

# RESEARCH ARTICLE/ÉTUDE ORIGINALE

# Decolonizing Research on the Carceral in Canadian Political Science

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#### Abstract

In Canada, there is renewed attention to the violence experienced by Indigenous peoples in residential schools, by police, through hyper-imprisonment and child removal, in hospitals, and in the contemporary education system. All of these issues are interlinked and outcomes of the carceral state—defined as the policing, monitoring, surveillance, criminalization and imprisonment of people, especially Indigenous and other racialized peoples. In this article, I define and illustrate what the carceral state looks like in Canada. I articulate the current approach to studying the carceral in political science, note the paucity of research in the Canadian context and show where attention has been cast previously. I describe an improved approach to studying the carceral, arguing that a decolonized approach to studying the carceral must be relational and abolitionist, seeking to reduce and eliminate the use of carceral interventions.

#### Résumé

Au Canada, la violence subie par les peuples autochtones dans les pensionnats, par la police, par suite de l'hyper emprisonnement et l'enlèvement d'enfants, dans les hôpitaux et dans le système éducatif contemporain attire une attention renouvelée. Tous ces enjeux sont liés et résultent de l'État carcéral - défini comme le maintien de l'ordre, la surveillance, la criminalisation et l'emprisonnement des personnes, en particulier les autochtones et d'autres personnes racialisées. Dans cet article, je définis et j'illustre ce à quoi ressemble l'État carcéral au Canada. J'articule l'approche actuelle de l'étude de l'état carcéral en science politique, je note la rareté des recherches dans le contexte canadien et je montre où l'attention s'est portée précédemment. Je décris une approche améliorée de l'étude de la réalité carcérale, en soutenant qu'une approche décolonisée doit être relationnelle et abolitionniste, cherchant à réduire et à éliminer le recours à des interventions carcérales.

Keywords: carceral politics; abolition; decolonizing research; political science; Canada

Mots-clés: état carceral; abolition; recherche décolonisante; science politique; Canada

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In Canada, there has been recent public attention to residential school unmarked graves in multiple provinces (Gilmore, 2021), police-involved and -caused deaths of Indigenous peoples across Canada (Morin, 2021), the hyper-imprisonment of Indigenous peoples in both provincial and federal prisons (Gallant, 2021), the hyper-removal of children through the state guardianship system (Warburton and Paperny, 2021), the harmful treatment of Indigenous peoples in hospitals (Bilefsky, 2021), and more. All of these issues are interlinked and outcomes of the colonial and carceral state—broadly defined as the policing, monitoring, surveillance, criminalization and imprisonment of people, especially Indigenous and other racialized peoples (Gottschalk, 2008; Chartrand and Rougier, 2021).

Discussions of power and governance are a major tenet of political science, yet there is a lack of focus on the carceral. Political scientists in Canada, particularly settler political scientists, have not devoted much attention to carceral institutions. In the Canadian Journal of Political Science (CJPS), for example, there is only one work on imprisonment, authored by American political scientists Jon Hurwitz and Mark Peffley (2010) on the American criminal justice system. Scholars in other disciplines such as criminology, sociology and psychology have devoted more attention, in ways that can legitimate or trouble the status quo of carceral institutions. Those perpetuating carcerality include scholars and centres who partner with correctional institutions and call for reforms to allow for the continuation of carceral systemsfor example, through indigenizing prisons. This work is arguably not decolonial, as it upholds carceral institutions that are part of the past, ongoing and future oppression of Indigenous peoples.<sup>1</sup> Ojibwe political scientist Heidi Kiiwetinepinesiik Stark (2016) shows how the imposition of colonial law and punishment was used to suppress Indigenous resistance beginning in the nineteenth century. The suppression of Indigenous political action, through violence and threat of violence, continues (Dhillon and Parrish, 2019). Mohawk legal scholar Patricia Monture-Angus (1995) explains the continuing destructive effect of both the child welfare and criminal justice systems on Indigenous families and communities-systems that are predicated on the use of "punishment, force and coercion" (194). These systems continue to sever many Indigenous peoples from their families and communities.

Inspired by Nisha Nath et al.'s (2018) article on the state of Canadian political science and use of an intersectional anti-oppression lens,<sup>2</sup> I similarly focus on the state of Canadian political science and contribute by focusing on its engagement with carcerality. Nath and colleagues point out that Canadian political science is not incorporating an intersectional anti-oppression lens, despite efforts to tackle questions of diversity. They put forward a critique of the norms of mainstream knowledge production, noting this failure is significant, as "the future of [Canadian political science] lies precisely in challenging fundamental disciplinary commitments" (Nath et al., 2018: 623). I similarly argue that a focus on carcerality can ultimately strengthen Canadian political science by tackling important questions that occasionally dominate media, public concern and political discussion but about which the discipline is mainly silent.

