

Genocide and the Maintenance of Power:

Settler Colonialism, Carcerality, and the New Liberal Order, 1950-1970

by

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Abstract

This thesis is situated in theories of settler colonial genocide that define the settler colonial project—the building of a new society of settlers that necessitates the erasure of Indigeneity—as a genocidal process. By adopting the framework of the settler colonial mesh, which examines elimination processes as adaptive, enduring, and operating along multiple levels of governance and through various bureaucratic institutions, I bring the issue of disproportionate Indigenous incarceration into the genocide discussion. The thesis examines the genocidal force and adaptation of settler colonial power through an analysis of federal corrections discourses between 1950 and 1970. This period marks an era of immense correctional reform in Canada. Influenced by post-World War II human rights movements, as well as the government’s adoption of modern liberalism (in particular, social responsibility and equality of opportunity), this new approach to incarceration emphasized the rehabilitation of the inmate through modern philosophies of treatment and training. Yet it was also during this era that Indigenous incarceration underwent a steady increase. Through critical discourse analysis of the *Federal Corrections* newsletter, a document that highlighted policies and programs at the forefront of correctional reform during this era, I examine the ways in which colonial and modern liberal thinking infuse the correctional project, which, in turn, act as a force of Indigenous erasure.

Table of Contents

Contents

Acknowledgements.....	ii
Abstract.....	iii
Introduction.....	1
A Note on Terminology and Reflexivity	7
Chapter One: Sociopolitical Context	10
Liberalism in Canada	11
Colonial/Indigenous Relations and the Settler Colonial Project.....	14
The Depression and World War II: The Introduction of Modern Liberalism	17
Impact of <i>Indian Act</i> Reforms: 1950 – 1970	20
Urban Migration.....	24
Corrections Reform.....	27
The Limitations of Corrections Reform.....	31
Liberalism and the <i>Indian Act</i> : Indigenous Criminalization.....	33
Concluding Remarks.....	37
Chapter Two: Theory.....	38
Genocide Studies	38
Comparative Genocide Studies.....	40
Settler Colonial Genocide Studies	43

The Settler Colonial Mesh	45
Concluding Remarks.....	48
Chapter Three: Methodology	50
Concluding Remarks.....	57
Chapter Four: Critical Discourse Analysis	58
The Discourse of Modern Penology	58
The Discourse of Treatment and Training	70
Religious Programming	71
Cultural Education and Vocational Training	75
The Discourse of the Reformed Inmate	82
Discussion: The Correctional Project and the Settler Colonial Mesh.....	86
Concluding Remarks.....	89
Conclusion	91
References.....	94

Introduction

In recent decades, Indigenous peoples have been identified as the largest segment of Canada's population that experiences disproportionate rates of incarceration, estimated at ten times above the national average (Reasons et al., 2016). Critical criminologists often situate the rise of Indigenous incarceration within the broader global trend of "tough on crime" strategies from the 1990s onward (Garland, 2001; O'Malley, 1999; Wacquant, 2010; Balfour and Comack, 2006; Feeley and Simon, 1992). This new punitiveness increasingly relies on incarceration as a form of mass warehousing and, as many scholars argue, represents a stark contrast from the era of rehabilitation that characterized corrections reform in the 1950s and 1960s (Garland, 2001; Mann, 2014; Prince, 2015; Gaetz, 2013). Whereas the rehabilitative era is defined by treatment programs and parole as means to re-integrate offenders into the community, the new punitiveness is distinguished by a decline in parole and programming alongside increased incarceration and warehousing of prisoners, often in mega prisons (Moore and Hannah-Moffat, 2005).

Criminologists who refute the punitive turn thesis, however, argue that contemporary mass incarceration of Indigenous peoples is a form of ongoing violence rooted in colonial oppression, citing *continuing* practises of racialized policing and legal processes (Comack, 2012; Dhillon, 2015; Monture, 2006; Nichols, 2014; Razack, 2002; Razack, 2012; Rudin, 2016). A number of studies also note the impact of historical colonial oppression, such as the Indian Residential School system, as influencing contemporary conditions and resulting in a greater likelihood of increased surveillance and criminalization; examples include poverty, addiction, and domestic violence (Comack, 2006; Comack and Balfour, 2004; Cunneen, 2011; Fontaine, 2006; Hogg, 2011; Martel et al., 2011; Murdocca, 2009). Yet, despite the fact that many

Indigenous scholars define the experiences of incarceration as an ongoing practice of settler colonial genocide (Rymhs, 2008; Reed, 1993), few criminological and genocide studies emphasize this perspective (though, for three exceptions, see Adema, 2015; Cunneen, 2000; Tauri and Porou, 2014). Fewer still have examined the rehabilitative era in Canadian penal reform as a moment of genocidal adaptation (see, for example, Jefferson, 1994/1978).

This thesis will examine the genocidal force and adaptation of settler colonial power through an analysis of federal corrections discourses during the rehabilitative era between 1950 and 1970. This era marked a period of immense correctional reform in Canada. Influenced by post-World War II human rights movements, as well as the governing logics of modern liberalism (in particular, discourses of social responsibility and equality of opportunity), this new approach to incarceration emphasized the rehabilitation of prisoners by providing them with therapeutic treatment as well as the skills deemed necessary for reintegration into society (Cellard, 2000). The classification of prisoners by professional social workers and psychiatric staff was implemented in order to better establish offenders' rehabilitative needs (Ekstedt and Griffiths, 2013). In tandem, the prison system expanded to house these new classifications of offenders within maximum, medium, and minimum institutions; by 1980, the number of federal prisons in Canada nearly tripled (Gosselin, 1982).

Moreover, this period witnessed the beginnings of the disproportionate incarceration of Indigenous peoples, as the number of Indigenous prisoners underwent a steady yet rapid increase (see, for example, Laing, 1967; Skoog et al., 1980; Schmeiser et al., 1974; Bienvenue and Latif, 1974; Morse, 1976). One of the earliest reports to document this rapid increase estimated that Indigenous peoples represented approximately 3.5% of Manitoba's population, but 22% of

Manitoba's federal penitentiary inmates were Indigenous or Métis; prior to this era, Indigenous men and women represented 1-2% of the prison population (Laing, 1967).

The 1950s and 1960s was also an era of heightened Indigenous resistance to the Canadian government's program of forced assimilation in the Indian Residential School system. During this time, the federal government began phasing out residential schools in favour of integration into the public school system (Milloy, 1999; TRCC, 2012). While some commentators cite this era as a defining moment, when settler colonial assimilative strategies were coming to an end, critical scholars argue that the genocidal force of the schools was simply transferred to new institutional sites of control, as part of an adaptive and ongoing dynamic. For example, much has been written of the ways in which reformed child welfare practises during this time facilitated and continued the practise of Indigenous child removal (Blackstock and Trocme, 2005; Bennett, Blackstock and De La Ronde, 2005; Blackstock, 2016; LeFrancois, 2013; McKenzie et al., 2016).

The aim of this thesis is to further develop an understanding of this ongoing dynamic. Through critical discourse analysis of Canadian Corrections discourses, I argue that the federal correctional institution facilitated an adaptation of settler colonial genocidal processes by furthering the project Indigenous elimination. That is to say, modern liberal reform to penal policies were situated within the structural arrangements of the settler colonial project. Unlike imperial colonialism, whereby European migrants establish temporary "franchise colonies" in order to extract resources for imperial capitalist gain, settler colonialism is characterized by permanent settlement (Morgenson, 2011; Wolfe, 2006). The settler colonial project entails nation-building activities that distinguish it from its imperial nation in order to create a new society of settlers. This project of the settler nation, one in which "the settler colonizers come to

stay” (Morgensen, 2011, p. 56), is rooted in the myth of *terra-nullius*—the belief that lands occupied by Indigenous peoples are empty and untamed and that its original occupants are savage and uncivilized. Ideologies of European racial superiority apply a sense of benevolence to settler invasion as a project that cultivates empty land and civilizes savage peoples (Blaut, 1993; De Leeuw, 2009; Woolford, 2015). Through a variety of practices and methods that erase and replace Indigenous peoples and their distinct cultures and nationalities, the settler colonial project is facilitated. Thus, as Wolfe (2006) argues, the ‘logic of elimination’ is embedded within the settler colonial project and is a structural component of settler colonial society. Put another way, settler colonial genocide is embedded within the settler “political economy premised upon the perpetual elimination of Indigenous peoples” (Morgenson, 2011, p. 56). Despite adaptations, mutations, and shifts in governance tactics and institutional practises, if they are premised on Indigenous erasure and dispossession (the settler colonial project), they contribute to the genocidal force of settler colonialism (Barta, 1987; Moses, 2008; Tauri and Pouru, 2014; Wolfe, 2006; Woolford, 2009; Woolford and Benvenuto, 2015).

Woolford (2015; 2013) describes the structural nature of settler colonial genocide as a dynamic and adaptive multi-level mesh that facilitates the destruction of Indigenous peoples. This framework examines how settler colonial genocide operates through multiple nodes of governance and within various bureaucratic institutions, adapting to contextual forces and mutating over time. By adopting Woolford’s framework of the settler colonial mesh, I intend to bring the issue of Indigenous incarceration in the 1950s and 1960s into the genocide discussion. The analysis examines the shifting form of settler colonial genocide during the rehabilitative era of Canadian penal reform in the sociopolitical context of modern liberalism as situated in the structural dynamic of the settler colonial project. Two main questions guide this analysis: 1)

How did settler colonial power operate in and contribute to the genocidal force of the rehabilitative era in penal reform between 1950 and 1970? 2) How were correctional discourses employed to validate and reinforce this power?

The discussion that follows is organized into four main chapters. Chapter one situates the study within the social and political context in Canada between 1950 and 1970. In this chapter I discuss liberalism in Canada following the Great Depression and World War II, when there occurred a reform to modern liberal principles that emphasized democracy, individual human rights, and freedom, yet maintained the basic tenets of classical liberalism of private property and the free market. I then outline the reforms to policies that governed colonial/Indigenous relations as situated in the settler colonial project and the reforms to federal corrections, both of which were also impacted by the modern liberal turn in Canada following World War II. Lastly, I synthesize the key themes in the literature to show the impact of modern liberal reform on Indigenous criminalization and incarceration. Chapter one, therefore, advances a strong rationale for the theoretical paradigm and conceptual framework that guides my analysis.

Chapter two expands on the theoretical paradigm drawn from genocide studies—namely, the framework of the settler colonial mesh—that guides the analysis. In contrast to the broader field of genocide studies, settler colonial genocide studies examine the multiple and enduring strategies involved in group destruction (Barta, 1987; Coburn, 2015; Hinton, 2012; Hinton et al., 2014; LaRocque, 2011; Moses, 2008; Moses, 2012; Short, 2010a; Wolfe, 2009; Woolford and Benvenuto, 2015; Short, 2010b; Woolford and Gacek, 2016; Woolford, 2009; Woolford, 2015). From this perspective, genocidal processes are embedded in colonial/Indigenous relations as guided by the settler colonial project. Adopting this perspective, an increasing number of scholars argue that cultural genocide needs to be considered as a technique of destruction

(Bierwert, 1999; Moses, 2000; Powell, 2007; Bischooping and Fingerhut, 1996; Moses, 2002; Woolford, 2015; Morgensen, 2011; Moses and Stone, 2013; Moses, 2008; Barta, 1987). In particular, Woolford's (2013; 2015) framework of the settler colonial mesh enables an appreciation of the shifting and adaptive process of this settler colonial destruction.

Chapter three outlines the de-colonizing methodologies in which the research is grounded and the methods used to carry out the analysis. De-colonizing methodologies interrogate both historical and contemporary understandings of settler colonial society, and how they maintain structures of power and oppression (Young, 2004; Thorpe, 2016; Regan, 2010; Coburn, 2015; Alfred and Corntassel, 2005; Blaut, 1993; Tuck and Yang, 2012). From this perspective, research is a transformative practise; it requires actively 'unsettling' regimes of power by exposing the Eurocentric ideologies embedded in colonial institutions (Alfred and Corntassel, 2005; Smith, 1999; Brown and Strega, 2005; Regan, 2010; Tuck and Yang, 2012).

The method of critical discourse analysis (CDA) is used to explore Canadian Corrections discourses in *Federal Corrections*, a newsletter published from 1961 to 1969. More specifically, adopting CDA involves looking at what *Federal Corrections* discourses reveal about the correctional project, both through discursive representations as well as the silences that ignore Indigenous perspectives. Foucauldian and Post-Colonial frameworks are used to inform coding categories in order to examine not only what is said and who has the power to define its truth, but who is to be silenced through discursive representations that naturalize colonial thinking within the correctional project (Alfred and Corntassel, 2005; Brown and Strega, 2005; Fairclough, 2013; Foucault, 1977; Foucault, 1990; Jørgensen and Phillips, 2002; LaRocque, 2011; Smith, 1999; Tuck and Yang, 2012; van Dijk, 2015).

Chapter four expands on the main themes identified through a critical analysis of the situated character of the discourses and how they maintain and reproduce structures of power. I begin by drawing the connection between progressive reform and the discourse of modern penology. I then examine the discourse of treatment and training and the ways in which rehabilitation is defined. In conjunction with one another, these two components of the correctional project contribute to the construction of the reformed inmate, as discussed in the third section of the chapter. In this section, I examine the characteristics of the reformed inmate as a law-abiding and productive citizen in society. Also examined are the macro-semantics of the discourses as well as how these discourses indicate an adaptive shift in power maintenance. I conclude the analysis chapter with a discussion of this adaptive shift in the context of the settler colonial mesh; a mutation of power and genocidal tactics from classical to modern liberal settler colonial logics.

In summation, the thesis advances the argument that correctional discourses between 1950 and 1970 reinforce settler colonial power and the erasure of Indigeneity, as directed by the settler colonial project. I argue that the discourses expose how modern liberal nuances to correctional programming facilitate an adaptation in genocidal techniques of assimilation, rebranded as rehabilitation. For the Indigenous inmate, whose numbers were rapidly increasing due, in part, to Canadian modern liberal reform, rehabilitative programming, that necessitates the adoption of settler colonial norms and values, requires the loss of Indigenous identity and, thus, furthers the project of Indigenous erasure.

A Note on Terminology and Reflexivity

For historical accuracy, this thesis makes reference to problematic terms such as “Indian” and “Indian problem,” that were used in the archival data and are consistent with settler colonial

ideologies. However, when not relaying the perspective of the archival material and settler colonial logics, the term “Indigenous” is used when referring broadly to programs and policies targeting people defined as “status Indian” under the *Indian Act*. Furthermore, I acknowledge the problematic nature of the term “Indigenous” as one that appears to collectivize many distinct nations (Smith, 1999). When appropriate, I use the term “Indigenous peoples” to reflect an understanding of the unique and distinct nations that reside in what we now call Canada and their right to self-determination.

I also acknowledge that the term “de-colonization” might act as yet another discursive trope to further entrench racist ideology. As Tuck and Yang (2012) state,

Decolonization as a metaphor allows people to equivocate these contradictory decolonial desires because it turns decolonization into an empty signifier to be filled by any track towards liberation. In reality, the tracks walk all over land/people in settler contexts. Though the details are not fixed or agreed upon, in our view, decolonization in the settler colonial context must involve the repatriation of land simultaneous to the recognition of how land and relations to land have always already been differently understood and enacted; that is, *all* of the land, and not just symbolically (p. 7).

I use the term “de-colonization” in this thesis in recognition of its potentially transformative nature.

Furthermore, as Wilkes (2015) notes, de-colonizing methodologies must involve a reflection on how one’s own research may, in fact, reproduce the “colonial status quo” (p. 124). In her own research on Indigenous resistance, she reflects on the embeddedness of Westernized knowledge, language, and frameworks:

There are both political and theoretical implications of using a particular set of terminology, such as “blockade,” and geographic boundaries, such as provincial boundaries, to discuss resistance. Such language arguably reifies the status quo and does not recognize the contested nature of ongoing Canadian occupation of Indigenous peoples’ lands. The “scientific” language of sociology and geography is, in fact, saturated with political claims. (Wilkes, 2015, p. 125)

Similarly, Brown and Strega (2005) suggest that by recognizing our own social location as researchers, we are able to deepen our understanding that knowledge is socially and politically located and constructed. As a non-Indigenous scholar, and a settler on the lands we now call Canada, I recognize my place of privilege in this settler nation-state. I situate myself, and this study, in ally-ship to the transformative effort of de-colonization by challenging the norms and values we take for granted in this settler nation-state. I aim to critically interrogate institutionalized forms of settler colonial oppression in order to acknowledge the role that deconstruction and dismantling must take in unsettling relationships among Indigenous peoples, settlers, and lands.

Chapter One: Sociopolitical Context

The social and political context in Canada impacted the drastic rise of Indigenous incarceration between 1950 and 1970. While it is not within the scope of this project to cover all of the complex factors that operated during this time, in keeping with de-colonizing methodologies that emphasize the importance of situating experiences within sociopolitical regimes of power, the intention is to illuminate the dominant patterns of policy and practise that guided correctional reform. As Jacobs (2012) states, “It is vital to listen for stories in archival research materials and remember that all stories are situated and partial” (p. 37).

To begin, liberalism in Canada as influenced by the Great Depression and post-World War II governing logics is considered, followed by a discussion of colonial/Indigenous relations as situated in the settler colonial project. The various reforms to policies and programs related to Indigenous peoples in Canada between 1950 and 1970 are illuminated, including reforms made to the *Indian Act* and their implications. Reforms to federal corrections, also impacted by modern liberalism in Canada following World War II, are then outlined. Lastly, the key themes in the literature are synthesized to show the impact of liberal reform for Indigenous criminalization and incarceration. The chapter, in its entirety, will illuminate how modern liberal reform following World War II placed Indigenous peoples at a greater risk of dislocation and deprivation, resulting in increased surveillance, criminalization, and incarceration. It produces a rationale for the theoretical paradigm of settler colonial genocide studies by exposing the ways in which Indigenous incarceration cannot be conceptualized as separate from broader settler colonial governing logics.

