was correct as the first time I tried calling her I was informed that I was not on her approved telephone contact list. After contacting her by letter, and arranging to get on her list, we agreed to a designated time and day of the week on which I would attempt to contact her at that number.
30. A hybrid offense is an offense which can proceed summarily (less serious) or indictably (more serious).
31. A CAEFS report (2005) submitted to the Elizabeth Fry Society of Saskatchewan also confirmed the woeful scarcity of programmes in women's federal prison facilities.
32. According to a CAEFS report (2003a)

Without systemic analyses and relevant assessments of the role of the Correctional Service of Canada and others in situating women in more vulnerable positions by perpetuating the notions that they are the sole architects of their own misfortunes and challenges, women are routinely and systematically told and taught that it is all within their personal control and ability to address their own needs and vulnerabilities in society. Such messages only serve to reinforce, rather than challenge, the hypocritical and fallacious notions that feed theories regarding the individual nature of the responsibility women bear for the systemic barriers and governmental, economic, health and social policies that have led to increasing numbers of women, especially young racialized women and women with disabilities being criminalized.
33. Of the 12 women in Joane Martel's (1999) study, over half of whom were of Aboriginal ancestry, who spent time in segregation, she writes:

Once in segregation, however, one quarter of the participants reported self-mutilation to be an almost daily occurrence, often to counteract the negated self that results from the subhuman conditions there. It provides women with some sense of their own corporeal existence, some sense of being “half human, half alive.”

(Martel 2001: 203-04)

34. Of the many, many psychiatric reports received regarding Aboriginal offenders, Ross (in Schissel 2000) offers the following insightful comments:

They invariably say something like, “This Native person refuses to address his psychological difficulties and instead retreats into denial and silence when pressed.” Such reports are often full of words like “unresponsive,” “undemonstrative,” “uncommunicative” and the like. The final word is “uncooperative,” with all the negative inferences such a word implies. Of course he refuses to “cooperate,” to pour out his innermost thoughts and feelings. For many hundred of years, that is what his people taught was the proper thing to do.” Because they do not want to burden others. [...]

35. Aboriginal women comprise about half of the maximum security women in federal prisons.
36. According to a press release by the Native Women’s Association of Canada on the 14 May 2003:

[B]eing classified as maximum security means federally sentenced women have no access to core programs and services which may be designed for females under federal law. Not only are these Aboriginal women prisoners denied women's programming and services, but they are also denied specific programs designed for Aboriginal offenders.

37. A former Aboriginal student of mine went on a class tour of Saskatchewan Penitentiary. That evening before class she telephoned to inform me that she was not going to be at class, to let me know that she that felt anger when she first laid eyes on the correctional officer who was to be our guide, and that she wanted to shout at him and hit him. She explained that this was not because of anything this particular correctional officer did but because he represented an oppressive authority figure. This student had much past experience with oppressive authority, as she was a graduate from one of the more notorious residential schools in Canada. She indicated that these strong emotions took her by surprise, and, in a telephone

call to me the next day, she informed me that as a result of the events that she “did not treat her family well that evening” and felt badly.

38. Having no experience or knowledge of Natroven myself, nor was I able to find any information on it, my comments here may not be qualified but what I observed was that I found her to be incoherent fading in and out of our conversation, frequently forgetting about what we were just speaking, at least when we were sitting down. As we continued with the interview, now walking through her neighbourhood upon my suggestion, an altogether different woman emerged, one who was coherent, articulate, insightful and full of vitality.

CHAPTER FIVE

SUMMARY AND CONCLUSIONS

Foucault gives us a credible version of a social history in which we became human subjects, subject to human power and human law more so than as objects of impersonal scientific analysis

(Skinner in Young and Yarbrough 1993: 9)

5.0 Summary

Conflict and critical criminologists alike have concluded that massive inequities in power and social position based on race, gender and class exist. Moreover, these inequities are played out in terms of both people's involvement and treatment within Canada's criminal justice system. These conclusions are supported by much of the literature on Aboriginal women in general and with particular regard to the justice system. But much of the literature focuses on the oppressive social locations from whence these women come and in which they currently find themselves *from the outside*. The scant literature that remains, does not include the women's voices in context directly, or in any significant fashion. There is a paucity of research from the perspective of Aboriginal women who are federally sentenced *as they see it* – from the inside. This dissertation sought to fill that gap by examining the impact of living in marginalised social spaces for not only these women's social and cultural capital but also their identities, from their

perspective, as socio-politically situated subjects, *from the inside*.