Canadian political science analysis can bring a focus on power, governance, political behaviour, institutions and policy in the Canadian carceral context, centring decolonial work present in the discipline (Green, 2006; Stark, 2016; Starblanket and Hunt, 2020), enriched by closer engagement with practices and

concepts from critical literature in other disciplines, including sociology and critical criminology in Canada,<sup>3</sup> and building on American political science on carceral politics. American political science, while featuring a carceral politics subdiscipline, is situated in and speaks to a different political context.<sup>4</sup> Canadian political science is well positioned to do this work due to its commitment to decolonizing political research on the Canadian context, domestic political scientists working on topics of colonialism in Canada, and closeness (geographic and otherwise) to Canadian carceral institutions. In this article, I define and expand on what the carceral state looks like in Canada, identifying important concepts, including the carceral state and shadow carceral state,<sup>5</sup> and practices, such as partnership with criminalized peoples practised by some critical scholars in other disciplines. Drawing on a literature review of scholarly literature, grey literature, and media published in Canada and beyond, I articulate the current approach to studying the carceral in political science. I note the paucity of research in the Canadian context and show where attention has been cast previously. Then I describe an approach to studying the carceral for Canadian political scientists, arguing that a decolonized approach to studying the carceral should be relational and abolitionist. Such an approach seeks to reduce and eliminate the use of carceral interventions, and instead invest in community-led supports to help communities survive and thrive. The role of Canadian political science should include engagement in knowledge practice and relationships with people who have lived experience and actively identify and counter sources of exploitation. Such work is essential in developing transformative practice that counters rather than perpetuates carceral oppression.

## **Reflexivity and Method**

Reflexivity is the recognition of scholars as embedded in what they study and active in the production of knowledge, rather than objective observers (Foucault, 1977). I am a white settler scholar situated on the land now known as Canada, and I have not been criminalized or imprisoned. As a white scholar, I have significant privilege through "invisible systems conferring dominance on my group," advantages that are rarely acknowledged and also treated as "neutral" (McIntosh, 1989: 10). My privilege allows me to do this work, as "being of the main culture, I [can] also criticize it fairly freely" (McIntosh, 1989: 11). I have not experienced the institutional carceral harms that I write about, and instead experience protection and security in ways more often denied to Indigenous and racialized peoples. My understanding of these harms is through listening to the experiences of others, and is not my lived experience. I wrote this article as an uninvited guest in Kingston/Katarokwi on unceded Haudenosaunee and Anishinaabe territory (Murray, 2018). I have community-based relationships with criminalized and formerly imprisoned people, which influences my orientation to this research. From these relationships, I affiliate with penal abolitionist perspectives and efforts (Davis, 2003), and I am committed to the goal of transforming rather than reforming social, political and policymaking relationships. This orientation influenced this research, as I sought to centre Indigenous experts, particularly those who have been imprisoned, and to include testimony as a medium that is oriented to informing audiences, spurring action and seeking better futures.

With this orientation, I first sought the perspectives of Indigenous peoples currently or formerly imprisoned in Canada, through their written work and testimony. The Standing Senate Committee on Human Rights recently undertook a two-year study of the human rights of federally imprisoned people, publishing its report in June 2021. I went through the committee's witness transcripts and video recordings to learn from the testimony of currently and formerly imprisoned Indigenous witnesses. I specifically amplify this work because it was publicly shared with a wide audience of other criminalized people, scholars, practitioners and government actors for the purpose of encouraging education, action and change. I then conducted a literature review of works published by Indigenous and settler political scientists in Canada on carceral institutions including policing, prisons, child removal, involuntary hospitalization, residential schools, and policing in contemporary schools. Following this, I sought literature by Canadian political scientists on the carceral state and decolonizing research, and expanded my search to literature by Canadian scholars from other disciplines. Then I expanded my search to literature by scholars from outside of Canada, particularly the United States. In addition to centring testimony by people with lived expertise, I collected statistical data and media reporting to illustrate the impacts of carceral institutions on criminalized Indigenous peoples. Drawing on this literature and data, I sought to conceptualize what the carceral state is in Canada and what decolonization of research on the carceral looks like. Centring work by Indigenous scholars and authors, I argue that engagement with relational and abolitionist perspectives is needed.

# Indigenous and Settler Literature in Canada and Beyond

Despite having much to offer in terms of analyzing power, political decision making, socialization, representation, participation, and policy change, scholars under the umbrella of political science have rarely devoted attention to carceral topics. In 2010, political scientist Troy Riddell claimed that Canadian political scientists have contributed more to literature about criminal justice than widely thought, with strengths in speaking to policy process, as well as the limits of public authority and rights of citizens (Riddell, 2010). Yet in 2023 there still is little work on criminal justice topics by Canadian political scientists, and even less on the carceral state. Canadian political science is well situated to build literature on the Canadian carceral state akin to the American political science subfield on the American carceral state. To do so, it should centre the wisdom of lived expertise of Indigenous criminalized people, including the importance of decolonial and abolitionist perspectives. It should look to critical literature outside of political science, including critical prison studies, to bridge these perspectives. Without learning from these critical literatures, Canadian political scientists may reproduce carceral logic in their research, service and teaching practices.

Indigenous peoples with lived expertise of criminalization and confinement have spoken and written about their experiences and views of the state and institutions. This wisdom is present, yet it is not closely engaged with by many political scientists. Such work speaks to racism, colonialism, sexism, and other systems of oppression, which are intertwined with carceral institutions, and the importance of centring lived experiences. Testimony includes Saulteaux advocate and poet Renee Acoby and Cree-Saulteaux (Lake St. Martin First Nation) advocate and political science student Ryan Beardy to the Standing Senate Committee on Human Rights (2018a, 2018b, 2021). Written accounts include books by Métis-Cree historian Jessie Thistle (2019); Afro-Métis artist and writer Ricky Atkinson (Atkinson and Fiorito, 2017); Mi'kmaq (Pabineau First Nation) writer Stephen Sewell (Chief Poison Feather, 2011); Dakota, Lakota and Anishinaabe (Turtle Mountain Chippewa) writer Leonard Peltier (Peltier and Arden, 2000); Cree writer Yvonne Johnson (Johnson and Wiebe, 1999); Métis writer James Tyman (1995); and Afro-Mi'kmaq writer Dorothy Proctor (Proctor and Rosen, 1994).