Liberalism in Canada

Prior to the 1940s, Canadian government policies followed classic liberal doctrines—private property, individualism, and the free market—derived from their European roots (McKay, 2010; Schuck, 2002). This classic form of liberalism, developed by philosophers such as John Locke and John Stewart Mill, and evident in the economic theory of Adam Smith, argues that all individuals are equally free to pursue liberty and private property through perfect competition in the market (Gamst, 1991; Losurdo, 2004; McKay, 2000). The state's role in this form of liberalism is to limit its interference with the market; maintaining law and order is restricted to the protection of private property and the individual's right to pursue prosperity in the free market (McKay, 2010; Schuck, 2002; van Oorschot et al., 2008). Additionally, relief or social assistance of any kind is reserved for individuals who are unable to provide for themselves, through no fault of their own, such as the aged or the invalid (McKay, 2010; Olsen, 2002).

The decades leading up to the 1950s produced massive upheavals in the classic liberal economy (McKay, 2010; Schuck, 2002; van Oorschot et al., 2008). Following the First World War, spurred by mass unemployment and extreme poverty, revolutionary labour movements challenged the classical liberal order in Canada and elsewhere (Banting, 2004; McKay, 2010; van Oorschot et al., 2008). At this time, existing social assistance mechanisms were primarily organized by religious and charitable institutions or by provincial welfare initiatives. Programs such as Mothers' Allowances, Old Age Pension, and Relief (later known as welfare or social assistance) were inconsistent across municipalities and provinces, and by the Great Depression of the 1930s they were unable to adequately meet the needs of the citizenry (Banting, 2004; White, 2002). However, by the end of World War II, the Canadian government was forced to

advance a new liberalism that would pacify the increasing restlessness of its citizens. As McKay (2010) states, “in order to preserve liberal order, it was necessary to reinvent it” (p. 373).

The end of World War II in 1945 changed the political structure of the world. The adoption of human rights declarations such as the *United Nations Convention on the Prevention and Punishment of the Crime of Genocide* (1948) and the *Universal Declaration of Human Rights* (1948) ushered in a new era of global modern liberal governing logics. Declarations such as these conceived of rights and responsibilities as belonging to the individual and reinforced the global order of sovereign states. Likewise, in Canada, the federal government responded to the disasters of the Great Depression by adopting a new liberalism that required concessions to the rising opposition to classical liberalism, yet maintained the basic tenets of the liberal economic order of individual autonomy, private property, and the free market (Bohaker and Lacovetta, 2009; Ferry, 2008; McKay, 2010). Policies and program reform emphasized individual human rights, equality, and freedom within the framework of democratic citizenship (Egerton, 2004; Kymlicka, 1995; Mazower, 2004; Risse-Kappen et al., 1999).

This new form of liberalism was intricately entwined with notions of national identity (Ferry, 2008; van Oorschot et al., 2008). Thus, during these years the Liberal government began its campaign to develop a national citizenship independent of Britain (Bohaker and Lacovetta, 2009; Ferry, 2008). In 1947, the *Canadian Citizenship Act* became law, encompassing the rights and responsibilities of Canadian citizenship (Bohaker and Lacovetta, 2009; Jacobs, 2012; Peters, 2002). This new liberal citizenship was “defined in terms of a common set of values—democracy, freedom, liberalism” (Bohaker and Lacovetta, 2009, p. 432)—a category that includes the right to access universal social welfare benefits and the right to vote, as well as the obligations of democratic participation, to pay taxes, and to abide by state laws. Beginning in the

mid-1940s, the federal government introduced several universal social welfare initiatives, including the Unemployment Insurance program, Family Allowances, and the Old Age Security pension plan. In the following decade, after increasing pressure from the provincial governments, the Hospital Insurance and Diagnostic Services Act (HIDS) installed the first national health program through which the federal government reimbursed 50% of provincial and territorial costs for hospital and diagnostic services (Banting, 2004; Cutler, 2002; Deber, 2003). In 1966, the Medical Care Act expanded the national health program to include physician services, yet it was not until 1971 that all provinces enacted Medicare coverage in the form of a national health care program (Banting, 2004; Cutler, 2002; Deber, 2003).

Between 1950 and 1970, the government also enthusiastically promoted immigration under the umbrella of a common Canadian culture; policies of equality, acceptance, and integration touted a culture of unity and coexistence in Canada (Blanding, 2013). In 1963, a royal commission was established to report on the existing state of bilingualism and biculturalism in Canada, that would eventually be reflected in the adoption of the *Canadian Multiculturalism Act* of 1988 (Blanding, 2013; Simpson et al., 2011). While aspects of bilingualism and biculturalism were supported within this model, democratic equality affirmed a hegemonic vision of Canadian citizenship. Equality without reference to racial, cultural, or linguistic specificity meant that one could maintain tokenistic aspects of her or his cultural heritage while ultimately adopting a new identity as a Canadian citizen (Blanding, 2013; Bohaker and Lacovetta, 2009). In other words, modern liberal reform in Canada reflected the notion of universal individualism defined as “shared fundamental rights applicable individually to all human beings” (Ramji-Jogales, 2014, p. 720). Similarly, Canadian national identity relied on a common citizenship within a hegemonic nation state that embodies modern liberal European sensibilities.

The shift from classical to modern liberalism, within the context of settler colonialism, includes unique colonial governing logics and policies distinct from those aimed at mainstream settler society. In relation to the settler colonial project, classical liberal policies (the right to private property and prosperity) were primarily concerned with eliminating barriers, that of Indigenous resistance, to settlement and the development of a settler nation. Additionally, while modern liberal policies promoted democracy, equality, human rights, and access to the rights of Canadian citizenship (including access to social benefits and democratic participation), these very same policies placed Indigenous peoples at greater risk of criminalization and incarceration.

Colonial/Indigenous Relations and the Settler Colonial Project

Early relationships between Europeans and Indigenous peoples were, at times, characterized by cooperation and trade on behalf of the British imperial nation. However, by the 18th century, settler colonial governing authorities attended to the settler colonial project—the development of a new nation through settlement and expansion. Coupled with the fact that the fur trade was declining, while Indigenous resistance against European settlement was mounting, Indigenous peoples came to be viewed as a barrier, or problem, to be eliminated (Daschuk, 2013; Paul, 2000; Shewell, 2004; Titley, 2004).

In response to these rising tensions, King George III issued the *Royal Proclamation of 1763* (Borrows, 1994). The Proclamation stated that Indigenous peoples reserved all unceded lands. By recognizing Indigenous rights to land, the Royal Proclamation established the need for treaty making to secure Indigenous territory and made the British Crown the agent in land transfers, prohibiting settlers from directly buying Indigenous lands (Clinton, 1989; Havemann, 1999; Leslie, 2002; Miller, 2009; Paul, 2000; Tennant, 2011; Woolford, 2009). The Proclamation also established the reserve system, promoted as a means to “protect and minimize disruption to

Indians and their lands” (Shewell, 2004, p. 7). While earlier reserves were established by French missionaries as a means of impressing a sedentary lifestyle on allegedly nomadic peoples, it was not until the rapid expansion to the West that the Indian reserve system was established (Shewell, 2004). It is worth noting the importance of the term ‘allegedly,’ since Indigenous peoples were seldom truly nomadic; rather, their movement within the territory was cyclical with residences established at key seasonal locations (LaRocque, 2011). Nevertheless, the settler colonial project, which held that settlement and agricultural use of the land was superior to hunting and gathering and other such usages, attributed a sense of nomadism and savagery to Indigenous movements. The reserve system was intended to separate Indigenous peoples from colonial settlements temporarily. Through assimilative policies and programs, the end goal was “civilized” integration into mainstream (settled) Canadian society (Harris, 2011; Leslie, 2002; Peters, 2001; Tennant, 2011). To further the goal of assimilation and integration, the *Gradual Civilization Act* was introduced with the intention to strip individuals of their Indian status through voluntary enfranchisement (TRCC, 2012; Woolford, 2015). This particular policy, however, was a failure and later abandoned (TRCC, 2012).

At Confederation in 1867, responsibility for Indigenous relations and land rights was transferred from the British Crown to the Canadian Government and, in 1868, the Indian Affairs Branch was placed under the management of the Department of the Secretary of State of Canada. The mandate of Indian Affairs was to hold Indigenous reserve lands and encourage the assimilation of Indigenous peoples (Milloy, 2008; Shewell, 2004; Tennant, 2011; Titley, 2004).

Following Confederation, nation-building activities, such as railway expansion, continued and resulted in heightened tensions between settlers and Indigenous peoples. Increased resistance necessitated a form of colonial/Indigenous relations management in this classical

colonial liberal era—a solution to the “Indian problem” (Daschuk, 2013; Leslie, 1999; Milloy, 2008; Woolford, 2009). In 1876, Indian Affairs introduced the *Indian Act*. The Act defined who an Indian was under Canadian law in order to manage this increasingly resistant population (Bartlett, 1988; Milloy, 1983). While earlier civilization programs developed by the government and religious bodies loosely defined assimilative goals, it was the *Indian Act* that explicitly “consolidated past colonial and federal pieces of legislation relating to the status and treatment of Indians and set out the framework for assimilation policy” (Shewell, 2004, p. 13-14). Prior to its introduction, Indigenous nations were self-governing; under the Act, Indigenous peoples became wards of the federal state—a hegemonic “Indian” category stripped of governing rights and autonomy (Bartlett, 1988; Leslie, 2002; Milloy, 1983; Milloy, 2008; Titley, 2004; Tenant, 2011; Woolford, 2009).

While the *Indian Act* enshrined certain governmental responsibilities to land protection and provisions for Indigenous peoples, as well as Indigenous cultural specificity through “Indian status,” it also governed all aspects of Indigenous lives, including their education, religion, economic and political systems, and property (Bartlett, 1988; Leslie, 2002; Milloy, 1983; Milloy, 2008; Titley, 2004). Indigenous peoples became “disenfranchised wards of the federal government, confined to their reserves and subject to increasingly coercive and restrictive administrative authority” (Shewell, 2004, p. 14). At different points in time, and through various amendments, the Act outlawed Indigenous religious and cultural ceremonies such as the potlatch, dancing, and traditional funerals and burials. New forms of political organization were imposed on bands that incorporated classical liberal parliamentary rules of conduct. Criminal and civil law was declared applicable on reserves and was maintained by colonial “Indian agents” (Bartlett, 1988; Leslie, 2002; Milloy, 1983; Milloy, 2008; Shewell, 2004; Titley, 2004).

The *Indian Act* also defined enfranchisement as the ultimate goal of Indigenous assimilation. Through voluntary enfranchisement, Indigenous peoples lost their Indian status in exchange for the full rights and responsibilities of citizenship in the settler nation. The Act also gave power to the Indian Affairs Department and its agents to enfranchise Indigenous peoples against their will. Indigenous peoples who lived off reserve, attended a university, became a licenced minister of the Christian faith, wished to vote, or joined the military, for example, were potentially subject to forced enfranchisement (Bartlett, 1988; Brownlie, 2006; McGrath and Stevenson, 1996; Milloy, 1983; Shewell, 2004).

Throughout the 18th and 19th centuries, the Canadian government focused on the project of nation building and settlement (Daschuck, 2013; De Leeuw, 2009; Milloy, 1999). While fraught with exploitation, many treaties were signed during this time (Brownlie, 2003; Miller, 2009; Shewell, 2004; Woolford, 2009). The *Indian Act* was also frequently amended, but the main elements of paternalistic restrictions imposed on Indigenous communities remained largely unchanged; the first attempt at major reforms to *Indian Act* policy followed The Great Depression and the Second World War.

The Depression and World War II: The Introduction of Modern Liberalism

The Depression and Post-World War II era impacted Indigenous communities in a unique way. During this time, Indigenous peoples suffered economic hardships due to the fluctuations in the trade economy compounded by colonial-imposed hunting restrictions and the depletion of fur-bearing animals (Brownlie, 2003; Lutz, 2009; Lux, 2001; Shewell, 2004). While federal universal social welfare programs introduced in the 1940s and early 1950s, such as Unemployment Insurance, Family Allowance, and the Old Age Security, were extended to Indigenous peoples, as wards of the federal state Indigenous peoples did not have access to

provincially run welfare and health care services (Dixon and Scheurell, 2002; Milloy, 2008; Shewell and Spagnut, 1995). Federal welfare relief to reserves was provided by Indian Affairs and during a time when provincial and municipal governments were increasing relief measures and pressuring the federal government to introduce universal social welfare initiatives, Indian welfare policies received minimal funding because of the federal government's effort to control spending (Buckly, 1993; Lutz, 2009; Milloy, 2008). Following years of dispossession, rampant poverty, and ill-health, Indian agents were instructed to stringently monitor payments to reserve communities at often lower rates than those received by Canadian citizens from their provincial governments (Paul, 2000; Shewell, 2004). Policies such as work-for-welfare perpetuated stereotypes of Indigenous peoples as lazy and unwilling to be self-sufficient; relief allowances were cancelled for able-bodied Indigenous peoples who were unwilling to undertake work assigned to them by the Indian agent (Brownlie, 2003; Paul, 2000; Shewell, 2004). Therefore, as Shewell (2004) argues, reserves "bred slumlike conditions, ill health, despair, and suspicion. There were no employment opportunities on them, nor did they offer any access to technical training. Canada had created its own system of crushing apartheid" (p. 167).

Following World War II, "in the liberal post-war international climate of racial tolerance" (Tennant, 2011, p. 122), the conditions of Indigenous peoples in Canada were brought to international attention (Buckley, 1993; Peters, 2001). Additionally, continued and renewed Indigenous activism during this time received attention from the media who increasingly reported on Canada's Indigenous peoples as a human rights issue, citing poor health, poverty, and poor living conditions on the reserves (Peters, 2001; Shewell, 2004; Tennant, 2011). *The Economist*, for instance, wrote in 1944 that "the handling of native peoples throughout the world will be one of the foremost problems of the post-war settlement and it is a matter of surprise to

Canadians to find that their policies with respect to aboriginal native peoples of Canada ... scarcely bear comparison with progressive policies developed in other countries in recent years” (cited in Shewell, 2004, p. 126).

These developments led the government to appoint, in 1946, a Special Joint Committee of the Senate and the House of Commons to Consider and Examine the Indian Act. The joint committee released three reports by 1948, which would eventually lead to the reformed *Indian Act* of 1951 (Leslie, 2004; Shewell, 2004). While Indigenous representation was limited, a number of Indigenous leaders and representatives spoke at the hearings, raising concerns about self-government, treaty rights, and special status citizenship for Indigenous peoples (Bohaker and Lacovetta, 2009; Leslie, 1999). The hearings had a major impact on policy discourse; yet, in contrast to Indigenous leaders’ demands for self-determination, the non-Indigenous committee members adamantly called for policies of integration and a common Canadian citizenship (Bohaker and Lacovetta, 2009; Leslie, 2004; Milloy, 2008; Shewell, 2004). As Leslie (1999) states, the central focus of the committee was “that the ‘Indian problem’ should be redefined in terms of a disadvantaged social group who were in desperate need of improved health, welfare, social and education services” (p. 123). Thus, modern liberal policies that stressed national citizenship, such as the *Canadian Citizenship Act* of 1947, were also reflected in colonial/Indigenous relations reform. In 1949, the Department of Citizenship and Immigration was created; it combined the Citizenship Branch and the Immigration and Indian Affairs branches (Bohaker and Lacovetta, 2009; Leslie, 1999; Milloy, 2008; Peters, 2002; Shewell, 2002). As Leslie (1999) states, “in the view of senior Canadian political elites, displaced European immigrants and dispossessed Indians were all in the process of ‘becoming Canadians’” (p. 203).

Following the final report of the joint committee, the first major revisions to the *Indian Act* were implemented. The reformed Act lifted some of the more egregious restrictions, such as those banning the potlatch and other cultural and religious ceremonies, but instituted several new restrictions in their place (Leslie, 2002; Leslie, 2004; Milloy, 2008). The major features of the 1951 *Indian Act* included a revised definition of “Indian” that removed Indian status from Indigenous women who married non-Indigenous men (Lawrence, 2003; Loppie, Reading and de Leeuw, 2014; Lawrence, 2003; Monture-Angus, 1996). Additionally, the revised act prohibited status Indians from possessing intoxicants or being intoxicated both on and off reserve communities (Bartlett, 1988; Duhamel, 2013; Milloy, 2008; Shewell, 2004). Lastly, the newly introduced Section 87 to the 1951 *Indian Act* reinforced the application of provincial laws on reserve communities (Bartlett, 1988; Milloy, 2008; Shewell, 2004).

Impact of *Indian Act* Reforms: 1950 – 1970

Following broader modern liberal reform efforts at the time and the introduction of the 1951 *Indian Act*, integration through cultural change became a key strategy of Indian Affairs policies (Bohaker and Lacovetta, 2009; Milloy, 2008; Peters, 2001). At this time, due to continued and increasingly outspoken Indigenous activism, the media reported increasingly on deplorable reserve conditions (Duhamel, 2013). In response, Indian Affairs devised a variety of strategies to offset the negative publicity, including the “expansion of Indian branch programs, establishment of co-operative ventures on reserves, implementation of community development schemes, and enlistment of the provinces in social service delivery” (Leslie, 1999, p. 305). However, despite a supposed commitment to improving social and welfare services, jurisdictional debates contributed to persistent exclusion from provincial services for Indigenous communities and individuals (Dixon and Scheurell, 2002; Leslie, 1999). Between 1950 and

1970, the federal government attempted to negotiate numerous agreements with provincial governments, arguing that Indigenous peoples should receive the full rights of citizenship (in the form of provincial health and welfare services) in their respective provinces (Bohaker and Lacovetta, 2009; Shewell, 2002). Yet, provincial governments were reluctant to assume the responsibilities and costs associated with these provisions, arguing that Indigenous peoples remained wards of the federal state (Dixon and Scheurell, 2002; Leslie, 1999).

These ongoing negotiations eventually resulted in minimal transfers of Indigenous education and social services to the jurisdiction of the provinces. In particular, in the mid-1950s, the federal government began phasing out the Indian Residential School system and initiated the process of Indigenous integration into the public schooling system (Milloy, 1999; Woolford, 2015). Additionally, provincial child welfare services assumed responsibility for both Indigenous reserve communities and Indigenous peoples living in urban areas (Bennet, Blackstock and De La Ronde, 2005; Sinha, Trocme and Fallon, 2000). However, due to jurisdictional ambiguities and provincial governments' continued reluctance to assume full responsibility for social and welfare services, underfunding limited the adequate provision of welfare services to Indigenous children and their families (Jordan's Principle Working Group, 2015; Sinha, Trocme and Fallon, 2000). The primarily non-Indigenous social workers failed to note the poverty imposed on Indigenous communities through the very nature of forced relocation to reserve lands and lack of welfare funding (Blackstock, 2016; Milloy, 1999; Woolford, 2015). Rather, throughout the 1960s, provincially mandated child welfare services relied heavily on the practice of Indigenous child removal¹ (Bennett, Blackstock and De La Ronde, 2005; Sinha, Trocme and Fallon, 2000);

¹ This era would later become known as the Sixties Scoop, when an estimated 15,000 Indigenous children were removed by child welfare services and placed in residential schools, fostered, or adopted to non-Indigenous families.