I argued that Aboriginal women under federal sentence are not “born” more criminal than other women, but rather that they come from social spaces which are racist, classist and sexist. These women’s social spaces were shown to have impacted on their strategies of resisting and coping as well as their identities. Living in such colonized social spaces has implications for how Aboriginal women fare in Canada’s justice system and society generally.

That Aboriginal women serving federal time must have a voice in corrections so that their needs can be met, cannot be overstated. This qualitative study addresses this call. Through interviews with Aboriginal women in the community, who have been or are currently under federal sentence, the purpose of this study has been to investigate what choices *they saw for themselves* both before and during prison.

Using a critical ethnographic approach, this study aimed to understand federally sentenced Aboriginal women’s life experiences from their perspective. Their stories, the lived moments they shared with me reflected the pressures brought to bear on their lives, lives which were bound up in race, gender and class oppression. The aim was to listen to the lived moments these women shared with a view to looking at how living under these conditions structured their choices, their social and cultural capital and indeed their identities.

Through the voices of the women, this study demonstrated that the societal framework within which Aboriginal women live in Canada does indeed carry assumptions about gender, race and class, and which set these women in marginalised

social spaces. Through the voices of these women, this study also indicated that these oppressive social spaces extended behind the walls of the prison and worked to their detriment. Their time inside of prison, for the most part, did little to widen their constellation of choices. Indeed, their time inside was shown to have the potential of further entrenching their marginalization which has the potential of following these women in perpetuity.

The problem arises when the societal framework and its corresponding legal and social welfare institutions politely claim, “we understand, but what can we do?” or “we understand but that is not in our purview to deal with”. These claims are very significant for federally sentenced Aboriginal women in that their voices will not be heard in context and this is undemocratic. The result will be that these women will continue to live in marginalised social locations/social spaces and will continue to be regarded as dysfunctional and diseased.

5.1 Significance of This Research to the Situation of Federally Sentenced Aboriginal Women

Habermas’ theory of communicative action and his discourse theory underpin the findings of this study and have contributed to new insights into the situation of federally sentenced Aboriginal women. Firstly, I demonstrated that Aboriginal women’s time inside of Canada’s federal prison system, for the most part, did little to widen their constellation of choices – a point which was underscored by the 1990 Task Force on Federally Sentenced Women. This is significant because the numbers of Aboriginal women inside of Canada’s federal carceral facilities is increasing at an alarming rate of

nine times more than anyone else. When these women did speak about the conditions of existence inside of prison and outside of prison, their words, their voices were taken out of context and used to their detriment by the prison system. Indeed their time inside prison walls was shown to have the potential of further entrenching their marginalization. Their coping and resisting strategies were an asset for living in the social spaces in which they found themselves both in and outside of prison, and simultaneously, were a liability for avoiding or staying out of prison altogether. Furthermore, this study also noted to some implications for people who worked in such oppressive environments, and included such things as burn-out, cynicism and distrust.

The fact that the women's voices were muted about their experiences inside of prison moreso than their experiences outside of prison speaks volumes. If the reason was that they felt they had already described the oppressive social spaces in which they found themselves, and their prison experiences were just more of the same, then prison-as-an-institution is still a colonised and colonising social space. If the reason is wariness and distrust on their part, then undemocratic conditions exist, as they are not able to raise their voices in context without fear of their voices being not only taken out of context, but also used against them.

The question arises of whether Aboriginal women can ever be emancipated using colonialist state interventions such as prisons. In my view the answer is not clear. On the one hand, using colonialist interventions to address colonialism and particularly its effects, is non-sensical and not emancipatory. On the other hand, the very existence of a federal women's healing lodge, that is supposed to be premised on traditional Aboriginal teachings, implicitly acknowledges the unique social locations of Aboriginal women.

According to Habermas, extending this logic to include listening to the women's voices as an indication of their social locations has the potential to be emancipatory.

This study lends strong support for listening to these women's voices in context because current carcerative practices, are not emancipatory either for the women, or for those who are their keepers. Listening to what federally sentenced Aboriginal women are saying in context, is not only democratic but also potentially emancipatory. This is because their stories, their lived moments, are not only indicative of the conditions under which they live but also yields insight into how their choices and identities are structured by the social spaces within which they find themselves.

Habermas' conceptions of rationality, truth, emancipation as socially grounded processes, and of Law as *mediator* between facts and norms, rather than *arbiter* of facts vis á vis prevailing norms, offers a way for institutionalising public space so that marginalised voices can be heard in the context within which they are spoken. Social relations and society are only possible if people mutually understand each other and is central to emancipatory practices which should improve the health of society and all of its citizens.