In these accounts, the authors speak about the ongoing violence of colonialism they face and the complex and often harmful experiences they had in carceral institutions. Thistle writes about the many institutional sites he experienced:

Those cinder blocks seemed to follow me wherever I went—the ones found in jails, mental institutions, probation offices, hospitals, detox centres, detention centres, shelters, Sally Anns, welfare offices, court holding cells, police station bullpens. I hated the monotony of doing time, but if I was sick of anything, it was seeing those institutional sixteen-by-eights (2019: 296).

Thistle also describes the importance of telling his own story, of being listened to as an expert who has "lived it" (347) and being supported and funded to return to his homelands to reconnect and do research as a Métis-Cree scholar.

Some Indigenous political scientists demonstrate the importance of writing about carceral issues in Canada, with a focus on colonial law and punishment, exclusion and violence, and death. Such work includes writing by Stark (2016), Ktunaxa and Cree-Métis political scientist Joyce Green (2006)<sup>6</sup> and Cree and Saulteaux political scientist Gina Starblanket and Cree scholar Dallas Hunt (2020).<sup>7</sup> Scholars also focus on the gendered impacts of carceral institutions and state refusal to address gendered violence, including Mi'kmaw Indigenous governance and legal scholar Pamela Palmater (2015)<sup>8</sup> and Sámi political scientist Rauna Kuokkanen (2014).<sup>9</sup> In comparison to other critical literatures, a focus on carceral abolition is not currently emphasized in this political science work.

Research on carceral institutions in Canada by settler political scientists is still emerging and does not centre on relationality and abolition. The themes of this literature focus on the judiciary (Riddell and Baker, 2018; Small and Puddister, 2020);<sup>10</sup> political ideology (Kelly and Puddister, 2017; Gordon, 2021);<sup>11</sup> criminalization (Hindmarch et al., 2018; Hindmarch and Orsini, 2021; Kilty and Orsini, 2019a, 2019b; Kilty et al., 2017; Johnson and Porth, 2023);<sup>12</sup> and colonial violence, genocide and residential schools (MacDonald, 2020; MacDonald and Hudson, 2012; Murray, 2017).<sup>13</sup> One political scientist offers work using the specific focus and language of the Canadian carceral state: Robert Nichols. A scholar based at the University of Minnesota, Nichols (2014) explores the colonial nature of imprisonment in Canada and situates his work within the critical prison studies literature. He claims that imprisonment takes on a colonial function through its particular use of the state. Further, he identifies that Indigenous sovereignty "calls forth an alternative normativity that challenges the very existence of the carceral system, let alone its internal organization and operation" (55). This

orientation, which bridges with critical literatures outside of political science regarding carceral topics, is one that Canadian political science can further.

There is growing critical decolonial and abolitionist literature beyond political science in Canada. Scholarship on the Canadian carceral state outside of political science includes work by critical criminologist Vicki Chartrand (2019), sociologist Bronwyn Dobchuk-Land (2017), interdisciplinary scholar Lena Palacios (2016), critical criminologist Justin Piché and sociologist Kevin Walby (Walby et al., 2014), critical criminologist Shiri Pasternak and sociologist Tia Dafnos (2018) and interdisciplinary socio-legal researcher Alexander McClelland (McClelland et al., 2020). This work speaks to abolition and relationality as integral components of research on carceral topics but does not have a political science lens with a specific focus on politics and governance.

The United States is the source of a larger body of research on the carceral by political scientists. That said, the even the American carceral state is identified as overlooked in American political science (Gottschalk, 2008). In recent years, American political scientists have introduced new questions, focusing on how carceral institutions shape individuals' relationship with the state (Harris et al., 2020), work that Canadian political science can better contribute to regarding the Canadian case study. Synthesizing the American political science literature on the carceral state, Allison Harris and colleagues (2020) and Joe Soss and Vesla Weaver (2017) identify key dimensions, including expansion of the carceral state at the national, regional and local levels (also see Gottschalk, 2015); the impacts of mass incarceration for community well-being, economic stratification, and social inequality and mobility (also see Thorpe, 2015); police as a public interest group and institution of social control (also see Soss and Weaver, 2017); criminalization of immigrants, including structures of immigration policing and confinement (also see Walker et al., 2020); political disenfranchisement of groups targeted by carceral institutions (also see White, 2019); political socialization of groups targeted by or aware of the impacts of carceral institutions; and political discourses of crime, policing and punishment (also see Weaver et al., 2020). Yet this work does not speak to the Canadian context, nor does it speak closely to the colonial dimensions of the carceral state.