TRCC, 2012). Therefore, due to a lack of substantial agreements between provincial and federal governments, the federal government remained primarily responsible for social health and welfare services to Indigenous peoples. Moreover, despite reports indicating that reserves were in dire need of houses, schools, health care, welfare services, roads, sewers, and fresh water (e.g. Hawthorn, 1958; Lagasse 1959), the federal government continued to limit funding to Indigenous reserve communities. Thus, poverty and ill health prevailed (Bennett, Blackstock and De La Ronde, 2005; Bohaker and Lacovetta, 2009; Dixon and Scheurell, 2002; Leslie, 2004; Shewell, 2002; Shewell, 2004; Lutz, 2009).

In 1959, an additional joint committee was formed to investigate Indian administration and consider further amendments to the *Indian Act* (Bohaker and Lacovetta, 2009). Indigenous groups once again took part in testifying and submitting briefs in order to impact the agenda for this new government action, demanding the recognition of poor living conditions on reserves, restoration of self-government, and the acquisition of the federal vote free from forced enfranchisement (Duhamel, 2013; Leslie, 1999; Tennant, 1982; Tennant, 2011). The hearings, however, focused on the need for self-help and development initiatives, all of which were intended to improve Indigenous living conditions through integration into Canadian society (Paul, 2000; Peters 2001; Weaver, 1981). Once again, the primarily non-Indigenous members of the committees and groups who submitted briefs for consideration tended to focus on the new contemporary version of the “Indian problem” (Bohaker and Lacovetta, 2009; Weaver, 1981). For example, the Indian Eskimo Association, largely comprised of non-Indigenous educators, social welfare enthusiasts, academics, and church officials, suggested that new government policy should instil in Indigenous peoples skills and initiative in order to strengthen their capacity for social change and integration (Leslie, 1999).

Integration recommendations largely focused on preparing Indigenous peoples for full participation in Canadian society while maintaining certain elements of “Indian culture” as a means to facilitate a smooth transition (Bohaker and Lacovetta, 2009; Leslie, 1999; Peters, 2001). This was in-line with broader Canadian governing logics of modern liberalism: formal equality and the growing acceptance of bilingualism and biculturalism (later adopted as an official policy of multiculturalism) (Blanding, 2013; Weaver, 1981; Simpson et al., 2011; Weaver, 1981). Recommendations focused on a two-pronged approach: to assist Indigenous peoples with barriers to integration and to help non-Indigenous people to overcome their prejudices and accept Indigenous peoples into their mainstream society (Bohaker and Lacovetta, 2009; Leslie, 2004; Milloy, 2008; Peters, 2001; Shewell, 2004; Milloy, 2008). The final report, for the most part, ignored the perspective of Indigenous leaders, and therefore, resulted in minimal reforms to the *Indian Act*.

In the early 1960s, the *Indian Act* was amended to grant Indigenous peoples the federal vote without the consequence of forced enfranchisement (Bohaker and Lacovetta, 2009; Paul, 2000). The initiative was hailed as a major step towards progressive policies that would advance integration of Indigenous peoples into Canadian society (Leslie, 1999). However, Indigenous peoples responded within a broad spectrum of opinions; many actively pursued land claims (e.g. the Nisga’a Tribal Council) or asserted their own nationalism based on differentiated rights (e.g. Coast Salish of British Columbia) with a focus on economic cooperation with, not integration into, Canadian society (Bohaker and Lacovetta, 2009; Leslie, 1999; Tennant, 1982; Tennant, 2011).

Moreover, the result of the standing committee and its final report did little to change the dire situation of Indigenous peoples; Indigenous leaders and activists argued that they were still

faced with poor living and economic conditions, and reserves still lacked housing, clean water, and health and welfare services (Bohaker and Lacovetta, 2009; Tennant, 1982). These factors, coupled with a growing Indigenous population, had produced overcrowding on reserves and contributed to a mass migration of Indigenous peoples to urban areas (Howard-Bobiwash, 2003; Lobo, 2013; Newhouse and Peters, 2011; Peters, 2001; Peters, 2002).

Urban Migration

While census data during these years are not entirely reliable due to processes of forced enfranchisement and changing Indigenous census definitions, estimates cite that in 1950 Indigenous peoples accounted for approximately 6.5% of the urban population; by the 1970s, that number had tripled (Newhouse and Peters, 2011; Peters, 2001). In response to poor living conditions on reserves, many reports at the time (e.g. Hawthorn, 1958; Lagasse, 1959) recommended urbanization as part of the solution. In response, Indian Affairs initiated several urban programs to aid in the transition to urban life for Indigenous peoples (Bohaker and Lacovetta, 2009; Peters, 2001; Bohaker and Lacovetta, 2009; Shewell, 2002).

A prevailing theme that guided the implementation of urban Indigenous programming was the process of cultural change to address how urbanization created a sense of cultural shock for Indigenous urban migrants. In this context, reserves and urban centres were discussed in binary terms, with reserves defined as existing in the past and incompatible with modern urban culture (Peters, 2001; Wilson and Peters, 2005). Indigenous peoples, however, rejected the notion of urbanization as a process of cultural change; urbanization did not represent the inevitable loss of Indigenous identity, culture, and traditions, and many wished to travel between the urban setting and their home communities (Howard-Bobiwash, 2003; Peters, 2001).

Nevertheless, the Indian Affairs and Citizenship Branches proceeded with urban programming in which cultural change was the “main organizing framework” (Peters, 2001, p. 69).

Despite the optimism of Post-World War II modern liberal reforms and rhetoric of equality, human rights, development, and urban programming, Indigenous peoples continued to face discrimination and marginalization. This growing discontent led to heightened Indigenous political organization and activism (e.g. organizations such as the National Indian Brotherhood and distinct leaders such as Harold Cardinal) demanding sovereignty and land rights (Bell, 2015; Duhamel, 2013; Palmer, 2009; Tennant, 1982; Tennant, 2011). By the mid-1960s, the federal government responded by implementing an in-depth study of Indigenous economic, educational, and political needs and, in 1966, the Hawthorn-Tremblay Report was submitted. This report called upon the federal government to recognize a differentiated citizenship for Indigenous peoples as “citizens plus,” which stressed both a common citizenship as well as the reinforcement of cultural difference and self-government (Bohaker and Lacovetta, 2009; Cairns, 2011; Dyck and Waldram, 1993; Hawthorn-Tremblay, 1967; Leslie, 1999).

Following the release of the Hawthorn-Tremblay Report and its ninety-one proposals, the government launched a series of consultation meetings across Canada with Indigenous leaders and activists who continued to stress self-government, increased funding for development, and land and treaty rights. However, in 1969, in a complete turnabout, the Liberal federal government released a white paper titled, *Statement of the Government of Canada on Indian Policy* (Crane Bear, 2015; Dyck and Waldram, 1993; Milloy, 1999; Weaver, 1981; Woolford, 2015; Woolford, 2009). Claiming to provide Indigenous peoples with full equality and the rights of citizenship, the White Paper called for an end to Indian status and the termination of the Department of Indian Affairs; a move that would remove any legal land rights claims and any

federal responsibilities to Indigenous peoples, including those outlined in the *Royal Proclamation of 1763* and the *Indian Act* (Crane Bear, 2015; Weaver, 1981; Wilkes, 2006). While the *Indian Act* enacted many discriminatory, paternalistic, oppressive, and regulatory practices, it also enshrined distinct rights of Indigenous peoples and obligations of the federal government; it defined Indigenous cultural sovereignty and required the federal government to uphold land and treaty rights introduced by the Royal Proclamation (Bartlett, 1988; Crane Bear, 2015; Leslie, 2002; Milloy, 1983; Milloy, 1999; Milloy, 2008; Titley, 2004; Weaver, 1981; Wilkes, 2006; Woolford, 2009; Woolford, 2015).

While colonial settlement, expansion, policies, and programs received persistent Indigenous resistance prior to and following Confederation, the introduction of the 1969 White Paper was definitely a watershed for activism (Bell, 2015; Crane-Bear, 2015; Duhamel, 2013; Palmer, 2009; Woolford, 2009). And while the White Paper was ultimately withdrawn, the renewed resistance movement only gained momentum. In 1970, the Chiefs of the Indian Association of Alberta produced a counter document titled *Citizens Plus: the Red Paper*, which was also adopted by the National Indian Brotherhood as the official response to the White Paper (Bell, 2015; Crane Bear, 2015). It emphasized the federal government's obligation to a treaty relationship with Indigenous peoples and articulated a model of Indigenous self-governance. The activism in response to the White and Red Papers resulted in the emergence of more engaged Indigenous leadership and a new political relationship with the federal government that, among other things, saw to the closure of the majority of Indian Residential Schools, advanced recognition of treaty rights, and the inclusion of "Aboriginal rights" in the 1982 *Constitution Act* (Bell, 2015; Cairns, 2000; Crane Bear, 2015).

In sum, the shift from classical to modern liberalism, in the settler colonial context, redefined the “Indian problem” as those struggling to attain Canadian citizenship. The resulting policy reform measures emphasized Indigenous integration into mainstream Canadian society couched in rhetoric of democracy, freedom, and equality. At the same time, there were reforms to corrections in Canada. To follow, I will discuss Canadian Corrections reform following Confederation and, in particular, reform efforts between 1950 and 1970 that were also impacted by the modern liberal turn. Lastly, I will outline the impact of modern liberal reform during this era on Indigenous peoples’ criminalization and their resulting incarceration.

Corrections Reform

The federal government of Canada assumed the primary role of justice administration following Confederation in 1867. Under the direction of Prime Minister John A. Macdonald, the government began codifying the law and introducing reforms to the administration of justice (Carrigan, 1991). Responding to classical liberal reformers fighting for such causes as the abolition of public hangings and slavery, justice administration adopted a rational approach to criminal reform, rather than brutal physical punishment (Carrigan, 1991; Cellard, 2000; Duguid, 2000; Ekstedt and Griffiths, 1988; Foucault, 1977; Goff, 1999; Griffiths and Cunningham, 2004; Taylor, 1979). Penitentiaries, rather than public corporal punishment, were meant to impart “education, obedience, religion and constraint on the individuals who made up society” (Taylor, 1979, p. 406).

At the time of Confederation there were three provincial institutions, located in Ontario, New Brunswick, and Nova Scotia, all of which were transferred to the authority of the Parliament of Canada and the federal penitentiary system; in 1868 they were placed under the administration of the Department of Justice (Carrigan, 1991; Cellard, 2000; Ekstedt and

Griffiths, 1988). With this two-tiered correctional system, federal penitentiaries, all of which were maximum security institutions, were to house offenders serving a sentence of two years or longer while the provincial or municipal institutions housed those offenders given less than two years or those who were remanded while awaiting trial (Bucerus and Urbanik, 2016; Gosselin, 1982; Griffiths and Cunningham, 2004). Throughout the latter half of the 19th century, the federal penitentiary system expanded with federal prisons constructed in Quebec, Manitoba, British Columbia, and New Brunswick (Carrigan, 1991; Cellard, 2000; Ekstedt and Griffiths, 1988; Gamberg and Thomson, 1984). However, classical liberal thinking prevailed at this time; along these lines the federal government's primary concern in relation to corrections, much like relief measures at the time, was to control spending so as to facilitate the settler colonial project.

Although penitentiaries were meant as a rational alternative to brutal physical punishment, in reality, they provided poor living conditions, insufficient food rations, inadequate programming, and untrained staff. They were also characterized by harsh discipline and forced labour (Carrigan, 1991; Cellard, 2000; Gamberg and Thomson, 1984; Gosselin, 1982; Griffiths and Cunningham, 2004). These poor conditions persisted well into the 20th century, leading to growing discontent in the prison population and eventual rioting; between 1932 and 1937 there were sixteen riots in penitentiaries across Canada (Carrigan, 1991; Cellard, 2000). The Canadian government responded by appointing a Royal Commission, headed by Justice Joseph Archambault, to investigate the federal prison system. *The Report of the Royal Commission to Investigate the Penal System of Canada* (Archambault, 1938; herein after Archambault Report) revealed a system fraught with poor living conditions such as ventilation problems and inadequate sanitation, egregious policies of silence, solitary confinement, and harsh discipline, and a lack of educational and vocational programming. This was a system of custody and

punishment rather than one that facilitated the reformation of the criminal (Carrigan, 1991; Cellard, 2000; Gamberg and Thomson, 1984; Gosselin, 1982). The Archambault Report made eighty-eight recommendations that emphasized better training for staff, improved medical and psychiatric care, improved educational, vocational, and work programs, and the use of probation and parole. In general, the report stressed that penal treatment must seek to advance the rehabilitation of each individual inmate (Carrigan, 1991; Cellard, 2000).

The recommendations made by the Archambault Report heightened public awareness of conditions in prisons. However, due to the financial upheavals leading up to the Great Depression and the onset of the Second World War, any serious government initiative for penal reform was halted (Carrigan, 1991; Gosselin, 1982). Nevertheless, the Archambault Report had provided a basis to which the reform efforts following the war would later refer (Carrigan, 1991; Eckstadt and Griffiths, 1988). By the early 1950s, “the guiding principle was that loss of freedom was punishment and it was not the role of the penitentiary to add further to it. The purpose of the prison was to provide an appropriate environment for the work of rehabilitation” (Carrigan, 1991, p. 372).

In the years leading up to 1950, penitentiaries began to modernize by expanding educational and vocational training for the inmates as well as increasing training for the staff. Additionally, notions of treatment programming began to make their way into the institutions (Carrigan, 1991; Duguid, 2000; Eckstadt and Griffiths, 1988). This new approach adopted a logic that assumed that criminal behaviour was the result of internal problems and troubled life circumstances; thus, a criminal could be transformed through psychological therapy, treatment, and life-skills programming (Carrigan, 1991; Duguid, 2000; Eckstadt and Griffiths, 1988). However, lack of funding continued to hamper sufficient reform and rehabilitation efforts and in

1953 another committee was appointed to examine the lack of substantial reform in the prison system.

The Committee Appointed to Inquire into the Principles and Procedures Followed in the Remission Service of the Department of Justice of Canada, chaired by Mr. Justice Gerald Fauteux, submitted its report in 1956 (Canada, 1956; hereafter Fauteux Report). Much like the Archambault Report, the Fauteux Report recommended further liberalization of the justice system with a focus on rehabilitation and treatment; it echoed the Post-World War II modern liberal governing logics of human rights, equality, and freedom. The Fauteux Report called for the increased use of parole, the classification of inmates, the use of treatment programming and after care programs, and the establishment of a national parole board (Carrigan, 1991; Cellard, 2000; Ekstedt and Griffiths, 1988; Gamberg and Thomson, 1984). The Fauteux Report was extremely influential in accelerating change in the justice and corrections system (Carrigan, 1991; Cellard, 2000; Duguid, 2000; Eckstedt and Griffiths, 1988; Yeager, 1995).

In 1959, the *Parole Act* reflected one of the major reform recommendations of the Fauteux Report. The Act created a National Parole Board that had both provincial and federal jurisdiction over parole matters; it resulted in the increased use of parole, intended to help ease the transition from prison life to free society and aid in the inmate's ability to become a productive member of society (Carrigan, 1991; Cellard, 2000; Duguid, 2000; Eckstedt and Griffiths, 1988; Gamberg and Thomson, 1984; Yeager, 1995). In the penitentiaries, education and vocational training programs were expanded and better qualified staff were hired. Old restrictions were abolished, such as policies of silence, and prisoners received additional privileges, such as access to entertainment and newspapers, and other leisure activities such as competitive sport. Additionally, many new therapy programs were introduced as part of the

emphasis on treatment and rehabilitation of inmates (Carrigan, 1991; Eckstedt and Griffiths, 1988).

The Fauteux Report also influenced the increased use of classification of inmates from minimum, medium, and maximum security risks. Prior to this reform, all federal prisons were maximum security institutions and housed violent and non-violent offenders alike, and at considerable risk to less hardened criminals. The new classification system, charged by trained social workers and psychologists, involved assessment and diagnosis of offender risk and rehabilitative potential; new minimum, medium, and maximum correctional facilities were constructed to house the newly classified inmates, respectively (Carrigan, 1991; Eckstedt and Griffiths, 1988; Yeager, 1995). In 1957, there were eight federal institutions in Canada; by 1970, there were 34 penitentiaries in the federal system (Carrigan, 1991; Gosselin, 1982; Yeager, 1995). The newly constructed minimum and medium security institutions offered new forms of treatment, rehabilitation, and training such as counselling, drug and alcohol rehabilitation, industrial farms, and forest camps (Carrigan, 1991; Cellard, 2000; Eckstedt and Griffiths, 1988; Gamberg and Thomson, 1984).

The Limitations of Corrections Reform

It is worth noting that these progressive reforms and reports were undoubtedly flawed. For example, reform aimed at the treatment of female offenders was largely overlooked (Carrigan, 1991; Eckstedt and Griffiths, 1988; Turnbull, 2016). Women's crimes occurred less often and were generally of a less severe nature; thus, female offenders were most often housed in provincial and urban jails with men. However, those who served sentences longer than two years were housed primarily in the Kingston federal penitentiary for men (Carrigan, 1991; Cooper, 1993). It wasn't until 1934 that a federal prison for women, constructed adjacent to

Kingston penitentiary in Ontario, Canada, was opened. The Federal Prison for Women (P4W) offered little in programming and largely focused on moral reform to inculcate gendered norms of domesticity, orderly habits, and good discipline through activities such as sewing and cooking (Balfour, 2006; Carrigan, 1991; Cooper, 1993; Eckstedt and Griffiths, 1988). As Carrigan states, the women prisoners “were literally ware-housed with no thought given to rehabilitation” (p. 452).