Arguing for the grounding discussions of ethical norms and ethical choices in the social realm rather than base them on some abstract set of principles is significant for federally sentenced Aboriginal women. This is because one can call into question the appropriateness of the social actions (*i.e.*, current carcerative practices), taken on behalf of society, but also question the colonialist societal framework which lent those social actions their legitimacy. Thus discussions of the validity of ethical norms are to revolve around whether they democratically promote or detract from social cohesion.

Second, Habermas' conception of truth as process enables one to account for the dialogical relationship between social and political circumstances *and* people's identities. I argued that emphasising process also enables a contemplation of identities changing as social and political circumstances change. Significantly in the case of federally sentenced Aboriginal women, such a contextualised subject who is reflexive and dynamic, enables one to anticipate possible cognitive and emotional processes rather than just perceiving these women as having dysfunctional behaviours and belief systems in need of correction. One can now also account for how they might *understand* themselves -- in terms of their perceptions of their capacities and potentialities. Intervention then becomes more than just a matter of correcting faulty thought processes. It also involves how they *perceive* and *feel* about themselves. By thinking about these women in such a way, one is also able to account for ambivalences in a person's perceptions of their capabilities and potentialities. This is because conceptual space is opened up for thinking about how these women are constituted as both subject and object. The implication of this is that one is able to think about these women's identities as years in the making and more years in their remaking.

With changes in discursive terrains and subsequent changes in social institutional processes, changes in a person's cognitive and emotional processes are likely. For example, if one assumes a differently abled socio-politically situated subject rather than a disabled apolitical object as the point of departure for intervention, the avenues for self-empowerment not only change in direction but the tone changes as well. In other words, intervention may want to focus on what people do well as a point of departure and use that knowledge as a resource to work on more problematic issues. In this way, those with

lived experience are to be viewed and indeed should be utilised as valuable resources from which to draw and learn, rather than be seen as potential liability only.

Third, this study makes a strong case for the institutionalising of public dialogue to discuss social actions taken on behalf of the good of society. For Habermas truth is a process and is comprised of three parts. The first part is when a decision/action is taken, those affected and concerned are to have a say in why and how that decision/action impacted upon their lives. In Habermasian terms, conditions for discursive democracy (decolonisation of that which has been colonised) exist when first, the community is able to come to a mutual understanding of things and chart a way forward from there. The second part is when situations change as they inevitably do, or if one or more parties claims misunderstanding or misinterpretation of claims to truth, the community is to come together again and revisit the claims to truth. The third part is when the community makes adjustments as to the appropriate course of action. The intent is to not only transform individuals but also transform social institutions and social structures in ways which are emancipatory.

Habermas' view of the function of Law as mediator between people's social realities (facts) and principles of universal but socially grounded justice (norms), aims at initiating social processes based upon this new knowledge. This is similar to the parliamentary process and also how circles (be they healing and/or sentencing) are intended to work. Habermas' notions of truth and emancipation as processes and his notion of deliberative or discursive democracy enables one to think about changing courses of action as the situation changes in a reflexive and meaningful manner for all concerned. Moreover, the coming together to publicly debate matters of truth,

appropriateness and sincerity is also a way of building community which may positively impact on the situation of federally sentenced Aboriginal women.

In the case of Aboriginal women who have been under federal sentence, the social action (normative validity claim) in question is the use of current social practices particularly the risk classification system, incarceration and individualistic (re)habilitation regimes. The interpretive framework/normative framework in question is/are the one(s) which views these women as dysfunctional and diseased. Is it good for all concerned to be continuing current practices of risk classification, imprisoning and individualistic (re)habilitation schemes with these women? Are these practices emancipatory for them and for their community? Are these practices emancipatory for society? Potential evidence in support of the current practices of incarceration includes the consequences and side effects of this practice for societal cohesion and healthful social relations. The evidence presented in this dissertation suggests that these practices are not emancipatory for them or their community. As a result these practices are also not emancipatory for society either in that these women return to society no better able to viably manage their own affairs which leads to human and fiscal resource burn-out.

I argued that including the voices of federally sentenced Aboriginal women in the context in which they are spoken, both before and during prison is democratic. Including their voices in context and insisting that social action taken on behalf of the good of society be meaningful for all those affected and concerned should point to ways of improving well-being. This process should provide the basis for not only the women's emancipation but society's emancipation. One also begins to know these women as

differently abled and differently functional and very resilient given their social circumstances.