Critical prison scholars, including some political scientists in the American context, offer understandings about carceral logic—a mindset that equates punishment with justice—and the role of academia in creating and upholding it. American philosopher Angela Y. Davis (2005) and carceral geographer Ruth Wilson Gilmore (2007) identify the ways that the logic, origins and practices of criminal justice are bound up in settler colonialism, white supremacy and racial capitalism. American political scientist Michael Coyle (Coyle and Schept, 2017; Coyle, 2018) identifies how institutions have developed intellectual disciplines rationalizing and promoting theories of crime and responses to it. For example, some positivist social scientists advance a statistical rhetoric of Black criminality, and this articulation of the problem justifies carceral development and its racial disparity (Cohen and Luttig, 2020; Murakawa, 2019). American political scientist Andrew Dilts (2021) speaks to the preoccupation of social sciences with prison reform—efforts to mitigate the harms of carcerality that ultimately extend the life and the scope of the carceral state (also see Mathiesen [2015] on different types of reform).

Critical prison scholars claim that the guiding logic of a non-carceral society is penal abolition, which rejects criminal justice logic and practice (Berger et al., 2017; Coyle, 2014, 2018; Davis, 2003; Davis and Rodriguez, 2000). Penal abolitionist thought often draws upon other abolitionist ideas and theories, such as sociologist William E. B. Du Bois's (1935) writings on slavery abolition in the United States. Abolition includes both a focus on community self- determination and building an abolition democracy through leveraging or taking state power (Davis, 2005; Story and Schept, 2018). This scholarship is primarily concerned with strategizing alternatives to imprisonment and the eventual eradication of prisons. Sociologist Vincenzo Ruggiero (2011) argues that penal abolition is an approach, a perspective and a strategy for decarceration. Abolitionists are ultimately concerned with attaining social change and freedom from the inequalities and oppressions that drive hyper-imprisonment. They call for change, including reinvestment to improve community welfare; dismantling systemic inequalities, including racism and colonization; decriminalization; and community accountability and restorative justice programs (Benson, 2020). A Canadian political science analysis of the carceral state can bring to the conversation a focus on the political dimensions of the Canadian case, and it can complement other critical literature in Canada, particularly work by Indigenous scholars and writers, as well as critical literature from other jurisdictions, including the United States.

## Defining the Canadian Carceral State

There is no single definition of the carceral state, but it is generally connected to surveillance, criminalization, control, and punishment through criminal justice institutions (Beckett and Murakawa, 2012; Burch 2013; Lerman and Weaver, 2014; Soss and Weaver, 2017; Weaver and Lerman, 2010). My definition builds on this focus: the carceral state encompasses not only the systems, institutions and practices of criminal justice and corrections but other locations of isolation, coercion, assimilation and confinement (see Mussell, 2020). My definition is informed by concepts such as the carceral archipelago by sociologist Michel Foucault (1977) and the total institution by sociologist Erving Goffman (1961). Foucault discusses the concept of the carceral archipelago, in which carceral power is found in multiple institutions that isolate and seek to reform individuals. Similarly, Goffman (1961) articulated the notion of the total institution, which manifests in forms other than the contemporary prison. The total institution seeks the destruction of an individual's cultural identity and replacement with one determined by the institution. My understanding of the carceral state also has similarities with work on the shadow carceral state-namely, the expansion of "penal power through institutional annexation and legal hybridity" (Beckett and Murakawa, 2012: 221), including work focusing on locations of indigenized punishment (Montford and Moore, 2018). Readily identifiable carceral sites include provincial prisons and federal penitentiaries, detainment in police stations, youth detention centres, military prisons, healing lodges, immigration detention, community sentences, probation and parole. Carcerality-techniques of power and control associated with prisons—operate throughout society and culture, and it is necessary to look beyond these sites (Foucault, 1977).

I advance an expansive understanding of the carceral state, drawing on a neoinstitutionalist understanding of the state, with a focus on the interconnections between institutions, including interests, culture and logics (Mussell et al., 2022). Following neo-institutionalism, organizational behaviour is situated in and influenced by other organizations and wider social forces (DiMaggio and Powell, 1983; Meyer and Rowan, 1977). Specifically, I see carceral logics operating throughout multiple areas of the state, which are resistant and adaptive and which continue through successive reforms. Other branches of the carceral state include education, health services, state guardianship, social assistance, housing, migration and citizenship. These locations are part of a pipeline of institutional contact that can involve confinement in prisons. For example, Indigenous peoples are readily constructed as deviant (a term used in criminal justice), as part of the justification for removal of children from their families and culture (de Leeuw et al., 2010). It is more likely for a youth under state guardianship in British Columbia to be confined by the criminal justice system (35.5%) than to graduate from high school (24.5%) (British Columbia Representative for Children and Youth and Office of the Provincial Health Officer, 2009). Sites outside of the traditional concept of the carceral can also serve as places of isolation, coercion, assimilation and confinement. For example, people are held against their will in hospitals through involuntary hospitalization (Gray et al., 2016; Murphy, 2019), children are removed and isolated from their families and culture through state guardianship (Sinclair, 2017), students experience policing by school resource officers (Merkwae, 2015) and people receiving state welfare are surveilled by welfare institutions (Maki, 2011). It is necessary to look at this range of locations in future work by Canadian political scientists, to better understand how the carceral state operates, its impacts, and its complexities. The carceral state operates in a myriad of ways, and with this definition, Canadian political science can contribute to untangling how it operates and its impacts in the Canadian context.