Between 1950 and 1970, reform to corrections largely ignored the needs of female offenders. In broader discussions of federal imprisonment, both the Archambault and Fauteux reports made mention of the substandard conditions at P4W; the Archambault Report further recommended P4W be shuttered and the women there transferred to provincial reformatories rather than prisons (Balfour, 2006; Cooper, 1993; Hayman, 2006; Turnbull, 2016). Despite efforts at progressive change in federal prisons, due in large part to these two reports, the P4W continued to provide substandard, dangerous, and heavily criticized living conditions for its inmates (Balfour, 2006; Cooper, 1993; Hayman, 2006; Turnbull, 2016). Yet it remained the only federal institution for women until the mid-1990s when transfers to regional facilities were first initiated. In 2000 it finally closed its doors (Balfour, 2006; Shaw, 1993; Turnbull, 2016). Thus, during the era under consideration here, little progress was made in terms of corrections reform for women.

Little mention was made of other forms of diversity within correctional reform during this era. Yet it was also during those years that the number of Indigenous prisoners steadily increased.

Liberalism and the *Indian Act*: Indigenous Criminalization

Despite optimism surrounding human rights, equality, and the rights of citizenship, the Canadian adoption of modern liberal reform proved to be a two-tiered enterprise. While federal universal social benefits were extended to Indigenous peoples, the same cannot be said for provincially run welfare and health care services (Dixon and Scheurell, 2002; Milloy, 2009; Shewell and Spagnut, 1995). Federal relief measures to reserves were provided by Indian Affairs. During a time when provincial and municipal governments were expanding health and welfare programs, Indian Affairs' welfare policies attempted to control spending (Brownlie, 2003; Buckley, 1993; Lutz, 2009; Milloy, 2008; Paul, 2000). Similarly, spending towards housing, sanitation, and infrastructure on reserves was minimal and jurisdictional disagreements between provincial and federal governments regarding provision of health care to those living on reserves created conditions of ill health and despair in many communities (Dixon and Scheurell, 2002; Milloy, 2008; Shewell and Spagnut, 1995; Shewell, 2004). A lack of opportunity, extreme poverty, a growing Indigenous population, and overcrowding on reserves contributed to mass Indigenous urban migration. Once living in urban centres, Indigenous peoples continued to face barriers when attempting to access provincial health and welfare services, and discrimination when attempting to access employment opportunities (Howard-Bobiwash, 2003; Lobo, 2013; Newhouse and Peters, 2011; Peters, 2001; Tomiak 2011). This increased visibility in urban centres, coupled with discrimination and marginalization, led to the over-policing of Indigenous urban communities, heightening their probability of coming into conflict with the law (Duhamel, 2013).

Over-policing occurred both on and off-reserve. The introduction of section 87 to the 1951 *Indian Act* reinforced the application of provincial laws on reserve communities (Bartlett,

1988; Duhamel, 2013; Milloy, 2008; Shewell, 2004). Those living on reserves were confronted with an increased policing presence and an invasive and unfamiliar legal system that was conducted in an unfamiliar language and was incompatible with Indigenous legal traditions (Duhamel, 2013; Silverman and Nielsen, 1994). Additionally, in prohibiting status Indians from possessing intoxicants or being intoxicated both on and off reserve, the 1951 *Indian Act* increased the probabilities of Indigenous criminalization (Jacobs, 2012; Sangster, 1999). The newly defined prohibition of Indigenous intoxication was much broader than that of public intoxication applicable to all Canadians; it also carried a heavier penalty (Duhamel, 2013; Moss and Gardner-Otoole, 1991). Moreover, lack of familiarity with legal rights and privileges often meant that Indigenous peoples pleaded guilty to crimes they had not committed (Duhamel, 2013; Silverman and Nielsen, 1994).

The reformed *Indian Act* of 1951 had a compounding effect on Indigenous women (Balfour, 2006; Lawrence, 2003; Sangster, 1999). While both Indigenous and white women were part of a “broader web of gendered moral regulation” (Sangster, 1999, p. 34), the 1951 revisions to the Act that removed status from women who married non-Indigenous men, placed Indigenous women at greater risk of displacement and destitution (Balfour, 2006; Sangster, 1999; Lawrence, 2003). If divorced or abandoned, Indigenous women and their children, stripped of Indian status, were unable to return to their reserve communities; in urban centres, Indigenous women and their children faced extreme poverty and dislocation (Balfour, 2006; Sangster, 1999). Unable to access provincial social welfare services due to jurisdictional disputes, Indigenous women often found themselves homeless and vulnerable to criminalization grounded in gendered and racialized notions of Indigenous women as “wild” and “drunken Indians” (Sangster, 1999).

Indigenous women were not only policed by the legal system; social welfare reforms that transferred child welfare services from the jurisdiction of the federal government to provincial governments, increased the surveillance of Indigenous families, and mothers in particular (TRCC, 2012; Bennett, Blackstock and De La Ronde, 2005; Sinha, Trocme and Fallon, 2000). Indigenous mothers, both on reserve and suffering from urban poverty, who were unable to access social welfare services were at greater risk of losing their children to the custody of child welfare services (Shewell, 2004; Bennett, Blackstock and De La Ronde, 2005; Sinha, Trocme and Fallon, 2000; Dixon and Scheurell, 2002; Leslie, 2004; Bohaker and Lacovetta, 2009; Shewell, 2002; Lutz, 2009). These multiple and intersecting sites of visibility placed Indigenous women at an even greater risk of dislocation, deprivation, over-policing, and incarceration (Balfour, 2006; Johnson and Rodgers, 1993; LaPrairie, 1993; Sangster, 2002).

It was precisely in the post-World War II era of modern liberalism that the number of Indigenous prisoners underwent a steady yet rapid increase. As with Indigenous activism in response to the 1969 White Paper, Indigenous activism responded to the increased criminalization of Indigenous identity, persistent over-policing, and over-incarceration (Adema, 2012; Duhamel, 2013; Gaucher, 1990). The earliest national reports concerning the issue of disproportionate Indigenous incarceration surfaced near the end of the 1960s (e.g. Laing, 1967). Yet it was only during the 1970s that substantial attention from the government and the public was given to the issue of Indigenous overrepresentation in the penal system (see for example: Skoog et al., 1980; Schmeiser et al., 1974; Bienvenue and Latif, 1974; Morse, 1976). However, statistical data on Indigenous offenders contained large gaps due to inconsistent reporting and lack of definitional standards (Schmeiser et al., 1974). These early reports were also highly problematic, relying heavily on settler colonial stereotypes of Indigenous peoples as inferior, and

whose laws reside in the “primitive conditions of the past” antithetical to “modern conditions” of colonial law (Laing, 1967, p. 56).

Nevertheless, though partial and flawed, these early reports reveal patterns of increasing incarceration. For example, a 1967 report, which was one of the earliest to document this rapid increase, estimated that Indigenous peoples represented approximately 3.5% of Manitoba’s population, but 22% of Manitoba’s federal penitentiary inmates were Indigenous or Métis; prior to this era, Indigenous men and women represented 1-2% of the prison population (Laing, 1967). A 1969 *Brief on the Woman Offender* also noted the disproportionate incarceration of Indigenous and Métis women at an average of 25% of the female inmates (Canadian Corrections Association, 1969). Another longitudinal study that began in 1970 noted the disproportionate rates of Indigenous incarceration, yet much like other reports, largely attributed Indigenous criminality and incarceration to economic and developmental needs preventing Indigenous peoples from taking “an increased role in improving their *own* situation” (italicized in original text) (Canada, 1970, p. 66). Correctional recommendations included rehabilitation efforts that would contribute to the “economic and social advancement of the native peoples in Canada” (Canada, 1970, p. 66).

Following these early reports, statistics have consistently identified disproportionate rates of Indigenous incarceration, more recently estimated at ten times higher than the national average (see, for example: LaPrairie, 1992; Sapers, 2012; Rudin, 2016). Yet, as noted in the introduction to this thesis, while some critical scholars note the impact of historical colonial oppression, such as policies of forced dispossession, assimilation, and racialized policing that result in a greater likelihood of contact with the law (Comack, 2006; Comack and Balfour, 2004; Cunneen, 2011; Fontaine, 2006; Hogg, 2011; Martel et al., 2011; Murdocca, 2009), few

emphasize the perspective of disproportionate Indigenous incarceration as a technique of genocide (though for some examples see, Adema, 2015; Cunneen, 2000; Rymhs, 2008; Reed, 1993; Tauri and Porou, 2014).

Concluding Remarks

In providing the sociopolitical context in which this study is situated, it is evident that Indigenous criminalization and incarceration between 1950 and 1970 are situated within a broader shift from classical to modern liberal Canadian federal governing logics that are directed by the settler colonial project. Policy and reform efforts in the classical liberal era were meant to facilitate continued nation building activities such as settlement and expansion, while modern liberal policies focused on the development of a national identity. The resulting conditions experienced by Indigenous peoples included dispossession, poverty, and marginalization, as contributing to their criminalization. To follow, I expand on the theoretical paradigm of settler colonial genocide, as situated in comparative genocide studies, in order to examine federal corrections discourses within this shift in the settler colonial project and the structural logic of Indigenous elimination.

Chapter Two: Theory

From the perspective of settler colonial genocide studies, genocidal processes take place not only through direct human action and physical destruction, but also through structural colonial relations that aim to eradicate Indigeneity (the settler colonial project). This field of inquiry is situated in the broader field of comparative genocide studies that challenges the incomparability of the Holocaust by examining multiple similarities and differences in other episodes of attempted mass destruction. However, the study of settler colonial genocide also aims to move beyond Eurocentric ontologies embedded in the canon of comparative genocide studies that disregard Indigenous ways of knowing, and emphasize mass physical destruction to the exclusion of cultural elimination. In contrast, settler colonial genocide studies acknowledge forced dispossession and assimilation as genocide because a group cannot be separated from its cultural existence. Woolford's (2013;2015) framework of the settler colonial mesh conceptualizes settler colonial genocide as operating through multiple levels of governance and through various institutions in order to facilitate the elimination of Indigeneity. Following this line of thinking, I argue that the correctional institution, between 1950 and 1970, through rehabilitative programming that necessitated the erasure of Indigeneity, facilitated genocidal processes embedded in the settler colonial project.

In this chapter, I begin by introducing the field of genocide studies and the development of comparative genocide studies. I then expand on the paradigm of settler colonial genocide studies and establish the settler colonial mesh as the framework for my analysis.

Genocide Studies

Raphael Lemkin is credited with introducing the concept of genocide and contributing to its legal definition: namely, through the *United Nations Convention on the Prevention and*

Punishment of the Crime of Genocide (1948, hereafter UNGC). Lemkin's early years were spent in a village near the town of Wolkowysk in the Russian empire in the early 1900s. He was raised in a Jewish family whose home was eventually destroyed by fighting between Russian and German troops during World War I (Cooper, 2008). While these formative experiences, and his Jewish heritage, influenced his thinking, his intellectual pursuits were more broadly focused on multiethnic states, cultural specificity, and minority protection (Cooper, 2008; Moses, 2010). In 1942, he coined the term genocide derived from the Greek term *genos* (group) and the Latin term *cide* (to kill) (Irvin-Erickson, 2016; Woolford, 2015; Simon, 1996; Powell, 2007; Ungor, 2012). This early conceptualization by Lemkin defined genocide as political, social, cultural, economic, biological, physical, religious, and moral techniques aimed at the "destruction of the national pattern of the oppressed group [and] the imposition of the national pattern of the oppressor" (Lemkin, 2002/1944, p. 28).

Following World War II, the UN General Assembly passed the resolution to support the UNGC in 1948 (Apsel and Verdeja, 2013; Cooper, 2008; Woolford, 2015). From this time onward, genocide as an offence became widely accepted by the international community as one of the legal bases used to persecute the crimes committed by Nazism. However, while earlier drafts included all three techniques of physical, biological, and cultural destruction, the UNGC, at the insistence of several representatives from colonial nations, among others, removed the cultural aspects of the crime from its final draft (Woolford and Gacek, 2016). Article II of the adopted UNGC defines genocide as:

...any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group as such:

a) Killing members of the group;

- b) Causing serious bodily or mental harm to members of the group;
- c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- d) Imposing measure intended to prevent births within the group;
- e) Forcibly transferring children of the group to another group.

Following the adoption of the UNGC, there were minimal and infrequent studies that examined the crime of genocide. It was not until the 1970s that early comparative genocide studies emerged (Apsel and Verdeja, 2013; Strauss, 2012; Woolford, 2013b). By the 1990s, comparative genocide studies gained prominence and, more recently, within this multidisciplinary field, the study of settler colonial genocide has developed (Apsel and Verdeja, 2013; Barta, 1987; Jones, 2006; Moses, 2000; Moses, 2002; Moses, 2008; Moses and Stone, 2013; Strauss, 2012; Woolford, 2013b).

Comparative Genocide Studies

Comparative genocide studies bring attention to similarities and differences of other episodes of mass murder and examine various forms that destruction might take (Hinton, 2002; Hinton, 2012; Andreopoulos, 1997; Bloxham and Moses, 2010; Jones, 2006; Charny, 1999; Apsel and Verdeja, 2013; Fein, 1993; Hinton, 2005; Chalk and Jonassohn, 1990; Totten et al, 1997). This comparative approach has given rise to a key debate among genocide scholars. On the one hand, some scholars place the Holocaust apart from other genocides as an unparalleled, incomparable event (Katz; 1996; Rubenstein, 2013; Jackel, 1993; Rosenbaum, 1996; Green; 1996; Drescher; 1996; Heinsohn, 2000). As Rosenbaum argues, to invite comparison would invisibilize the Holocaust's "uniquely significant place in the annals both of Jewish and world

history” (Rosenbaum, 1996, p. 6). On the other hand, comparative genocide studies typically challenge the canonization of genocide, which places the Holocaust at its starting point and central to analysis. As Sofsky (2013) argues, to imply incomparability, in essence, “presupposes that one has already compared it with other events and come to the conclusion that it is radically different” (p.11).

Among scholars that adopt the comparative approach there are three additional areas of disagreement: a) the types of groups that are targetable for genocide, b) the question of intent, and c) the centrality afforded mass killing to the exclusion of cultural and settler colonial genocide (Short, 2010; Moses, 2012; Jones, 2006; Huttenbach, 2002; Chalk, 1989). When debating the definition of groups included in the legal definition of genocide, many scholars highlight the ways that the UNGC fails to recognize the diversity of groups that have been targeted for destruction, such as political and social groups (Chalk and Jonassohn, 1990; Fein, 1997; Jones, 2006; Chalk, 1989; Staub, 2000; Hinton, 2005; Woolford and Gacek, 2016). For example, Hinton (2005) includes political victim groups in his examination of the genocide during the Democratic Kampuchea (Khmer Rouge) regime in Cambodia; between 1975 and 1979, over one-and-a-half million people were targeted by the Khmer Rouge in an effort to eliminate any political dissent to its communist revolution. In contrast, other scholars, such as Schabas (2001), do not characterize the Cambodian terror as genocide because they view it as an instance of ethnic Cambodians killing ethnic Cambodians.

The second point of contention is the question of intent. Most comparative genocide scholars agree that intent, in the form of a direct and unambiguous order, rarely exists. However, while some argue that genocide must involve clear, intended action by a coherent agent (Simon, 1996; Fein, 1993; Chalk, 1989), others contend that actions within processes of destruction,

which may include improvised acts or the creation of group-threatening conditions, are evidence of the intent to destroy a group (Valentino et al., 2004; Straus, 2013; Straus, 2012; Midlarsky, 2005; Shaw, 2015; Fein, 1993b). For example, some emphasize the role of armed conflict; these scholars generally conclude that genocidal events are a result of conditions created through the logics of war - a genocidal event that is “to some extent an unintended but directional process” (Ungor, 2012, p. 76). Taking this logic further, yet not without contestation, scholars such as Kuper (1983) argue that the conditions of war legitimize the use of militarized forms of power in which violence against civilians, such as the atomic bombing of Hiroshima, constitute genocide. But, as both Fein (1997) and Chalk (1997) argue, equating crimes of war with genocidal intent threatens to undermine the distinction between the two and hinders future research and preventative measures. Scholars who argue from this perspective note the specific intent detailed in the UNGC that requires perpetrators to act with “intent to destroy” the group “as such.”

The question of intent overlaps somewhat with the third discord within comparative genocide studies: the centrality afforded mass killing to the exclusion of cultural genocide. Some scholars argue that equating cultural forms of destruction with mass physical killings will dilute the conceptual definition of genocide, thus rendering comparative genocide studies ineffectual (Huttenbach, 2002; Chalk, 1989; Simon, 1996; Fein, 1993b). Others, however, cite various forms that elimination might take ranging from developmental and retributive genocides to ecocide, which often result in physical destruction, as well as cultural destruction in the form of assimilation or dislocation (Bodley, 2002; Dadrian, 1975; Hitchcock and Twedt, 2009; Jones, 2006). However, as Woolford (2015) argues, there remains a tendency, even within this arguably progressive cohort, to view cultural destruction as a lesser form of genocide. Yet from the perspective of settler colonial genocide scholars, forced dispossession and assimilation *are*

genocide because the relations through which the group is constituted cannot be separated from its cultural existence (Biertward, 1999; Moses 2000; Tauri and Pourou, 2014; Wolfe, 2006; Woolford, 2015).

Settler Colonial Genocide Studies

As many Indigenous and settler colonial genocide scholars note, the UNGC and the canon of genocide studies remain rooted in a Eurocentrism that ignores Indigenous ontologies and epistemologies in which life “wholly and unequivocally [involves] relationship to other sacred beings that have agency in and of themselves” (Bierwert, 1999, p. 7). From this perspective, genocidal processes operate through colonial relations and include the destruction of land and animals integral to sustaining group life (Barta, 1987; Bierwert, 1999; Bicshoping and Fingerhut, 1996; Powell, 2007; Morgensen, 2011; Moses, 2000; Moses, 2002; Moses, 2008; Moses and Stone, 2013; Woolford, 2015). For example, Hubbard’s (2014) analysis details the targeted destruction of bison on the North American plains as part of the settler colonial project. Yet their destruction is described as more than the loss of a necessary resource that sustained the plains Indigenous peoples’ physical existence. Rather, for many Indigenous groups, buffalo are viewed as kin, beings with agency in relationship with Indigenous peoples, and thus their targeted destruction is genocide (Hubbard, 2014).