Like Habermas who argues for truth and emancipation as processes, I argued for a shift from “crime” as a static structure to “criminalising” as a process. This is useful for reminding us that Aboriginal peoples ” do not have some inherent essential characteristics that set “them” apart from “us” (Smart 1989; Chan and Mirchandani 2002; Miles 1989; Anthias 1998; Small 1999). Also, in speaking of Aboriginal peoples as a “race” or an “ethnicity” precludes any consideration of politics and history. In contrast, I argued that their apparent characteristics, and their identities are largely a result of their interactions with their social environment (Abrams 1982; Giddens 1991), and are always in a state of becoming.

Thus in order for us to emancipate ourselves we need to come to some mutual understanding about what is truth and truthful *as well as* what is an appropriate course of action to take. This is to be achieved through deliberative or discursive democracy where everyone concerned, reflexively considers the validity claims on offer and come to a mutually agreeable conclusion as to what our needs are and the best way forward to realizing those needs.

5.2 New contributions to the field

There is little research on federally sentenced Aboriginal women from their perspective. What information that is disseminated publicly, is presented by the media and/or government agencies, and the women’s voices, their stories are taken out of context. This dissertation makes, I believe, a strong case for public space for these

women's voices, their stories to be heard in the context within which they were spoken. Such an approach lends itself to revealing an understanding of the pressures brought to bear on their lives, and how these pressures impacted upon their identities and their understanding of themselves. Stories, then are not just stories but represent living, breathing moments in a person's life. They represent not only a window into a person's perspective on things, but they are also indicative of the social forces brought to bear on a person's life. Such a perspective also validates the use of story and orality, a traditional practice of Indian peoples.

In the absence of these women's voices in context, public understanding of their actions is limited and comes from the media and government agencies. This situation, thus far, has proven to be limited in terms of devising meaningful intervention strategies for these women. Information regarding these women's conditions of existence was used to understand how these conditions structured their constellation of alternatives and their identities. Their identities – their understanding of themselves, in turn, ultimately dictated the choice these women made. Such knowledge also lends itself to new strategies of prevention, intervention and (re)habilitation.

In the absence of alternative conceptions of federally sentenced Aboriginal women, popular ones of Aboriginal women as feckless, dangerous and risky prevail. This dissertation has made, I believe, a strong case for a consideration of social and political processes at play. This dissertation has demonstrated that these women come from social spaces which are racist, classist and sexist and that they continue to find themselves in similar social spaces once they are inside prison walls. By (re)inserting social context back into the equation, by listening to what these women had to say in context, a very

different view of these women emerges as dys-functional and dis-eased, that is, as socio-politically situated women rather than the more popular conception of these women as dysfunctional and diseased.

A focus on identities that are grounded forges a link between structure and agency and bridges the traditional structure/agency dichotomy that much of conventional theorising about crime and criminality subscribe to. Such an approach is useful for thinking about how federally sentenced Aboriginal women's motivations/successes/troubles take on different forms given different social locations. Thus this study also enhanced critical understanding of identity formation which is socially grounded and its implications for not only criminological theory but also penal practice.

5.3 Policy Implications

What does a focus on people's identities and cultural and social capital tell us about how we can democratise success in the case of federally sentenced Aboriginal women? The women's identities and the constellation of choices available to them, and ultimately the choices they made were shown to be largely circumscribed by the colonialist generated societal framework under which they lived. The marginalised social spaces in which they found themselves, in turn, circumscribed the available cultural and social capital and which were also marginalised. Moreover their time inside of prison, by and large, had the effect of further entrenching those identities and corresponding cultural and social capital. Practices which include Aboriginal women's voices-in-context and are responsive to what Aboriginal women as socio-politically situated subjects are saying

about their conditions of existence would be emancipatory. Institutional practices which are accommodating rather than discriminating would definitely be a beginning. This is so that the dismantling of the many prisons that hold not only Aboriginal women captive, but also the greater community and society captive, may continue. For example, if these women could return to the community more able to viably manage their own affairs, the community would experience less human and fiscal resource burn-out.

5.4 Giving back to the community

In keeping with the Aboriginal custom of giving back to the people who gave to me, this dissertation has contributed to the opening of public space for these women's voices to be heard in the context within which they were spoken. Using critical ethnography as an investigative strategy, this dissertation has lent strong support for the continued and further use of methodologies which one create space rather than takes space from those who are "being researched". This dissertation not only validates these women's experiences and but also validates orality, a traditional practice of Indian peoples. The intent is to share what the women shared with me with a number of public service organizations. For example, all the local Elizabeth Fry Societies as well as their national association, women's community training residence staff and clients in the prairies, the Native Women's Association of Canada, as well as its local provincial counterparts, the Deputy Commissioner of Women's Corrections, the National Parole Board and the local Public Legal Education Association. The aim is to better the conditions of these women's communities. Additionally, the intent is to not only present what these women shared with me at academic venues as well as those venues which are more public but also to publish

in both these venues. In doing so, this dissertation will have not only validated these womens' experiences this dissertation but also hopefully will have contributed to the transformation of their communities and society.