Throughout society there is constant threat of criminalization and confinement as responses to social issues, in particular for people facing multiple points of oppression, including colonialism, racism, sexism, ableism, xenophobia, and more. Laws and policies render particular experiences stigmatized and prone to carceral responses, including trauma (Balfour, 2013), mental health challenges (Boyd and Kerr, 2016; Michalski, 2015), HIV nondisclosure (Kilty and Orsini, 2019a, 2019b), substance dependency (Boyd et al., 2018), sex work (Krüsi et al., 2014), homelessness (Gaetz, 2013) and citizenship (Côté-Boucher, 2014; Bergen and Abji, 2019). These situations render people more visible to surveillance and policing and more likely to be deemed delinquent or as presenting risk. Under the premise of safety, the carceral state both produces and reinforces inequities. Members of society—including academics—participate in, witness, support and/or resist carceral systems.

## Defining the Canadian Carceral State: Context

Canada has always been a carceral state organized around institutions and methods of social control (see Chartrand, 2019). There are many carceral institutions that have removed, isolated, assimilated and confined Indigenous peoples over time, with legacies

continuing today. This includes residential schools, segregated hospitals that confined Indigenous peoples with tuberculosis, the Sixties Scoop that stole Indigenous children from their families, and the Millennium Scoop with continuing high numbers of child removal (see Mussell, 2020). These institutions are not widely identified as part of the carceral state in Canada by media, government, or practitioners. There is activist (Reece, 2020; Gouldhawke, 2020), grassroots (Abolition Coalition, n.d.) and some scholarly (Bergen and Abji, 2019) acknowledgment that Canada is a carceral state and that institutions such as policing, child removal, and imprisonment are components. Government attention (for example, Department of Justice Canada, 2020; Government of Canada, 2021) has not solved these issues, and legacies continue. The carceral state operates not only through institutions and policy but through media, government communication, public conversations and academic work—all which reinscribe who is dangerous or "delinquent," who is deserving of punishment and what that punishment should look like.

Since the early settlement (1763–1867) and nation-building (1867–1910) periods, carceral institutions of policing, courts and prisons have been used to suppress Indigenous political action and consolidate the nation (Chartrand, 2019). Forts early sites of military establishment, resource extraction, and settlement—were places of initial confinement and policing (Mussell et al., 2021). Treaty 1, the first of the numbered treaties, was negotiated in the midst of the Lower Fort Garry prison in 1871.<sup>14</sup> Prisons, in particular, were and continue to be powerful symbols of the punitive authority of the Dominion of Canada (Chartrand, 2019).

Until the mid-twentieth century, the federal penitentiary in Canada was mostly reserved for white settlers. Indian agents would use band funds to build local jails on reserves as tools of assimilation (Jacobs, 2012). Reforms to the Indian Act deputized and judicialized Indian agents, providing them ex officio powers as justices of the peace (Jackson, 1989). The role of institutions shifted with the postwar era, with a new wave of reforms in settling the nation. Formal segregation and assimilation legislation were replaced with integration policies and an expansion of general social welfare programs to Indigenous peoples (Chartrand, 2019). In the 1950s and 1960s, numbers of Indigenous peoples in the prison and the child welfare systems began to rise to the stark numbers today (Chartrand, 2019; Standing Committee on the Status of Women, 2017). Along with this postwar shift, Canada's criminal justice system works against Indigenous peoples at every level, including police checks and arrests (Card et al., 2021; David and Mitchell, 2021), bail practices and pretrial detention (Myers and Ireland, 2021), racialized and gendered violence by police (Palmater, 2016), sentencing (Alberton et al., 2021), jury selections (Hogg, 2021) and higher rates of imprisonment, security classification and penal segregation (McGuire and Murdoch, 2021; Prevost and Kilty, 2020).

The rise in child apprehensions from families can be attributed to section 88 of the Indian Act, added in 1951, that allows the application of provincial and territorial laws to Indigenous peoples living on reserve (National Collaborating Centre for Aboriginal Health, 2017). Structures were established for providing child welfare services to on-reserve communities, and agencies began seizing large numbers of Indigenous children from the 1950s onward. Many children were placed in non-Indigenous homes as part of the Sixties Scoop (Johnston, 1983; TRC, 2015). In the early 1980s, child welfare agencies operated by Indigenous communities began to emerge but were impeded by strict federal funding controls and a moratorium on recognizing new agencies (Sinha and Kozlowski, 2013). Children continue to be removed from their homes in large numbers (Maurice, 2014). Police apprehended children to force them to attend residential school, which echoed the continued use of police to remove children from families (Fournier and Crey, 1997). Understanding and acknowledging the ongoing legacies of these harms is essential for Canadian political science, as is exploring how these legacies are reflected in a number of institutions. Doing this work should centre on the expertise of people with lived expertise.

# Impacts of the Carceral State: Testimony and Statistics

In testimony before the Standing Senate Committee on Human Rights, Indigenous peoples with lived expertise in carceral institutions explain the impacts these institutions have had on their lives, with the purpose of spurring change. Ryan Beardy explains the harm he experienced in multiple carceral institutions:

I am from Lake St. Martin First Nation. I spent most of my youth in and out of detention centres since 12 or 13 years old. I sort of grew up there. I formed my identity in those centres. That disconnect affected me as I was institutionalized at a very young age. Going into adulthood, the last 20 years of my entire life were spent either running from the law or being involved in the criminal justice system. I spent several years behind bars. (Standing Senate Committee on Human Rights, 2018b).