Additionally, while some comparative genocide studies acknowledge precursors to genocidal destruction, such as social divisions and crises, the focus remains within a delimited temporality; a period of physical destruction with a beginning and an end. Such an analysis fails to take into account the structural nature of settler colonial violence and genocide against Indigenous peoples (Barta, 1987; Hinton, 2012; Hinton et al., 2014; Moses, 2008; Moses, 2012; Short, 2010; Short, 2010b; Tauri and Poursu, 2014; Woolford, 2015; Wolfe, 2006; Woolford and

Benvenuto, 2015 Woolford and Gacek, 2016; Woolford, 2009; Woolford, 2013b). From this perspective past, present, and future events are connected and settler colonial genocide in all its forms, encountered through various events, and in different geographical locations are entangled with one another. They constitute a structural form of violence and destruction that cannot be delimited on a single timeline, as comparative genocide studies often aim to do when building conceptual and definitional models.

In contrast to the broader field of comparative genocide studies, the study of settler colonial genocide refers to Lemkin's original understanding of group destruction, including projects that intend to eliminate cultural specificity (Barta, 1987; Hinton, 2012; Hinton et al., 2014; Moses, 2008; Moses, 2012; Short, 2010; Short, 2010b; Tauri and Pours, 2014; Wolfe, 2006; Woolford, 2009; Woolford and Benvenuto, 2015 Woolford and Gacek, 2016; Woolford, 2015). That is not to say that settler colonial genocide does not involve physical destruction. Indeed, warfare, massacres, the intentional and unintentional spread of disease, and famine cleared the way for further genocidal projects of forced dispossession and assimilation in North America (Daschuk, 2013; Hubbard, 2014; Wolfe, 2006). However, in keeping with Lemkin's more capacious understanding of genocide, settler colonial genocide studies understand elimination as encompassing physical, biological, *and* cultural destruction, all of which are intended to destroy the national pattern of Indigenous peoples and replace it with the national patterns of settler society (Lemkin, 2002/1944).

Wolfe (2006) describes the settler colonial project as operating according to a "logic of elimination" involving both negative and positive dimensions: "Negatively, it strives for the dissolution of native societies. Positively, it erects a new colonial society on the expropriated land base. [In] its positive aspect, elimination is an organizing principal of settler colonial society

rather than a one-off (and superseded) occurrence” (p. 388). In other words, settler colonial genocide is a form of structural violence that results in policies, bureaucracies, and institutions that are organized in such a way as to facilitate the development and maintenance of colonial society through the erasure of Indigenous difference. In this way, the structural basis of settler society is genocidal—it necessitates the erasure of Indigeneity (Moses, 2000; Tauri and Pourou, 2014; Woolford, 2015; Wolfe, 2006). Moreover, so long as these societies and their governing institutions remain invested in Indigenous erasure and dispossession, they continue to enact genocidal violence upon Indigenous peoples (Barta, 1987; Moses, 2008; Tauri and Pourou, 2014; Wolfe, 2006; Woolford, 2009; Woolford and Benvenuto, 2015).

Woolford’s (2013; 2015) framework of the settler colonial mesh is useful when conceptualizing the ways settler colonial genocide operates. He defines the structural nature of settler colonial genocide as a mesh “that stretches itself across the continent [North America], operating through various nodes or sites that change, or take different shape, across time and space” (p. 174).

The Settler Colonial Mesh

The framework of the settler colonial mesh eclectically borrows from theories of governance that understand power as diffuse, multifaceted, and “distributed horizontally through nodal networks” (Woolford, 2013, p. 70). This form of power utilizes various techniques—disciplinary, biopolitical, and governmental—all of which produce a highly productive genocidal force. From this perspective, settler colonial genocide is conceptualized as a “many-headed assault upon Indigenous peoples” (Woolford, 2013, p. 71) operating on various fronts, within multiple institutions, through various forms of governance, and adapting over time.

While Woolford's (2015) analysis is focused on the residential school system, the framework he develops is useful when understanding how settler colonial genocide operates through various techniques and within various institutions. The settler colonial mesh is conceived of as dynamic and multi-leveled, involving macro, upper meso, meso, and micro level nets, one on top of the other (Woolford, 2015). It is an "overarching web that facilitates the colonial subjugation of Indigenous peoples" (Tauri and Porou, 2014, p. 23). Depending on how and when these levels intersect, there are times when it may tighten around specific Indigenous groups; at other times, it allows gaps in which subversion can be formulated and engaged (Woolford, 2015).

The macro level consists of the larger project of settler colonial expansion in which the 'logic of elimination' (Wolfe, 2006) is embedded and that dictates policy responses to increased Indigenous resistance understood as the "Indian Problem" (Woolford, 2015). At the macro level, access to and plans for land and territory constituted the very basis of the initial settler colonial project (Woolford, 2015; Barta, 1987; Moses, 2000; Biertward, 1999). In the 18th and 19th centuries, continued territorial expansion met with Indigenous resistance and the threat of war. These relations dictated an aggressive series of policies in response to this problematization, that included, but were not limited to, policies of forced removal, warfare, and famine, as well as governing acts such as the *Indian Act*, (Daschuk, 2013; Paul, 2000; Shewell, 2004; Titley, 2004; Woolford, 2015). Under these relations, Indigenous peoples were defined as a homogenous group requiring management, rather than distinct and self-governing nations. These relations also stripped Indigenous governments and nations of control over their broader territorial rights, as well as their legal, economic, religious, and cultural autonomy, and would establish the framework for colonial assimilation policies (Bartlett, 1988; Borrows, 1994; Leslie, 2002;

Milloy, 1983; Milloy, 1999; Milloy, 2008; Moss and Gardner-Otoole, 1991; Titley, 2004; Tenant, 2011; TRCC, 2012; Woolford, 2009; Woolford, 2015).

The upper-meso level includes the bureaucratic components that implement macro-level policy responses (Woolford, 2015; 2013). Upper-meso components include multiple institutions of governmental power and discipline that facilitate the settler colonial project, such as the education system, the legal institution, and health and welfare agencies. The lower-meso level is comprised of the individual organizations tasked with carrying out the objectives envisioned at higher levels of the mesh. In Woolford's example, these were the various types of residential and day schools charged with assimilating Indigenous young people, but they could include any number of ground-level organizations that are funded by the state to carry out government objectives. Within the organizations of the lower-meso level, one can zoom in on the individual, micro-level interactions, involving individual actions and interpretations that make possible the creative application of the vision of Indigenous destruction implicit in the notion of the "Indian problem," but also potentially open space for resistance to, or disruption of, this vision (Woolford, 2015).

When conceptualized as situated within the settler colonial mesh, the varying ways in which the schools (at the meso level) and staff (at the micro level) deployed techniques of assimilation contributed to an uneven, yet genocidal force (Woolford, 2015). While the directives of the Canadian government (at the macro level) demanded complete assimilation of Indigenous peoples, residential school guidelines were vague and at times reinterpreted by individual principals in response to the power of local communities (Woolford, 2015). However, while residential school survivors' stories differ, and on occasion some recall happier moments in their schooling experiences, one should not discount the genocidal nature of the Indian

Residential School system. While the students' experiences differed, the schools cannot be conceptualized as separate from the structural relations of the settler colonial project. Moreover, and in relation to this thesis, while the genocidal techniques may be varied and uneven, if directed by the settler colonial project, they are a "crucial node in a genocidal network of destruction" (Woolford, 2013, p. 65).

Concluding Remarks

While comparative genocide studies examine multiple instances and strategies involved in group destruction, the field primarily relies on the static definition of genocide adopted by the UNGC in 1948 and which removed Lemkin's earlier components of cultural destruction. However, as Woolford and Gacek (2016) argue, the removal of cultural elements was at the insistence of, among others, colonial representatives who did so with a "self-interested purpose, namely avoiding the accusation that their nations had perpetrated genocide" (p. 405). In contrast to the broader comparative field in which "genocide is treated as an event with identifiable and consistent traits" (Woolford, 2013b, p. 170), settler colonial genocide studies attend to structural, adaptive, and enduring genocidal forces.

The framework of the settler colonial mesh provides a useful conceptualization as to the ways in which settler colonial genocide operates at macro, upper-meso, meso, and micro levels of governance and through various bureaucratic institutions. In relation to this thesis, the macro-level relations are understood as encompassing the Canadian Government's post-World War II modern liberal turn. Additionally, upper meso-level components of the settler colonial mesh include the justice system as a component of governmental power and discipline that implements policies and programs in order to carry out the work envisioned by the settler colonial project at the macro-level. The overlapping and intersecting layers of macro-level policies and programs,

as interpreted and deployed in the federal corrections system, are conceptualized as one node within the settler colonial mesh.

In the chapters to follow, I detail the methodologies and results of a critical discourse analysis of federal corrections discourses. By exposing the power structures that the discourses maintain and reproduce, I will argue that disproportionate incarceration of Indigenous peoples cannot be conceptualized as separate from the structural relations of the settler colonial mesh (Woolford, 2013).

Chapter Three: Methodology

De-colonizing methodologies interrogate the ways that Eurocentric and colonial ideologies are embedded in scholarship and thus problematize taken-for-granted “truths” through which we come to know our world (Alfred and Corntassel, 2005; Blaut, 1993; Coburn, 2015; Regan, 2010; Thorpe, 2016; Tuck and Yang, 2012; Young, 2004). This approach acknowledges the role that power plays in the production of knowledge and the objectifying and extractive relationship that the university enables, as a colonial institution, with Indigenous peoples and nations (Brown and Strega, 2005; Smith, 1999; Wilkes, 2015). De-colonizing methodologies emphasize community-based research in partnership with Indigenous peoples and compel us to examine implicit assumptions and practises in our research that present European and Westernized knowledge as innately superior (Brown and Strega, 2005; Smith, 1999). From this perspective, de-colonizing research requires actively “unsettling” colonial and Eurocentric regimes of power embedded in colonial institutions; to move beyond symbolic forms of reconciliation and recognition towards transformative action (Alfred and Corntassel, 2005; Brown and Strega, 2005; Regan, 2010; Smith, 1999; Tuck and Yang, 2012).

It is important to note that this project was carried out within the structures of a university program; therefore, it cannot meet all of the objectives of de-colonizing research. Most notably, due to time constraints placed on a two-year Masters’ program, the research is not community-based and directed at meeting the needs of a particular Indigenous group, as they identify those needs (Brown and Strega, 2005; Smith, 1999). Nonetheless, critical anti-colonial research can play a role in challenging the institutions, ideas, and approaches we take for granted in a settler colonial society (Alfred, 2010; Woolford, 2015). In keeping with this approach, this thesis

critically interrogates institutionalized forms of settler colonial oppression and acknowledges the role that deconstruction and dismantling must play in de-colonizing transformation.

The study, delimited to the years 1950 to 1970, entails a critical discourse analysis of Canadian Corrections discourses in *Federal Corrections*, a newsletter published from 1961 to 1969. There are several significant aspects to this temporal delimitation. This time period marks an era of heightened Indigenous resistance to the Canadian government's program of forced assimilation in the Indian Residential School system, resulting in amendments to the *Indian Act* that would phase out the residential schools in favour of public integration. Yet, in the eyes of Indigenous leaders who had voiced their concerns regarding the residential schools and other settler colonial institutions, these amendments did not go far enough (Milloy, 1999; TRCC, 2012).

The study's temporal delimitation also encompasses an era of immense correctional reform in Canada. Influenced by post-World War II human rights movements, as well as shifts in the governing logics of liberalism toward social responsibility and equality of opportunity, this new approach to incarceration emphasized the rehabilitation of prisoners by providing them with the treatment and skills deemed necessary for reintegration into society (Cellard, 2000). During this time, parole was increasingly promoted as an effective measure to reduce recidivism and facilitate positive reintegration. Yet, it was also during this era of supposed progressive reform that Indigenous incarceration steadily increased (Schmeiser, 1974). It is the nature of this shifting form, and its structural undergirding, that are of primary concern in this study. In particular, I examine the ways in which correctional reform in Canada during the rehabilitative era contributed to settler colonial patterns of domination and destruction as one node within the settler colonial mesh.

The choice of publication is also significant. *Federal Corrections* presents a broad range of sources, including excerpts and reports of conference and congress presentations, conventional news reporting on current corrections-related events and developments, editorial and opinion pieces, and scholarly article reprints. Published “under the authority of the Commissioner of Penitentiaries and the Chairman of the National Parole Board” (Federal Corrections, 1962, v2, n1, p. 11), the publication offers a useful distillation of many of the primary issues of concern that were perceived to be at the forefront of correctional thinking and practises at this time. As stated in a 1962 article, the newsletter is not only “directed to the employees of the Department of Justice, it is also shared with allied agencies, such as John Howard Societies. Meant mainly to inform employees of progress and developments in Corrections, it is as well a valuable source of information to agencies in the Correctional Field” (v2, n1, p. 11).

Smith (2001) argues that an examination of institutional policies and communications is able to reveal the “social relations that are implicit in its organization” (p. 161). A critical discourse analysis of these emblematic documents is intended to provide insight into the ethos or spirit of this era of correctional reform, and the power relations that underlie them. As Smith (2001) states,

When a text is read, watched or heard it brings consciousness into an active relationship with intentions originating beyond the local. Texts therefore are key devices in hooking people’s activities in particular local settings and at particular times into the transcending organization of the ruling relations, including what sociology calls institutions and organizations. (p. 164)

Critical discourse analysis (CDA) provides needed insight into the ways in which language is used to produce, reproduce, and maintain unequal, oppressive, and destructive power relations; it conveys who has the power to define its truth as well as who is silenced (Fairclough, 2013; Foucault, 1990; Jørgensen and Phillips, 2002; Henry and Tator, 2002; van Dijk, 2015). CDA examines discursive elements that reflect dominant values that ultimately shape cultural consciousness; in this way, discourses are able to naturalize structural and institutional oppression, such as forced assimilation and ongoing genocidal practices, thereby reproducing settler colonial power.

However, while “discourse transmits and produces power [it] also undermines and exposes it, renders it fragile and makes it possible to thwart it” (Foucault, 1990, p. 101). Herein lies the potential for CDA: it enables us to reveal the purpose of the discourse and the power structures it maintains. Such an analysis is most useful when aiming to go beyond a descriptive explanation of events. Therefore, CDA provides the necessary criteria for a rigorous, worthy, and credible analysis through thick description and significant research, which Tracy (2010) defines as criteria necessary for quality qualitative research. Rigorous, worthy, and credible qualitative research requires abundant and complex, relevant, and concrete detail, respectively (Tracy, 2010). Additionally, thick description is “one of the most important means for achieving credibility in qualitative research” (p. 843). Tracy (2010) defines thick description as accounting for complex contextual factors; this method of recording delves into the meaning of the data rather than their mere description. Lastly, the study adheres to Tracy’s (2010) criteria of significant research, defined as “conceptualizations that help explain social life in new ways” (p. 846). In this thesis, CDA provides a deeper understanding of the ways in which settler colonial

eliminative strategies are able to adapt, evolve, and shift over time by addressing not only what is said, but implicit and underlying assumptions and relations of dominance and oppression.

Additionally, the analysis attends to criteria for excellence in research, including transferability and resonance, which Tracy (2010) defines as “a study’s potential to be valuable across a variety of contexts” and encourages “the reader to feel, think, interpret, react, or change” (p. 845). In this way, the research is intended to reach beyond the delimitation of the study and contribute to an understanding of ongoing and contemporary issues, such as racialized policing and contemporary hyper-incarceration (Comack, 2012; Gaetz, 2013; Mann, 2014; Prince, 2015). It is also intended to compel non-Indigenous readers to reflect on the ways in which they might “unsettle” their relationships with Indigenous peoples and the lands through a greater understanding of what took place, and continues to take place, on the territory we now inhabit (Memmi, 2013; Regan, 2010).

The analysis emphasizes three main components of CDA, as drawn from Foucault (Fairclough, 2013; Jørgensen and Phillips, 2002; van Dijk, 2015):

- (a) **The embeddedness of the discourse:** how discourses are embedded in structural and institutional aspects of society and how they function to maintain power relations.
- (b) **The naturalizing function of discourse:** how discourses reflect and reproduce the dominant and hegemonic societal norms and how they take an active role in constructing the social world.
- (c) **The situated character of discourse:** the subjectivity, or positionality, of those who produce the discourse and where the discourse is created.

Methods used in the CDA involved looking at what *Federal Corrections* discourses reveal about the colonial project, both through discursive representations as well as the silences that ignore Indigenous perspectives. Coding categories were informed by Foucauldian and De-colonizing frameworks (Alfred and Corntassel, 2005; Brown and Strega, 2005; Fairclough, 2013; Foucault, 1977; Foucault, 1990; Jørgensen and Phillips, 2002; LaRocque, 2011; Smith, 1999; Tuck and Yang, 2012; van Dijk, 2015). Particular attention was paid to the following:

- a) **Discursive representations of progress, civilization, and the ideal citizen:** can attribute a sense of legitimation to the settler colonial project through the normalization of Western ideals (Furniss, 2002).
- b) **Knowledge representation:** involves identifying themes and patterns of representation that present Eurocentric or Westernized knowledge as innately superior (Smith, 1999; Wilkes, 2015).
- c) **Emerging or shifting policies and programs:** examining the ways in which they are discursively framed can provide insight into adaptive strategies in the maintenance of power (Coburn, 2015; Fairclough, 2013; Foucault, 1977).
- d) **Discursive omission:** involves the practise of rendering some issues or populations as invisible and assumes a sense of shared or homogenous values (Fairclough, 2013; Henry and Tator, 2002; LaRocque, 2011).

The analysis also included an open coding category in which emergent themes could be collected and more specifically thematized.

The CDA was conducted on all the articles in the *Federal Corrections* newsletter, totalling three hundred articles from the years 1961 to 1969. Initially, a thematic analysis was

conducted in order to identify the main themes in the articles. Thematic analysis is the process of identifying and interpreting patterns or themes in qualitative data (Braun and Clarke, 2006; Guest et al., 2011). Following Braun and Clarke's (2006) six-phase framework for doing thematic analysis, several readings of the material were necessary to first become familiar with the data, then to generate initial codes and search for themes. Next undertaken was a review in which themes were further defined and synthesized. This process involved writing up several drafts of the thematic analysis, reviewing and reorganizing the themes, followed by additional definition and re-writing. The thematic analysis revealed that aside from reporting on correctional developments in Canada, the newsletter developed three main discourses: 1) The discourse of modern penology; 2) The discourse of treatment and training; and 3) The discourse of the reformed inmate.