At a more personal level, I continue to build deeper more intimate relationships with Aboriginal women and their communities. I hope to continue to act as an advocate and a conduit through which these women's voices may be heard in context until such time that social institutions are able to listen to, appreciate and respond meaningfully to what they are saying in context.

I am humbled by and am increasingly aware of the many gifts that I was given at birth, and that are given to me daily. I have learned that these women are indeed experts in their own lives, in terms of survival and in terms of resilience, and importantly that these women are due much more respect and credibility than what they are given. I am truly grateful and humbled that these women chose to walk with me for a short and chose to share their stories with me. I have come to think of the lived moments these women shared with me as gifts through which emancipatory practices may emerge.

5.5 Limitations of this study and directions for future research

Despite the numerous benefits of qualitative research methodologies, such approaches are not without limitations. First, the Aboriginal women who I interviewed likely do not fully represent all of the experiences of federally sentenced Aboriginal women. In spite of this, the women interviewed still represent an important and interesting group whose life paths and understandings of things are worthy of study.

Secondly, there may be a non-response bias in the data as all the women who were approached did not participate or did not complete their interviews. Though the information presented does not necessarily suggest any difficulties, there is no way that the study will determine the full extent or directions of any biases that may have been created or arise from these situations.

Thirdly a problem that potentially arose in the course of this study has to do with real life constraints. Potential conflicts arose with time schedules since the women also had other commitments to friends, parole officers, employment and programming to attend to. Also, the researcher had fiscal and time constraints that she had to work within. It might have been useful if the interviews could have either lasted longer and/or taken place over the course of several meetings. Given this researcher's fiscal and time constraints, and the women's personal circumstances (commitments, obligations elsewhere), this was not possible.

Fourthly, there may be a possibility of interviewer bias in the data. I explored avenues which I thought were significant and these may not be what the women thought was significant, even though I provided ample opportunity in the course of our interviews for them to let me know if I missed something that they thought was important. In fact differences in perception is reason enough for future research on the subject.

A major theoretical weakness of this study has to do with using Bourdieu's notions of social and cultural capital to explain the situation of federally sentenced Aboriginal women. There is the question of what does good Aboriginal social and cultural capital look like, and by whose standards is "good Aboriginal social and cultural capital" to be measured? Furthermore, the use of the term "Aboriginal" already implies that "they are the "Other"", and not one of "us". Such language continues to situate "them" away from

locales of cultural power and is a deep seated dilemma that I have yet to resolve in my own mind when thinking about democracy and equity in situations where there exist great power differentials.

In spite of these possible limitations, I believe this study plays a notable role in the advancement of both knowledge and understanding of these women's constructions of risk and dangerousness and, importantly, pointing to directions for research endeavours and intervention strategies, which are meaningful for all concerned.

5.6 Concluding Remarks

Responsible governance is underpinned by democratic practices. And democratic practices are underpinned by not only hearing what people are saying, but to hearing what they are saying in the context within which they are saying what they are saying, and being responsive to what they are saying. Longitudinal studies of people's life paths and their conditions of existence, alongside qualitative research, like the research undertaken here, then has the potential to promote democratic practices and responsible governance. Responsible governance has the potential for increasing community and societal capacity to take care of one's own citizens, and for citizens to take care of their communities.

Areas of future research should include longitudinal studies as well as research into how well the voices of federally sentenced Aboriginal women as well as other marginalised peoples have been taken up in the development of social support systems and community which are responsive to difference and change. Moreover these studies should be mindful of the fact that Aboriginal women are not a monolithic group. Different Aboriginal women have access to different resources, i.e., status, treaty, non-status, Métis,

and Inuit, rural, urban, north, south, *et cetera*. While quantitative research is necessary to ascertain whether or not the social support systems that have been developed with the direct input of those who are affected have been responsive to difference and change, it is qualitative research that will facilitate a deeper understanding of any problems or weaknesses in that social support system. A deeper understanding of the problems or weaknesses has the promise of pointing to potential ways forward that are meaningful and viable for all concerned, especially those for whom it was initially intended by its authors. These authors should include all of the voices-in-context of those who are affected.