Institutions such as prisons, policing and child removal are connected in the lives of many criminalized people. Renee Acoby describes her sudden loss of child custody while imprisoned in a healing lodge:

So they did that with me, and I was kind of in shock. We were still in a lockdown when they took my child out of the lodge to send her to my sister in Winnipeg, but nobody told me that I could get her back. Nobody really tried to talk to me. They just put the rest of us still on lockdown. (Standing Senate Committee on Human Rights, 2018a)

Indigenous peoples experience carceral harms at higher than average rates. Acoby and Beardy speak to the racism they experienced and witnessed in carceral institutions.

Acoby: So, yeah, one of the main things I noticed is there is a lot of racism inside the Correctional Service of Canada. Indigenous women spend a lot more time in segregation. They spend a lot more time in maximum security. They have a harder time earning any type of lower security classification, any type of escorted temporary absence, perimeter work clearance. All of that stuff is really hard to get if you're not Caucasian inside (Standing Senate Committee on Human Rights, 2018a).

Beardy: You have to understand that I spent my whole life behind bars and saw these trends. The numbers of whites and Indigenous prisoners are skewed and their sentences actually get longer. An assault 10 or 15 years ago would net you two years; today it nets you five if you are brown. That happens. That is an injustice in itself. It is contributing to the being of my people. That was all I saw in there before I was released. (Standing Senate Committee on Human Rights, 2018b)

Statistics are also available that illustrate the ongoing harms of carceral institutions on Indigenous peoples in Canada. One can look at adult and child imprisonment rates; family child investigation and removal rates; police stops, use of force, and deadly force; involuntary hospitalization rates; school policing; border policing; citizenship; monitoring and sanctions by shelters, transition housing, income assistance agencies; and more. For example, despite decades of reforms, Indigenous prisoners in federal institutions rose from 20 per cent of the total population in 2008/2009, to 28 per cent in 2017/2018, to 29 per cent in 2020 (Department of Justice Canada, 2020). Over the last 10 years, imprisonment of Indigenous adults has increased by 43.4 per cent, while imprisonment of non-Indigenous adults has declined by 13.7 per cent (OCI, 2020).<sup>15</sup> Imprisonment of Indigenous youth has also increased. Data show that in 2006/2007, Indigenous youth were 21 per cent of youth in detention (Malone, 2018). In 2018/2019, Indigenous youth represented 43 per cent of youth admissions to custody while comprising 8.8 per cent of the youth population in Canada (Malakieh, 2020). Indigenous boys comprised 47 per cent of boys in custody, and Indigenous girls accounted for 60 per cent of girls in custody. Child removal is also significant. More than half of children under age 15 under state guardianship in Canada are Indigenous (14,970 children), while representing 7.7 per cent of the total child population (Statistics Canada, 2016). There are more Indigenous children under state guardianship now than there were in residential schools (Blackstock et al., 2004).<sup>16</sup> Policing is a continuing issue. Statistics Canada data show that Indigenous peoples were more likely (44 per cent) than non-Indigenous people (34 per cent) to report contact with police in the previous year, and Indigenous participants reported the lowest level of confidence in the police, with only 27 per cent saying they had a great deal of confidence in the police (Ibrahim, 2020).<sup>17</sup> These statistics illustrate the impacts of the carceral state that research can help legitimize or question. These are areas that Canadian political science can address, drawing on abolitionist and decolonial literatures.

## Decolonizing Research on the Carceral in Canada

In an address to a recent Canadian Political Science conference, Yasmeen Abu Laban (2017) notes that it is only since the 1990s that there has been growing attention paid by political scientists to Indigenous peoples and politics. Cree political scientist Kiera Ladner (2017) ties this shift to media attention given to protests such as the 1990 resistance at Oka/Kanehsatà:ke. Ongoing media attention may inspire more work by political scientists on the colonial and carceral harms targeted to Indigenous peoples. Ladner explains that political scientists have largely ignored Indigenous political traditions and have applied a Western-Eurocentric tradition

to Indigenous politics. Kuokkanen (2007) highlights how these epistemological practices are rooted in colonialism and work to exclude Indigenous worldviews and philosophies. Future work by political scientists should address these harms and take relational and abolitionist perspectives seriously.

Addressing these harms includes devoting attention to the carceral state. Much has been written by Indigenous and racialized scholars about decolonizing the academy, including the discipline of political science (see, for example, Smith, 2013; Shilliam, 2021). Unangax scholar Eve Tuck and K. Wayne Yang (2012: 1) explain that decolonization cannot only be reduced to a "metaphor for other things we want to do to improve our societies." Instead, decolonization requires material and political changes, including reinstating self-determined Indigenous legal jurisdiction and political authority, rematriating stolen and unceded lands and waters, and reparations for significant injustices and harms. Carceral logics and institutions are part of the injustices and harms inflicted on Indigenous peoples. In the words of Hupa gender studies scholar Stephanie Lumsden (2016: 33):

Incarceration continues to be effective against American Indians as a tool of colonization because it accomplishes many of the desires of the settler state. By displacing Indigenous jurisprudence and imposing state punishment on Native people, incarceration legitimizes settler law. By providing a place where the state can send transgressors and deviants, incarceration enables the criminalization of Indigenous bodies. Incarceration also physically removes Indian people from their land, which leaves it open for new waves of settler encroachment, exploitation, and theft. Finally, incarceration is a pernicious tool of colonization because, much like the early practices of genocide in California, it keeps Native people from reproducing Indian identity, culture, land, and children in a way that disproportionately affects Native women.