To examine the discursive dimensions of the main themes, and the ideologies and power relations they expose, several aspects of the text were examined, as proposed by van Dijk (1993):

- a) **The setting and positionality of the discourse and the participants** (who has access to the discourse, who has the power to communicate through it, and how does it give them power and authority?)
- b) **The social meaning of the discourse** (how does the discourse function beyond linguistic communication to express or convey political meaning?)
- c) **The macro-semantics of the discourse** (how does the discourse convey underlying norms, values, and hegemonies?)
- d) **The local meaning and coherence of the discourse** (what is the point of view of the discourse and what are its implications, presuppositions, and underlying assumptions?)

Concluding Remarks

The use of de-colonizing methodologies to guide the study, and the application of CDA to *Federal Corrections*, enabled an examination of the “enactment of dominance in discourse production” (van Dijk, 1993, p. 262). Settler colonial genocide studies and de-colonizing methodologies compel us to decentre Eurocentric epistemologies and ontologies in our scholarship. In line with this approach, CDA exposes how discourses disseminate and reproduce ideologies, norms, and values, and the power structures that they maintain. To this extent, the analysis did not solely involve examining articles concerning Indigenous inmates directly, but rather, how colonial thinking infuses the correctional project.

Chapter Four: Critical Discourse Analysis

Initial thematic analysis of *Federal Corrections*, published between 1961 and 1969, revealed that through modern rehabilitative philosophies and the application of a treatment and training program, the goal of the correctional project during this era was to produce a reformed inmate, defined as a law-abiding and productive citizen. Therefore, the newsletter developed three main themes: 1. The discourse of modern penology; 2. The discourse of treatment and training; and 3. The discourse of the reformed inmate. The analysis offered in this chapter is comprised of four sections that expand on the three main themes identified, and a critical discourse analysis of the situated character of the discourses and how they maintain and reproduce structures of power. Throughout the analysis I examine the macro-semantics of the discourses of modern penology, treatment and training, and the reformed inmate as embedded within colonial ideologies, as well as the ways in which these discourses indicate an adaptive shift in power maintenance. I conclude with a discussion of what the discourses reveal about the structure of settler colonial genocide, as situated in the settler colonial mesh.

The Discourse of Modern Penology

The discourse of modern penology is grounded in the notion of liberal and progressive reform that emphasizes rehabilitation over punishment. This broad theme is exemplified by a greater concern for human rights, classification of the individual inmate, and the increased use of parole. Articles in *Federal Corrections* frequently discuss “Canada’s modern program of reform” (1964, v3, n2, p. 5). The articles highlight developments in the field of penology as influenced by the Fauteux Report and as guided by a national and political commitment to progressive and liberal principles. These guiding principles are expressed as a means to advance society as a whole. One such article states, “Care and treatment of the prison offender involves so many areas

of society that it will only advance as society advances. And society only advances as its citizens will to advance. Perhaps our prisons reflect our real will to advance in our social image” (1966, v5, n3, p. 5).

Therefore, the discourse of modern penology is relayed as producing the best possible outcome for both the inmate and Canadian society. To achieve these outcomes, modern Canadian penology, “in accordance with generally accepted, modern correctional principles” (1961, v1, n1, p. iii), is described as emphasizing scientific research aimed at the rehabilitation of the offender, rather than punishment, in order to reform “as large a number of inmates as possible” (1961, v1, n1, p. iii). A speech made by David E. Fulton, Minister of Justice and Attorney General of Canada at the Canadian Congress of Correction, and reprinted in a 1961 edition, calls for political co-operation between provincial and federal governments so that “this country” is able to develop “a good system of corrections” (1961, v1, n1, p. ii). The Minister goes on to state:

...we have embarked upon a program of penitentiary development that is designed to provide for Canada, in the shortest possible time, a penal system that is at least the equal of any in the world. The science of correcting the offender is developing rapidly. This bill² is designed to enable the Canadian Penitentiary Service to take full advantage of that science and to put it to full use on behalf of the people of Canada. (1962, v2, n2, p. 5)

The discourse of modern penology also places a great deal of emphasis on the merits of parole in its progressive reform efforts. Throughout the newsletter, articles advocate for the increased use of parole as a form of “progressive development” that will assist the Canadian

² 1962 Penitentiary Act

correctional system in its endeavour to become “increasingly liberal” (1961, v1, n5, p. 10). Furthermore, parole aids in the reformation and rehabilitation of offenders by educating them on appropriate behaviour within the community “as represented by the law and its due process” and allowing them to “re-acquire full status as a citizen” (1964, v3, n1 p. 5). As one submission by the National Parole Service of Ottawa states: “One of the basic realities of civilized social life is the right, the duty—indeed, the inherent necessity—of the organized community to establish and maintain, by force if need be, those minimum standards of behaviour that insure an orderly, stable community life” (1964, v3, n1, p. 5). In other words, modern penology is such that “society continues to receive [protection] by the detention of offenders” (1961, v1, n1, p. ii), yet by embracing modern liberal principles, the “reformable inmate” (1967, v6, n1, p. 9) is provided treatment and training so that he might “in due course, return to our society to live” (1961, v1, n1, p. ii).

It is evident in the newsletter’s depiction of modern penology that correctional reform followed in the footsteps of the broader trend of modern liberal governing logics. Yet systemic analysis of the textual and contextual properties enables us to draw out the power structures behind these discourses. The newsletter describes the correctional project as embracing modern liberal reform and human rights principles through which the inmate is provided treatment and training so that he might “return to our society to live” (1961, v1, n1, p. ii). Likewise, correctional reform is presented as being in the best interests of a united and singular nation-state. The speech made by the Minister of Justice, David E. Fulton relayed the political commitment required to fulfill the calls of the Fauteux Report—correction reform that is in the best interests of “this country” (1961, v1, n1, p. ii). As the Minister further elaborates:

The Government of Canada wants to see its correctional system established on a sound basis of principle. Only in that way can we have any real assurance that the money of the tax payer and the time and energy and devotion of workers in the correctional field are producing the greatest possible return in terms of the reformation and rehabilitation of those persons in our society who have given evidence of their inability to conform with the laws of the country. In principle the system must be based on reformation and not upon retribution. The system must be one calculated to bring out and to develop the best and not the worst in the offender. The system must be compatible with the Canadian character and the Canadian economy. It must take into account the Canadian climate and Canadian geography. In short, the system must be one created in Canada by Canadians for Canadians because almost without exception the persons who are dealt with by our system of corrections will, in due course, return to our society to live, perhaps in our town, in our neighbourhood or on our street. (1961, v1, n1, p. vi)

To begin an analysis of the discursive dimensions of a text and the norms, values, and ideologies it exposes, it is necessary to first examine the setting and positionality of the discourse and the participants (van Dijk, 1993). The Minister of Justice and Attorney General of Canada speaks from a position of dominance within a centralized authority—the Canadian Federal Government. From his position of dominance, he addresses both leaders and employees of the Canadian Corrections system who are attending the Congress of Correction and who have the power to direct the correctional project. Access to the genre in which the speech was given (the Congress) as well as its reprint in *Federal Corrections*, indicates that the discourses relayed in the newsletter are reflective of political decision-making.

The topic of the text also has sociopolitical implications (Fairclough, 2013; Foucault; 1977; Foucault, 1990; Jørgensen and Phillips, 2002; van Dijk, 1993). From his position of dominance within the federal government, the Minister refers to “our society,” a possessive pronoun that signals the Minister himself as participating in this society, as he defines and interprets it. Coupled with an emphasis on correctional reform that must be “compatible with the Canadian character,” “the Canadian economy,” the “Canadian climate and the Canadian geography,” and reform that is “created in Canada by Canadians for Canadians,” it is evident that the speech is not just about correctional reform. Rather, it is about the character of the nation-state; one that assumes a shared cultural and national cohesion. Embedded within this assumption are settler colonial ideologies that direct the hegemonic settler colonial project of “one nation.”

The assumption of a united, singular nation-state and a shared and cohesive Canadian culture presumes that no previous authority existed prior to Canadian government, or that no national cultures coexist within the state. This presumption invisibilizes the many Indigenous nations with distinct and unique governing institutions and cultural identities that actively resist inclusion in the settler-Canadian nation-state. The presumption of cohesion is, thus, firmly rooted in the ideology of civilization and progress and the construct of *terra nullius*—the myth of emptiness that assumes that non-European land is an empty, untamed frontier inhabited by no one or, if inhabited, by savages incapable of using the land according to colonial standards of settlement (Blaut, 1993; De Leeuw, 2009).

The discourse of modern penology further reinforces the ideology of civilization and progress in regular submissions that report on the history of corrections in Canada. One such reoccurring submission is the column “Notes from the Past,” intended to highlight the

progressive reform of the modern correctional system. A 1965 entry that discusses the work of Mr. D.M McLean, who helped devise a new graded inmate pay scheme in 1947, states, “the significance of this step forward in our penitentiaries should be apparent by now to all officers” (1965, v4, n2, p. 19). The article goes on to describe Mr. McLean’s travels across Canada to the various penitentiaries in order to promote this new scheme as an important development in the modernization process. In his description of travelling through the Prairie Provinces in the late 1940s, the myth of emptiness becomes apparent:

In mid-July the prairies were covered with a lush mantle of green, indicative of the bounteous harvest to be reaped by the hardy farmers of these western spaces. Alberta was throbbing with activity after years of economic slumber. The plains, which only a few years ago resounded to the noise of thundering buffalo herds, were now producing black gold in ever increasing quantities. Arriving in Prince Albert, Saskatchewan, I found this city to be the jumping-off place for trappers, prospectors, merchants and other intrepid souls who place their faith in the great open northland. (1965, v4, n2, p. 19)

The ideology of civilization and progress, and the construct of *terra nullius*, designates a sense of superiority to European agricultural and extractive land use and settlement projects (Francis, 1992; Miller, 1996). This superiority is indicated by discursive markers such as “bounteous harvest,” “hardy farmers,” and “throbbing with activity.” It is reinforced by contrasting the present state of progress, the “production of black gold,” with the previously uninhabited state that “resounded to the noise of thundering buffalo herds.” Thus, the dichotomy of European superiority and Indigenous inferiority is portrayed. In essence, settler colonial “civilization stands for what is illuminated, progressive, and decent” (LaRocque, 2011, p. 41).

The assumption of Indigenous lands as uninhabited and peoples as savage ascribes a sense of benevolence to European colonization as essentially gifting Indigenous peoples with civilization and progress; colonization appears as a benevolent project that contributes to the progress of humanity (Blaut, 1993; La Roque, 2011). The initial colonization project relied on the dichotomy between civilization and savagery as justification for policies of forced Indigenous relocation and assimilation in the Indian Residential School system (Francis, 1992; Miller, 1996; Milloy, 1999). For the Canadian government, the focus on modern liberal reform following World War II signalled an end to these assimilationist policies (Bohaker and Lacovetta, 2009; Leslie, 2004; Milloy, 2008; Peters, 2001; Shewell, 2004). Yet it is evident in the discourses produced by *Federal Corrections* that the implicit assumption remains. While the settler colonial project may have shifted, the ideology of progress, rooted in European superiority, is evident in the discourse of modern penology. Moreover, while the discourses may not advocate forced relocation and assimilation as a gift of civilization and progress, the discourse of modern penology is noted as a project that has been implemented “on behalf of the people of Canada” (1962, v2, n2, p. 5) which contributes to the progress of humanity. As one article discussing early correctional reform in 1951 explicitly states:

The study of human behaviour is still in its infancy and the “tools” for correction of the maladjusted are not too numerous. If we maintain flexibility of thought and search for areas in our work still untouched we shall not only enliven our task, but will contribute to the progress of humanity as a whole. This work does not cease with the closing bell at night or on pension day, but like most human problems, stretches far into infinity. (1965, v4, n2, p. 20)

Notably, *Federal Corrections* makes almost no mention of Indigenous peoples and does not address their steadily increasing numbers in the correctional system. The ideology of colonial superiority and civilization establishes a naturalness—an inevitability—to the destruction of Indigeneity as part of its modern march of progress (Francis, 1992; Manitoba Indian Brotherhood, 1974; Woolford, 2015). Correspondingly, from a CDA perspective, discursive omission renders populations and issues invisible (Fairclough, 2013; Henry and Tator, 2002). In the initial nation-building and settlement project, the belief of the doomed and disappearing “Indian tribes” dominated settler colonial thinking; artists in the nineteenth century who “chose to portray the Indian believed they were saving an entire people from extinction” by preserving them on canvas (Francis, 1992, p. 23). Similarly, an article in a 1967 edition of *Federal Corrections*, titled “Centennial Activities,” highlights the numerous celebrations and events at various federal institutions to commemorate Canadian Confederation. The article discusses a fashion show, “Portraits from the Past,” produced by the inmates and staff at the Kingston Penitentiary for Women. The fashion show is described as portraying:

...the Canadian woman’s mode of dress from that worn by Asin Aki, an Indian Chieftain’s wife to the lovely gown worn by a 1967 Queen for Centennial year. Produced in the interest of the Women’s Centennial Activities in Ontario by the Ontario Centennial Planning Branch, Portraits from the Past was a nostalgic reminder of our heritage. (1967, v6, n3, p. 16)

Another article that discusses the Centennial activities at Dorchester Penitentiary describes the inmates’ production of a historical book that covers “the history of the Maritimes from the birth of the first white child on North America to current points of interest in the four eastern provinces” (1967, v6, n2, p. 9). The book is divided into three sections, the first

“highlights events from the birth of Snorri, the Viking girl child of Thorfinn Karlsefni in the year 1007, to the year preceding Confederation,” while the second section covers “features of land, sea, legend, French, English, Indian, Coloured and White, exposing every facet of the complex Maritime culture” (1967, v6, n2, p. 9). Another article discussing a new training course for the inmates at Dorchester Penitentiary describes the “long-lost art” of “hand-sewing moccasins and similar type footwear” (1961, v1, n5, p. 3).

These tokenistic references to Indigeneity make up the bulk of the articles that speak to Indigenous peoples in *Federal Corrections* and demonstrate the ways Indigeneity is relegated to an uncivilized past, in contrast to the civilized progress of modern penology. The minimal number of articles demonstrates the use of discursive omission as an implicit reflection of the “the inevitable disappearance of the Indian” (Francis, 1992, p. 22). Yet there is one striking article that explicitly reflects the notion of a doomed people headed for extinction. An article titled “Indian Educational Club” discusses a new program designed for Indigenous inmates at the British Columbia Penitentiary; “an organization within a Canadian penitentiary, whose aim is to educate its membership into extinction.” The programme, designed in joint effort by the Related Training Instructor and Indian Affairs, is described as an educational program that “is geared to broaden the scope of each member of the club in the realm of general, rather than academic, knowledge”. Therefore, topics discussed include: “Sex Education; the Universe; How man began; Municipal, federal, provincial, and world government; Religions of the world, Insurance of all types, etc.”. The educational purpose of the club is further elaborated on:

Outside clubs and groups interested in the North American Indian have become involved with inmates in the Indian Affairs program. Discussions include the many problems that

face the Indians in general and, in particular, the problems facing an Indian upon release from prison. (1966, v5, n3, p. 16)

The overt reference to extinction in the newsletter's only mention of Indigenous inmates, one that assumes Indigeneity is inevitably fading away, offers an exceptional representation of colonial ideological embeddedness within the discourse of modern penology and, by extension, the correctional project. No such other explicit discourses were evident in the analysis. Rather, the modern liberal discourses of reform that emphasize human rights, classification, and the use of parole, reveal a shift in governing logics. When applied to the program of rehabilitating and reforming the inmate an article states that within modern penology, "the correction of inmates is based on a humane approach towards a human being—a human being who has been deprived of his civil rights but retains his natural human rights and dignity" (1964, v3, n1, p. 9). Furthermore, a correctional system that focuses on human rights treats the inmate "as an individual and not merely as another number" (1965, v4, n2, p. 20).

Therefore, while normalizing early European notions of civilization and progress that explicitly rely on race-related certainties of Western superiority and Indigenous erasure, the discourse of modern penology also aligns with, and reinforces, a modern liberal logic of universal individualism (a common citizenship in a hegemonic nation state). This modern liberal logic of individualism is defined as emphasizing principles of human rights through the adoption of policies that acknowledge the needs of the individual inmate through classification and the use of parole. The notion of human rights is defined as a "common responsibility" (1962, v2, n1, p. 15) that will serve "the progress of humanity" (1965, v4, n2, p. 20). An article titled "Research on the Psychological Effects of Punishment" exemplifies this assertion:

It has become more and more obvious that to use this form of punishment effectively it is of the utmost importance to know what we do to a man when we take his liberty from him. This is particularly pertinent at this stage in history where we regard freedom as our most-cherished possession, as shown in our development of codes to protect individual liberty, and our preoccupation with human rights. These ideas are more and more integrated into our political constitutions and legal codes. The fundamental tenet remains that deprivation of liberty should be the last resort instead of the first expedient... The place of man is in his society and not in enforced isolation. (1965, v4, p2, p. 16)

Classification and segregation within maximum, medium, or minimum security institutions, within the discourse of modern penology, is defined as a way to provide the best possible outcome for the inmate based on individual human rights. As an article titled "Taking a Fresh Look at Correctional Institutions" states, "All prisoners are individuals and need to be treated as such, and we are more capable of treating them as individuals the more we are able to segregate them into small effective group units" (1964, v3, n2, p. 12). Another article describes the classification process for new inmates as involving psychological tests that include intelligence, projective personality, and vocational aptitude testing, followed by an interview with the inmate; this classification process "compiles a complete and comprehensive social history on the inmate and relates this social history to his psychological test results thus determining what treatment and vocational training is necessary (1961, v1, n3, p. 10).

It is evident in these excerpts that modern penology reinforces modern liberal principles of individualism. Modern liberal reform following World War II adopted notions of human rights and freedom through the implementation of policies and programs that emphasized the rights and responsibilities of citizenship (Bohaker and Lacovetta, 2009; Ferry, 2008; Mckay,

2010). This new Canadian citizenship was “defined in terms of a common set of values—democracy, freedom, liberalism” (Bohaker and Lacovetta, 2009, p. 432). In like manner, the discourse of modern penology emphasizes the classification of the individual inmate and the increased use of parole as a program so that “the correction of inmates is based on a humane approach towards a human being—a human being who has been deprived of his civil rights but retains his natural human rights and dignity” (1964, v3, n1, p. 9). Furthermore, the goal of modern liberal correctional reform is described as the rehabilitation of inmates so that they might “take up their places in our free society as law-abiding citizens” (1961, v1, n4, p. 1). Here again, the use of the possessive pronoun to describe “our free society” assumes a shared cultural cohesion that establishes a connection between individual human rights, modern liberal reform, and integration.

Yet, as previously discussed, modern liberal reforms during this era produced contrasting outcomes for settler-Canadians and Indigenous peoples. In fact, Indigenous resistance movements exposed the ways in which integration policies, which culminated in the introduction of the infamous White Paper, echoed earlier assimilationist policies aimed at the very destruction of Indigeneity (Bartlett, 1988; Crane Bear, 2015; Leslie, 2002; Milloy, 1983; Milloy, 1999; Milloy, 2008; Titley, 2004; Weaver, 1981; Wilkes, 2006; Woolford, 2009; Woolford, 2015). Therefore, it is evident that notions of modern liberal human rights reform within the discourse of modern penology reflect an adaptation in settler colonial governing logics; a shift from settler colonial ideologies of progress and civilization toward the rehabilitation and integration of the individual citizen within a modern liberal society.

The Discourse of Treatment and Training

The discourse of treatment and training relies on that of modern penology. An emphasis on human rights demands that appropriate treatment and training provide equal opportunity and access to re-entry into democratic society. Through classification of the inmate as an individual, criminality is further defined as “one aspect of an all-embracing personality defect which permeates the whole life” (1965, v4, n2, p. 16). The discourse of treatment and training, therefore, identifies the “main problem in Correction [as] the aberrant personality of the offender and its treatment” (1961, v1, n5, p. 11).

On occasion the newsletter reports that rehabilitation requires three main avenues of treatment and training—academic education, vocational training, and counselling—in order to “appeal to the better instincts of the human being, and to draw out the good but latent aspirations that may be beneath the surface” (1968, v7, n3, p. 10). This description of the treatment and training program is defined as consisting of “four progressive stages, with steady advancement through all stages” (1968, v7, n3, p. 11). Stage one involves psychological assessment and classification of the inmate, orientation of the inmate to the institutional environment, and counselling of the inmate as to the function of the institution. Stages two, three, and four involve increasing adult and academic education, pre-employment industrial and theoretical training, and the privilege of recreational activities. In summation, the four stages of the program and three main tenets of rehabilitation (education, vocational training, and counselling) are described as providing the “basic elements of life in a normal society” (1968, v7, n3, p. 11-12).

However, the majority of articles that discuss the treatment and training program emphasize religious programming, vocational training, and cultural education. Academic education is given little attention; rather, the main theme threaded throughout the discourse of

treatment and training is resocialization through religious, vocational, and cultural training of the inmate so that he might regain a sense of “harmony with conventional society” (1964, v3, n1, p. 2).

Religious Programming

The newsletter highlights the many Protestant and Catholic programs and events within the various federal institutions. Programming and events include weekly religious services, appropriate services to mark major Christian holidays, bible study, individual counselling, and sponsored programming such as Alcoholics Anonymous. Yet in the context of treatment and training, religious education extends beyond spiritual services. Religious morality provides “deep insight into the problems in the custody, treatment and rehabilitation of criminals” (1964, v3, n1, p. 7).

Within the discourse of treatment and training, religious programming is given considerable merit as “an important and vital aid to the successful rehabilitation of inmates” (1962, v2, n4, p. 4). An article titled “Institutional Religious Instruction a Success” highlights the reformatory value of a course provided to the inmates of the Saskatchewan Penitentiary in which spiritual knowledge is intended to prepare the inmates for their return to society (1963, v3, n4, p. 2). This type of religious programming is described as a means for the inmate to rediscover “a normal social life” (1964, v3, n1, p. 11) through resocialization in “the Christian way of life” (1963, v3, p3, p. 4). Successful rehabilitation is often described as conversion to the Protestant or Catholic faith. For example, an article titled “Inmate at Leclerc Baptized, Confirmed Before Being Paroled” describes how a “former inmate at Leclerc medium security Institution at St. Vincent de Paul was not only baptized while inside but received his confirmation into the Roman Catholic Faith on the eve of his parole” (1962, v2, n1, p. 18). Another article titled, “From

Convict to Convert: Former Inmate Returns to Collin's Bay to Preach Service" writes how one inmate's "acceptance of religious Faith had turned him from a life of crime to the life of a Christian missionary" (1962, v2, n4, p. 3).

In another submission of the reoccurring series "Notes from the Past," the modern vision of treatment and training is attributed to the first Roman Catholic Chaplain of the St. Vincent de Paul Penitentiary in 1873 and his thinking on penology that provided "deep insight into the problems in the custody, treatment and rehabilitation of criminals" (1964, v3, n2, p. 19). The article further claims that "his heritage of wisdom and understanding was reflected later on in the recommendations of the Archambault and Fauteux Commissions." The article goes on to quote Father Leclerc, in an annual report to the Department of Justice, on discipline as it applies to the rehabilitation of the inmate:

By discipline, I understand the whole system of laws and rules in force in the Penitentiary, which laws and rules must be so made and applied as to act on the convict, to encourage him to do well, to turn him away from evil, and thus to change a perverted and dangerous character into a useful and respectable citizen. Discipline in a penitentiary must be directed not so much to punishing the past faults as to preventing the culprit from falling into the same faults in the future. (1964, v3, n2, p. 19-20)

This excerpt, first and foremost, demonstrates the ways in which the religious institution is intertwined with the correctional institution. Furthermore, the genre of the text, a report to the Department of Justice, demonstrates Father Leclerc's positionality of dominance within the federal governing authority. The accolades bestowed on him and the impact of his philosophies on correctional reform are reflective of the church's influence on political decision-making. Thus, religious philosophy within the discourse of treatment and training has sociopolitical

implications; it demonstrates the ways that settler colonial ideologies are embedded in the correctional project.

Rooted within the ideology of civilization and progress is the assumption of the superiority of Western morality (Miller, 1996; Milloy, 1999; Woolford, 2015). Christian morals directed the sense of benevolence attributed to the settler colonial project as well as the assimilationist ideals to which the system adhered. In fact, the concept of assimilative residential schooling was first introduced by missionaries who opened boarding schools across Canada as early as the 1600s in order to convert Indigenous populations to Christian morals and ways of life. These efforts were later adopted by settler colonial governing authorities in the forced assimilation of Indigenous children in the Indian Residential School system, also administered by Protestant and Catholic churches (Miller, 1996; Milloy, 1999; Woolford, 2015). The requirement of religious programming at each federal institution, in both Protestant and Catholic faiths (Government of Canada, 1951), and the merit given its influence in the newsletter are evidence of the continued influence of Christian Western morality in political governance and reform.

Western moral superiority is also evident in the gendered nature of correctional programming. Articles in *Federal Corrections*, much like correctional reform during this era, largely ignore the female offender. Only a handful of articles speak to the Home Economics training program at the Kingston Penitentiary for Women. Training programs for female inmates discussed in the newsletter speak to this newly developed program of training. An early article in a 1961 edition reports on “Home economics cottage construction underway” (1961, v1, n5, p. 15) while a 1965 edition reports on its success:

The idea for this type of training, so necessary in the life of every woman, was conceived by Superintendent, Miss Isobel Macneill, in 1961. Practical, on-the-job training for a sufficient length of time leaves indelible tracings that remain long after the theory is forgotten. If practiced regularly, it becomes a way of life. The majority of inmates in the Prison for Women, like their counter-parts the world over, will be spending a large portion of their life in a kitchen or doing house-work in other rooms. To run a home successfully, certain “tricks of the trade” must be mastered. What better training, it was felt, would prove more beneficial to potential home-makers than Home Economics? (1965, v4, n3, p. 1)

The few articles that speak directly to female inmates’ domestic training explicitly draw on gendered roles of domestication that reflect a settler colonial model of “feminine piety” (Predelli, 2007, p. 82). Western notions of gendered domesticity and morality informed both early missionary attempts at Indigenous conversion as well as the assimilationist project in the residential schools (Miller, 1996; Milloy, 1999; Pickles and Rutherford, 2007; Woolford, 2015). Settled missionary communities, missionary boarding schools, and residential schools provided a moral standard of pious domesticity that focused on agricultural-based settlement and educating women and girls in “the virtue of cleanliness” and “Christian homemaking” (Perry, 2007, p. 114).³

Yet the discourse of treatment and training also indicates an adaptation in governing logics. While maintaining the gendered division of labour, a critical analysis reveals a blending of settler colonial ideologies (superiority, morality, progress, and civilization) that justified the

³ While this gendered analysis is admittedly brief, a full discussion of the gendered context of the newsletter is beyond the scope of this project. As such, it presents as both a shortcoming of this analysis while also introducing potential for future research.

initial project of settlement and assimilation, toward the integration of (male) inmates into a modern liberal economy through cultural education and vocational training.

Cultural Education and Vocational Training

A minimal amount of discussion is dedicated to academic education in the newsletter and those who do note it emphasize primary education. Rather, the main thrust of educational training is cultural resocialization. That is to say, within the discourse of treatment and training with its end goal being the reformed inmate, education involves addressing the shortcomings of individuals by preparing them to “live as normal citizens” (1964, v3, n1, p. 11).

Cultural education in the correctional program is described as instilling a sense of responsibility to the betterment of oneself, relationships with others in society, and society itself as a responsible citizen. As an article submitted by the Education Department at Collins Bay Penitentiary states, “Our school’s primary goal is not scholastic proficiency in English, Mathematics, Spelling etc., but to tear down the anti-social attitudes generated from the inmate’s educational deficiency and feeling of social inferiority.... Our objective is the socialization of the inmate, the readjustment of his personality, and the development of his character” (1967, v6, n3, p. 7). The article goes on to elaborate on the definition of correctional education:

Correctional Education must improve an inmate’s attitude towards himself and others, or it fails—regardless of the amount of book-learning or the number of trade skills the inmate acquires. Discussing institutional living and society’s norms constitute ‘Social Education’. However, the teacher concentrates mainly on human relationships; parent to teacher, student to teacher, employee to employer, inmate to officer, marital relationships and responsibilities, importance of rules and regulations, freedom in a democracy, good citizenship etc. (1967, v6, n3, p. 8)

Similarly, as an article titled “Role of Correctional Education With-in the Canadian Penitentiary Service” aptly puts it:

The prison situation from the educational viewpoint is complicated, yet unified by a clearly held point of view. It carries through every activity of the institution, into its recreational organization, its religious training, its social relationships, its leisure training program, its maintenance and industrial activities, even its administrative routine. It asks that all function in the light of the rehabilitation motive and that all contribute to the personal and social regeneration of the institutional population. (1968, v7, n2, p 5)

The connection between treatment, training, and cultural resocialization is further reinforced in the newsletter’s devotion to issues of inmate responsibility in the form of self-directed reformation as well as the resulting rights and responsibilities of citizenship upon release. The aim of inmate counselling is described as “showing the man that the position he has acknowledged is inconsistent with his life in the future, that it endangers his future freedom and that he will have to alter himself” (1964, v4, n4, p. 3). The treatment and training program, therefore, is one that is meant to “assist the inmate to have self-control, self-reliance and self-respect” (1964, v3, n2, p. 7).

Modern liberal values are integrated throughout the resocialization process of cultural education and vocational training; the main thrust of the modern treatment and training program is one that assists the inmate to develop “initiative on a similar scale as under free enterprise on the outside” (1965, v4, n2, p. 18). For example, an article about the William Head Institution’s Rocky Point project, an inmate on-the-job training program, reports, “From the institution’s point of view, this work has prepared the inmates for a normal day’s work, thus helping them to become more readily assimilated into society upon discharge” (1963, v3, n4, p. 3).

Furthermore, while assistance is provided in this rehabilitative process, the program is defined principally as one meant “to give inmates much more responsibility for their own development” (1962, v2, n2, p. 9). Accordingly, as an article titled “Canada Moving into Lead in Prison Reform” that heralds the accomplishments of the modern treatment and training programs elaborates:

Reform is based on two principles, Mr. Smith said. One is that wrongdoers are sent to prison as punishment, not for punishment; the second is that while they are confined, every effort is made to exploit their individual potentialities in training with the object of returning to society useful citizens who will accept their responsibility as such. (1963, v2, n4, p. 6)

Thus, treatment and training involve both cultural education and vocational training in order to educate the inmate on the rights and responsibilities of citizenship upon release. The connection between individual responsibility and citizenship is also defined within the discourse as the successful application for parole: “The function of the Parole Board is to select those inmates from the various prisons in Canada, who give some indication of their intention to reform and assist them in doing so by a grant of a parole. It is simply a matter of trying to help those who want to help themselves” (1962 v2 n1 p 8).

Within the discourse of treatment and training, vocational training also provides “valuable rehabilitation” (1962, v2, n5, p. 6) through resocialization. The main types of training discussed throughout the newsletter include courses on barbering, brick masonry, carpentry, electrical, machine shop, sheet metal, motor vehicle repair, prospecting and mining, and welding. Additionally, several minimum security institutional farm and work “satellite” camps (1961, v1, n4, p. 5) are highlighted as directed training toward the goal of reforming, rehabilitating, and

resocializing inmates. Articles that discuss the merit of vocational training emphasize the development of initiative required to succeed in the “free enterprise on the outside” (1965, v4, n2, p. 18).

Productive time management is also emphasized and, more precisely, the development of work ethic. Through the appropriate use of time and the adoption of a work ethic, the released inmate will be “better trained [and] equipped to take his place as a useful and constructive member of society” (1961, v1, n1, p. v). As one opinion piece by an institutional staff member states:

The inmate should understand that there is nothing more precious than time and that no one has an unlimited supply of it. Wasted hours, days, and months will destroy his life. He must be encouraged to use his time while he has it and to make something of himself. (1963, v3, n4, p. 16)

To become useful and productive citizens, inmates are equipped with on-the-job training in the form of an eight-hour workday, which resocializes “the inmate to the demands of employment in free society” (1966, v5, n1, p. 3). There are two main avenues of on-the-job training in the articles. First, it provides the labour necessary to “keep the institution operating effectively” (1961, v1, n5, p. 6), including food production and preparation, building and lawn maintenance, and the construction of new facilities. Second, industrial labour is used to manufacture equipment for “non-profit public institutions” such as playground equipment for public schools. Within the discourse of treatment and training, on-the-job training is effectively two-fold: industrial programs “provide valuable rehabilitation training for inmates and much-needed equipment for the nation’s [institutions], without encroaching upon or adversely affecting existing private industry in Canada” (1962, v2, n5, p. 6).

The presumption that successful rehabilitation involves the adoption of Western morality and modern liberal work ethic in preparation for integration into the capitalist economy relays elements of both settler colonial ideologies as well as a modern liberal governing logics. In the early settler colonial project, religious programming was explicitly promoted as a tool for the eradication of Indigeneity (a barrier to settlement and progress), first in missionary and later, in federal residential schools (Francis, 1992; Miller, 1996; Milloy, 1999; TRCC, 2012; Woolford, 2015). Following World War II and the adoption of human rights philosophies, the explicit use of violent dispossession and forced assimilation were regarded as unacceptable in the new “international climate of racial tolerance” (Tennant, 2011, p. 122). Therefore, Canadian policies of violence and assimilation were replaced with a new governing logic of integration (Blanding, 2013; Bohaker and Lacovetta, 2009; Tauri and Porou, 2014). Government-initiated reports and policies between 1950 and 1970 focused on the need for Indigenous self-help and community development initiatives, all of which were meant to promote a smooth transition into full citizenship and participation in Canadian capitalist society (Bohaker and Lacovetta, 2009; Leslie, 1991; Peters, 2001). Yet the project of integration facilitated a new technique of Indigenous eradication (Blanding, 2013; Bohaker and Lacovetta, 2009). This new form of “White Paper liberalism” merely rebranded assimilative policies associated with the “Indian problem” with policies and programs promoted as assisting Indigenous peoples so that they might integrate into mainstream, settler-Canadian society and its capitalist economy. Modern liberal reform policies that enforce a hegemonic Canadian national identity necessitate the erasure of Indigenous difference, nationalism, and specificity (Blanding, 2013; Bohaker and Lacovetta, 2009; Tauri and Porou, 2014). Therefore, these modern liberal policies of integration were equally rooted in

the premise of European superiority with the aim of Indigenous elimination (Crane Bear, 2015; Tauri and Porou, 2014).

Likewise, the discourse of treatment and training highlights a similar rebranding within its reformed correctional project. While incorporating some colonial constructs of European settler superiority—namely, in its use of Western moral religious training—modern correctional treatment and educational programs also reinforce broader modern liberal reform efforts. The discourse of treatment and training reinforces modern liberal settler-Canadian ideologies, norms, and values through “social regeneration” (1968, v7, n2, p. 5) that is intended to instill in the inmate a personal responsibility to “alter himself” (1964, v4, n4, p. 3). This alteration requires that the inmate develop a sense of individual responsibility, self-reliance, discipline, initiative, and work ethic, all of which will provide successful reintegration into the Canadian capitalist economy as a productive and useful citizen within a hegemonic nation-state (Crane Bear, 2015; Tauri and Porou, 2014).

An article that exemplifies these arguments titled, “Prisoner of Society, a Psycho-social Study of Captive Man,” discusses the psychological impact of incarceration and the “problems of the inmate society” which are: 1. Loss of place or territory; 2. Loss of social status; 3. Loss of individuality; 4. Loss of possessions; 5. Loss of privacy; 6. Loss of communicability; 7. Loss of freedom; and 8. Loss of matured sexual meaningfulness and love values (1966, v5, n2, p 3). Taken inversely, this article concisely describes the ideal free society. That is to say, by noting the problems of the inmate society, one can deduce the ideological constructs that a law-abiding and productive citizen—the “reformable inmate” (1967, v6, n1, p. 9)—must adopt through treatment and training.

Inverse analysis reveals that the tenets of “free society” reinforce the ideological constructs of modern liberal society: private property, individualism, and the free market (McKay, 2010). To begin, the “loss of place or territory,” as a problem of the inmate, inversely conveys the value of private property. It states: “Why is territory so important? There is no answer, but it appears that animals and humans have a certain predilection for a certain space on this planet’s acreage, an almost constitutional endowment” (p. 3). Similarly, the problem of “loss of privacy,” in which the inmate resents “the unimportance of himself and his own private life” (p. 4), attributes value to the notion of private property and individualism.

The value of individualism is also conveyed in the problem of the inmate defined as “loss of individuality.” It states, “The problems of having no identification are so overwhelming that the inmate will try to become different.... He may tattoo himself like his primitive ancestors so that the rest of the tribe will know he has these marks of a ‘great warrior’—marks of distinction” (p. 3). Additionally, explicit discursive markers, such as “primitive ancestors” and “tribe” denote a civilized characteristic to the ideal citizen who has adopted the notion of individualism in relation to modern liberal values.