Some Indigenous scholars, including Lumsden, identify the need to counter carceral institutions through decarceration or abolition. Palmater (2020: n.p.) makes this point in the Canadian context:

We must confront racism against Indigenous peoples head on and prevent incarceration in the first place. This means addressing racism in federal and provincial laws and policies, as well as rampant racism in policing. In the meantime, we must begin the urgent process of decarceration for Indigenous women and children; Indigenous peoples with mental health issues; and Indigenous men languishing in prisons for little more than navigating poverty.

Certain attention is needed. Political science can perpetuate carceral logics and institutions through legitimizing them. While there are some political scientists whose work looks at carceral topics (especially Indigenous scholars) and logics (particularly in carceral politics subdisciplines, such as in American political science), Canadian political science as a whole has not looked at its role in these topics. As a discipline, it can legitimate carceral logics and institutions, including through its silence or acceptance of the carceral. In other words, Canadian political science has been slow in identifying and troubling carceral institutions as key places of power and instead focuses on other topics as more worthy of attention. Silence or acceptance of carcerality can also lend these structures legitimacy, with those who are criminalized seen as "the product of fate or individual action" (Gottschalk, 2015: 36). This shifts focus away from structural causes that could be locations of redress and transformation. Silence can also translate into a lack of solidarity with those who are under threat, when Canadian political science could instead be challenging the legitimacy of the hyper-imprisonment and removal of Indigenous peoples in Canada. There is also the potential for future work by Canadian political scientists to legitimate carceral institutions through partnership with these institutions, as it can be difficult to gain access to data without doing so. Namely, there are significant institutional barriers to accessing information and research with imprisoned people, particularly for critical researchers (Wright et al., 2015). Indigenous scholars explain the role of legitimacy, including Kahnawà:ke Mohawk political scientist Taiaiake Alfred (2009) who writes, "In the long term legitimacy is the most important form of power the state possesses" (56). Legitimacy builds or maintains support for the social order, even when state violence and contradictions are visible. Settlers can be co-protagonists in decolonization (Elliot, 2018) but should build awareness and take action to counter the use of colonial power against Indigenous peoples (Alfred, 2009).

Such work by political scientists should centre solutions by people with lived expertise. Indigenous peoples who are imprisoned or formerly imprisoned are the experts on their lives and have opinions on how to improve them. During the Standing Committee evidence on federally imprisoned people, Beardy urges his audience to listen to people with lived expertise: "I read some of the firsthand accounts of prisoners, and I implore you to believe them. I implore you" (2018b). He speaks about the importance of decarceration:

The final point is on the decarceration of Indigenous prisoners. Indigenous women are among the most vulnerable in this country. They are exposed to solitary confinement at disproportionate rates. It is statistically there and it is alarming. The decarceration of Indigenous prisoners is important. We have a system that is not necessarily designed for what we're using it. It is a punitive measure. It seems like the system is going scarily toward punishment. I saw that first hand when I was in there. (Standing Senate Committee on Human Rights, 2018b)

Beardy urges the improved use of sections 81 and 84 of the Corrections and Conditional Release Act, which includes special provisions intended to ameliorate overrepresentation of Indigenous peoples in prison. Section 81 provides the Correctional Service of Canada capacity to enter into agreement with Indigenous communities for the custody of prisoners otherwise held in prison; section 84 allows prisoners applying for parole to be released into or supervised by an Indigenous community (OCI, 2012). Beardy talks about the resources that can be provided to people instead of imprisonment: Education would be at the top of the list. Education is at the root of a lot of the problems we face in terms of educating our citizenry about the abuses. Obviously, everybody here is educated about them. It has been a long study, but education is at the top of what I would do. I know what education provided me. As well, it just gives them more of a chance than just to release them.

For sure, education and shelter. There is a huge lack of available shelters for men. What I see is that we go to halfway houses. I was officially homeless 16–17 months ago because of the way the system was set up. I had this one address I had to be at. Then the halfway house ended and I had to be at that address. There were family problems and I couldn't be at the house. My brother was like, "You're not going to live with me" because of my past. Anyway, I was actually homeless.

I would have used some of that money for rent. I would have used some of that money to increase my employability skills. I look like I am employable, but with a record it's very hard for me to actually get a job in the system, in this society. When I was released, I applied over and over and over and over everywhere, and nothing. I had to go to these temporary labour agencies to pay for rent, food and stuff like that. It would be education, shelter and housing. (Standing Senate Committee on Human Rights, 2018b)

These solutions are noncarceral. From the Australian context, criminologist Eileen Baldry and colleagues (2015) note that Indigenous critiques of the carceral state often stem from a radical disbelief of punishment in creating any enduring positive outcomes for their peoples. This disbelief extends to the legitimacy of state-centred and institutional responses to crime, which is viewed as contributing to personal, family and community disintegration rather than safety and security. Further, those embracing this disbelief call for dismantling or shifting resources away from carceral institutions and adopting different approaches to justice.