Modern liberal values emphasize the individual’s right to pursue prosperity in the free market (McKay, 2010; Schuck, 2002; van Oorschot et al., 2008). This construct is evident in the problem of the “loss of social status,” in which inmates are described as “individuals whose own social values are poorly defined,” while the reformed inmate is described as one who will pursue “a social level above the prison inhabitants” and who “is condemnatory of [prison inhabitants’] values and knows that he is getting ready for his role in responsible society” (p. 3). Similarly, the problem of the “loss of possessions” inversely attributes a sense of naturalness to liberal capitalist pursuits in the free market: “Possessiveness is one of man’s primitive characteristics. It

implies a subconscious desire to have the material substance of one's own. Our society is geared upon possessive collectivism, the real basis of democratic life" (p. 3). Indeed, as the article further relays, "to possess in our society is to have power" (p. 4).

The Discourse of the Reformed Inmate

Building on the previous discourses, the reformed inmate is defined throughout the newsletter as one who has successfully adopted the principles of modern penology, has responded appropriately to the treatment and training program, and is able to live as a "law-abiding citizen" (1967, v6, n3, p. 12). Dr. Jean Garneau, Assistant Director of Inmate Training, Penitentiary Services Headquarters who is cited in a 1967 edition succinctly defines the "reformable inmate" as:

... one with enough potential for learning social norms that, with proper guidance and training, he will be able to become a law abiding citizen. For the offender with high potential, the effect of sentencing and the learning of a trade may be sufficient to bring about resocialization. If, however, he is seriously deficient in social adjustment or some personality traits, he will need considerable professional counselling. The man who feels that society is against him and that therefore he must fight for what he gets will take a long time before accepting the fact that we want to help him. (1967, v6, n4, p. 9)

The newsletter contains numerous inmate success stories that build on the discourse of the reformed inmate. One such story, printed in a 1968 edition, is meant to demonstrate the ways the reformed inmate has accepted the rehabilitative values of modern penology. The letter, addressed to the Warden, describes the inmate's success in acquiring a well-paying welding job after having participated in the welding program in the Collin's Bay Penitentiary. The letter demonstrates how the reformed inmate is one who has adopted modern liberal values of

responsibility, work ethic, and the free market. He attributes this success to the treatment and training program he undertook while incarcerated. The reformed inmate readily accepts the responsibilities of citizenship and occupies a place in a capitalist economy, as a productive member of democratic, modern liberal society. He states:

I write this so it may encourage another inmate taking a trade to be encouraged by it. The sooner a prisoner discovers that the world owes him nothing the better. I myself have been rehabilitated a hundred fold, and have no desire to break the law ever again. So this reform bit does work, but a man must also help himself. While I was there I made 99 percent of my time useful, the rest was sleep. It has paid off with an honest living. (1968, v7, n3, p. 6)

The connection between the reformed inmate and the adoption of modern liberal values of responsibility, work ethic, and the free market is also exemplified in news stories that highlight a job-well-done. These articles detail the success of the treatment and training program by providing examples “of inmates on the road to absolute social acceptance, not for what they have done, or what they are, but for what they can do if they so direct themselves” (1962, v2, n1, p. 4). Examples include articles that highlight successful graduates of institutional vocational training as receiving a “passport to success as a law-biding, useful citizen” (1965 v4 n4 p. 5) and on-the-job training that displays “terrific effort with satisfactory results” (1961, v1, n5, p. 15).

For example, an article titled “Special Collapsible Cots Mass Produced at Leclerc” quotes government inspectors’ satisfaction with the work performed at the institution: “The quality of your product is equal to, if not superior to any manufacture of the same type run by civilians. We have seldom seen a manufacture where the morale and the ‘esprit de corps’ are so apparent” (1962, v2, n1, p. 11). Another article titled, “Santa Parade a Great Success,” highlights the work

of the Collin's Bay and Kingston Penitentiary inmates' repair and construction of floats without which the parade would have been cancelled: "Their efforts—between Collin's Bay and Kingston Penitentiary seven floats were entered—along with reams of publicity from the Kingston Whig Standard, encouraged other groups to donate their time and effort—a sound contribution" (1962, v2, n1, p. 13).

The reformed inmate is someone who has successfully adopted the principles of modern penology (classical European ideologies and modern liberalism), has responded appropriately to the treatment and training program (modern liberal values and norms), and is able to live as a law-abiding, "useful and productive member of society" (1962, v2, n1, p. 1). The reformed inmate is defined as one who has been "restored to society able and willing to function as a constructive citizen" (1966, v5, n3, p. 8). Yet the notion of citizenship is not without its ideological underpinnings. The ideal of citizenship is laden with Western European ideologies, dating back to classical Greek political culture (Beiner, 1995; Turner, 1993). While differing perspectives have developed over time, the basic notion of citizenship is inextricably linked to the framework of the modern nation-state and is based on assumptions of a shared cultural cohesion; "a community of free citizens" (Heater, 2004, p. 5). Citizenship, therefore, represents a form of social membership (universal individualism) in which nationality is the "primary source of identity for citizens in contemporary democratic states" (Miller, 2000, p. 6).

Modern liberal citizenship is based on the principle of individual human rights and responsibilities. Citizens receive universal benefits from the state such as the right to property and free market, the right to vote, and the right to certain social benefits. In return, the responsibilities of the citizen involve submission to state authority and the duty to play an active role as a productive member of the community (Beiner, 1995; Bohaker and Lacovetta, 2009;

Heater, 2004; Hurenkamp et al., 2012; Stenson, 2000; Turner, 1993). As Heater (2004) states, “Good citizens are those who feel an allegiance to the state and have a sense of responsibility in discharging their duties [through] civic participation” (p. 2).

However, as Stevenson (2000) notes, the notion of citizenship within a nation-state paradigm relies on the ideology of *terra nullius*, and therefore relies on the erasure of Indigenous difference:

The notion on the part of colonizing powers, that the lands which they sought to occupy were in fact empty, was a convenient political mythology which permitted the automatic identification of legitimate settlement with colonization and the unopposed rights of the dominant language, the dominant culture and the dominant class. Diversity and difference were ruled out by the subjection and exclusion of aboriginal communities from within the national community. (p. 13)

Similarly, Woolford (2015) draws on Bourdieu’s theory of cultural reproduction (1990), which argues that the key function of the educational system is citizenship training. For Woolford (2015), forced assimilation in the Indian Residential School system, as one bureaucratic component in the settler colonial mesh, was also meant to instill within the Indigenous student a Euro-Canadian (second-class) citizenship, inside the hegemonic Canadian nation-state.

Likewise, the discourse of the reformed inmate demonstrates how the modern liberal correctional project incorporated citizenship training as its primary rehabilitative focus. A quote from the Commissioner of Penitentiaries on the opening page of a 1967 edition of *Federal Corrections* encapsulates this sentiment,

The Penitentiary will not be a place where the criminal can hide from the public and forget his responsibilities as a citizen. It will be a place where he will learn the skills and develop the self-control that he must have before he can expect to be accepted as a free member of the world. (1967, v6, n2, p. 1)

In summation, the discourses of modern penology, treatment and training, and the reformed inmate reveal both a shift and a blending of classical liberal ideologies and modern liberal governing logics, and the infusion of these norms and values within the correctional institution. The critical analysis of the ways in which these discourses normalize and validate the settler colonial project exposes the power structure it maintains. The following discussion will synthesize the findings from the CDA within the framework of the settler colonial mesh and the ways in which this shifting and blending of ideologies and governing logics, as infused in the correctional project and in relation to disproportionate Indigenous incarceration, reveals a shift from assimilative to rehabilitative genocidal tactics.

Discussion: The Correctional Project and the Settler Colonial Mesh

Through a critical discourse analysis of *Federal Corrections*, it is evident that the correctional project between 1950 and 1970 reflects broader patterns of modern liberal Canadian reform. It was during this time that the Canadian federal government adopted a new form of liberalism in response to the disasters of the Great Depression and the Second World War, couched in rhetoric of human rights, equality, and freedom (Banting, 2004; Cutler, 2002; Deber, 2003). Yet, as Murakwa (2014) argues, while modern liberalism ushered in various policy reform initiatives in the United States, they were ultimately developed “within existing institutional and ideological arrangements” (p. 20). Accordingly, Canadian liberal reform during this era was directed by the macro-level relations of the settler colonial project (Brownlie, 2003;

Buckley, 1993; Dixon and Scheurell, 2002; Milloy, 2008; Paul, 2000; Shewell and Spagnut, 1995; Shewell, 2004). That is to say, the very same liberal reforms that served to appease the global human rights movement served to further entrench the ‘logic of elimination’ (Wolfe, 2006).

The majority of policy reforms during this era placed Indigenous peoples at greater risk of dislocation and deprivation (Duhamel, 2013; Milloy, 2008; Moss and Gardner-Otoole, 1991; Shewell, 2004; Silverman and Nielsen, 1994). Policies that touted citizenship and integration placed additional restrictions on, and barriers to, Indigenous cultural specificity, while policies that increased social welfare for Canadian citizens created a lack of opportunity and extreme poverty for Indigenous peoples. These multiple sites of visibility in both reserve communities and urban centres placed Indigenous peoples at greater risk of over-policing and incarceration (Balfour, 2006; Bennett, Blackstock and De La Ronde, 2011; Brownlie, 2003; Dixon and Scheurell, 2002; Duhamel, 2013; Jacobs, 2012; Johnson and Rodgers, 1993; LaPrairie, 1996; Milloy, 2008; Sangster, 1999; Sangster, 2002; Shewell, 2002; Sinha, Trocme and Fallon, 2000; TRCC, 2012).

Within this sociopolitical context, I argue that modern liberal policies of integration, equality, and citizenship were directed by the settler colonial project. As Bohaker and Lacovetta (2009) note, while prompting notions of democracy and freedom the concept of the “Indian problem” remained implicit in these new governing logics: “[This] one-size-fits-all Canadian citizenship [with] all its talk of respect, tolerance and common Canadian values, belonged to an ongoing project of white-settler nation building [and] the Canadian state’s historical agenda for the elimination of status Indians as a legal category” (p. 430 – 431). Modern liberal policy reform enacted between 1950 and 1970 facilitated Indigenous erasure by creating conditions of

marginalization, dislocation, and deprivation while, at the same time, creating barriers to Indigenous specificity, self-determination, and land rights.

In this thesis, macro-level relations within the settler colonial mesh can be understood as encompassing the Canadian Government's post-World War II modern liberal turn. It was during this era that the Liberal government began its campaign to develop a Canadian citizenship and national identity independent of Britain. This new Canadian identity (universal individualism) entailed a common set of values, including democracy, freedom, and liberalism, as well as the rights (free market and private property) and responsibilities (namely, to uphold liberalism) of citizenship (Beiner, 1995; Bohaker and Lacovetta, 2009; Heater, 2004; Hurenkamp et al., 2012; Turner, 1993). This macro level project would establish the framework for policies, at the upper-meso level, of citizenship and integration (Bohaker and Lacovetta, 2009; Ferry, 2008).

Modern liberal policies implemented at the upper-meso level included, but were not limited to, the 1947 *Canadian Citizenship Act* and the 1951 *Indian Act*. In this transition to modern liberal governing logics, the "Indian problem" was redefined in terms of an economically disadvantaged social group, struggling in their process of becoming Canadian (Bohaker and Lacovetta, 2009; Leslie, 1999; Milloy, 2008; Peters, 2001; Shewell, 2002; Shewell, 2004). Government and Indian Affairs policy initiatives emphasized Indigenous self-help and community development schemes that were intended to advance integration into mainstream Canadian society (Bohaker and Lacovetta, 2009; Leslie, 2004; Milloy, 2008; Shewell, 2004). Additionally, while the 1951 *Indian Act* lifted some earlier restrictions, the major features of the reformed Act continued to place restrictions on Indigenous peoples—who were constructed as a homogenous group requiring surveillance and management—rather than acknowledging their claims of self-determination, self-government, and land rights (Bartlett,

1988; Bohaker and Lacovetta, 2009; Duhamel, 2013; Lawrence, 2003; Leslie, 2002; Leslie, 2004; Loppie, Reading and de Leeuw, 2014; Milloy, 2008; Monture-Angus, 1996; Shewell, 2005).

Concluding Remarks

Through critical discourse analysis of Canadian Corrections discourses, it is evident that the correctional project between 1950 and 1970 cannot be conceptualized as separate from the structural relations of settler colonialism. I argue that the federal correctional governing institution at the upper-meso level facilitated an adaptation of settler colonial genocidal forces by furthering Indigenous cultural destruction through assimilation, rebranded as rehabilitation. The discourses of modern penology, treatment and training, and the reformed inmate reveal how the correctional institution, and its policies and programs, internalized settler colonial and modern liberal governing logics envisioned at the macro-level of the settler colonial mesh (Woolford, 2015; 2013). During an era when the “Indian Problem” was rebranded as one that required economic management of Indigenous peoples, policies and programs were put in place that promoted integration into settler society (Bohaker and Lacovetta, 2009; Leslie, 1999; Peters, 2001). These very same policies imposed policing and legal practises that were incompatible with Indigenous law and criminalized Indigenous peoples through reforms to the *Indian Act*, leading to their disproportionate incarceration (Bartlett, 1988; Duhamel, 2013; Milloy, 2008; Shewell, 2004). Once incarcerated in a colonial institution (the discourse of modern penology), the Indigenous inmate was then subjected to programs of rehabilitation that were founded in colonial ideologies and modern (settler) liberal norms and values (the discourse of treatment and training). The reformed Indigenous inmate necessitates the erasure of her or his cultural identity; a useful and productive Canadian citizen assimilated to modern liberal settler norms and values

(the discourse of the reformed inmate). Ergo, disproportionate Indigenous incarceration and rehabilitation furthers the cultural destruction of Indigenous peoples as a group.

The critical discourse analysis highlights an adaptation within the settler colonial mesh and a continuation of the genocidal process through modern liberal nuances to correctional reform. The discourse of modern penology reinforces settler colonial ideologies of Western superiority and the ideal of the hegemonic nation state. The discourse of treatment and training highlights a blending of settler colonial values with modern liberalism, emphasizing the rehabilitation of the individual through cultural education necessary for integration to settler society and capitalist economy. The discourse of the reformed inmate exemplifies successful rehabilitation through the adoption of modern liberal values, norms, and citizenship in the settler nation-state. The discourses, in summation, reveal how the correctional institution acts as one node within the settler colonial mesh by exposing the settler colonial power it maintains.

Conclusion

This thesis began by synthesizing modern liberal reform in the 1950s and 1960s that followed global human rights movements of equality and freedom, yet maintained classical liberal tenets of private property, individualism, and the free market. The shift in colonial/Indigenous policy relations, from assimilation to integration, yet still requiring the amalgamation of Indigenous peoples to settler society, demonstrated the move from classical to modern liberalism in the settler colonial context. Additionally, the continued dispossession and the heightened conditions of poverty, dislocation, and criminalization during this era exemplifies the structural nature of the settler colonial project. Guided by de-colonizing methodologies that aim to disrupt colonial regimes of power and theories of settler colonial genocide, I argue that modern liberal tactics employed by the correctional institution, within the structure of the settler colonial mesh, lend themselves to genocidal consequences; that is to say, the eradication of Indigeneity and assimilation to settler colonial national patterns, a genocidal technique as defined by Lemkin's (2002/1944) earlier work.

The critical discourse analysis of the *Federal Corrections* newsletter, as an emblematic document that highlights the sociopolitical dimensions of correctional reform, reveals how colonial thinking infuses the correctional project. The discourses of modern penology, treatment and training, and the reformed inmate align with colonial ideologies of progress and civilization. Furthermore, the analysis highlights the blending of colonial and modern liberal ideologies and the shift to modern liberal governing logics intent on forming a hegemonic Canadian national citizenry—modern liberal policies that are ultimately directed by the settler colonial project.

The thesis, in its entirety, demonstrates how settler colonial power operated in and contributed to the genocidal force of the rehabilitative era in penal reform between 1950 and

1970 and how correctional discourses were employed to validate and reinforce this power. For the Indigenous inmate, whose numbers were steadily and disproportionately rising due to conditions created by the very nature of the settler colonial project, treatment and training, structured on colonial and modern liberal ideological constructs, necessitates the loss of Indigenous culture, rights, and identity.

This study is not without its limitations. As noted in chapter four, while admittedly brief, a full gendered analysis of the discourses was not within the scope of this thesis and warrants further analysis in future research. Additionally, except in those instances where articles recount lower-meso level applications of policy, this thesis has primarily demonstrated how macro-level discourses were interpreted and implemented at the upper-meso, or institutional, level. The lower-meso and micro-levels, in their full complexity, are less accessible through these data and would benefit from further analysis in future research. Additionally, as noted in chapter three, de-colonizing methodologies emphasize community-based research, an objective that this thesis does not fulfill. However, in keeping with the transformative efforts of de-colonizing methodologies, this thesis is intended to challenge the institutions, ideas, and approaches we take for granted in a settler colonial society by exposing one historical adaptation of genocidal tactics. As Battell Lowman and Barker (2016) aptly put it:

Let us start with the historical recognition that Canada was forged by settler colonialism, and as a contemporary settler state maintains legal, political, and economic systems rooted in the settler colonial usurpation of Indigenous lands and the dispossession and disappearance of Indigenous peoples. More simply, Canada's present laws, politics, economic systems, cultures, and social practices are all to some extent rooted in the ideologies, practices, and histories of settler colonization (p. 47).

In closing, this thesis demonstrates how the disproportionate incarceration of Indigenous peoples between 1950 and 1970 act as one node in a broader settler colonial genocidal process. The analysis reveals how settler colonial genocide is a shifting form and how settler colonial power has the ability to alter its strategies, adapting to contextual forces in order to maintain power. In so doing, the analysis contributes to a more complex understanding of settler colonial genocide as rooted in the structural nature of the settler colonial project, which is ultimately maintained in contemporary settler society so long as its policies and practises necessitate Indigenous erasure. With an understanding of the structural composition of settler colonial genocide, grounded in de-colonizing methodologies, this research exposes and challenges the institutions that uphold and maintain the settler colonial project, in ally-ship to the deconstruction and dismantling work of de-colonization.

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