In identifying and advancing these alternatives, deep collaboration is needed. Chartrand and imprisoned Abenaki artist Niko Rougier (2021) explain that a decolonial approach to justice encompasses a relational logic rather than a colonial, oppositional logic. A relational logic rejects carceral operations that disrupt, sever and modify relationality-interconnections with people and all forms of life that are fundamental to many Indigenous peoples. This draws on the work of Anishinaabe-Métis legal scholar Aimée Craft (2016), who explains that Indigenous legal systems are relationship driven and inclusive of all forms of life, such as water and land. From this perspective, the goal of justice is not personal rehabilitation but reconnecting relationships. A relational logic embraces decarceration strategies through interpersonal action, including "healing, ceremonies, sweats, fasts, feasts, drumming, walks and other Indigenous connections of kith and kin" (Chartrand and Rougier, 2021). Chartrand and Rougier's concept of relational logic is related to Mohawk legal scholar Patricia Monture-Angus's (1995) work on relational justices-reclaiming traditional Indigenous justices to reconnect at the personal and interpersonal levels.

Future research on the carceral should be the result of deep collaborations that centre Indigenous wisdom, including lived expertise, following the approach of Chartrand and Rougier (2021). The goal should be to mobilize change by locating

carceral knowledge within the expertise of Indigenous peoples with experience of carceral institutions rather than only consulting or giving voice. Gender studies scholar Krista Benson (2020) centres Muscogee legal scholar Sarah Deer's (2015) listening politics, extolling the importance of listening to the narratives of imprisoned Indigenous women on decolonial abolitionist practice. Importantly, questions about how to do and achieve justice should be answered by Indigenous peoples themselves. To do so means centring a listening politics that recognizes political sovereignty, historical context, and Indigenous values such as relationality (Benson, 2020; Deer, 2015). In doing relational work, geography scholar Laurel Mei-Singh (2021) identifies the value of accompaniment, bringing together different forms of expertise to develop life-affirming systems and replace carceral partitions that harm relationships among all forms of life. The ways that political scientists-in particular, settler political scientists-publish and speak to academic and public audiences, teach and mentor new scholars, and advise or inform stakeholders about carceral power can reproduce or counter its logics and legitimacy (Brown and Schept, 2017; Schept, 2015). The discipline is diverse, yet scholars who do seek to counter carcerality are a small component of the discipline. Dobchuck-Land (2017) notes these logics convey that Indigenous peoples need either state containment or assistance, and they limit the public imagination about Indigenous control over Indigenous lands and lives. Confederated Salish and Kootenai Tribes sociologist Luana Ross (1998) asserts that the criminalization of Indigenous peoples and subsequent imprisonment is directly tied to the loss of Indigenous sovereignty: penal logics limit these important political and social futures.

Deep collaborative work can counter carcerality, and is opposite to spectatorship. Michelle Brown (2009) uses the notion of penal spectator to refer to the individual and institutional means of looking at other people's pain from a distance and perpetuating the ideologies and practices of punishment in the process. She suggests that spectatorship not only is about looking at something but also involves authoring and authorizing penal practices. Researchers with little connection to communities do research *on* them, not *with* them. Rarely do political scientists create research studies and methodologies with criminalized people as colleagues—as creators of academic and practical knowledge (Pollack and Eldridge, 2015).

Going forward, Canadian political scientists can commit to relationality in their work, forming deep collaborations with criminalized people, as advanced by Chartrand and Rougier (2021) and other critical scholars. This means a shift in recognition of expertise and structural changes in order to centre certain voices namely peoples who have been criminalized. For example, this entails welcoming people with lived experience of criminalization to Canadian political science gatherings and sharing knowledge in more accessible community forums. Canadian political scientists can support proposed policy recommendations such as those advanced in this article, focusing on nonpunitive supports embraced by different Indigenous communities. They can advance a research agenda focused on the carceral state, building on the work of American political scientists but specific to the Canadian context. Flagship publications such as *CJPS* can encourage the development of this subfield through invitations to publish research focused on the carceral state. As part of advancing this subfield, *CJPS* could also recruit board members that focus on this area of study. Indigenizing the curricula has been encouraged by the Canadian Political Science Association, and this could be expanded to include focus on the carceral. Political science departments can commit to teaching about the carceral state subdiscipline through shifts in curricula and syllabi and by hiring scholars who specialize in this area.

The benefits of decolonizing carceral research from a political science lens include offering a deeper focus on the state, on institutions, and on political behaviour, policies and power. There are also challenges for Canadian political science to accomplish this. The discipline of political science has been a highly gendered and white discipline of study and rooted in a colonial context (Nath et al., 2018). Working on the carceral using a decolonial and abolitionist lens can be co-optive, drawing on the knowledge, language and concepts of experts, particularly Indigenous and racialized experts, without advancing the core intent of that work. To address this, such work should look closely at the racial and other injustices on which the carceral state rests (Gottschalk, 2015). It is essential for political scientists to learn from Indigenous and critical prison studies scholars, including Black women thinkers such as Angela Y. Davis (2003, 2005), Ruth Wilson Gilmore (2007), Mariame Kaba and Andrea Ritchie (2022) and to partner deeply with community, in particular criminalized community members. Going forward, it can be tempting to partner with carceral institutions, in order to gain institutional legitimacy of research and access. There is a tendency of carceral institutions, especially penal institutions, to only allow access to projects that ultimately support the carceral system (Wright et al., 2015). And in such cases, drawing on the language of abolition can be especially co-optive. Such partnerships can also preclude the ability to form close partnerships with criminalized peoples, many of whom are unwilling to work in such arrangements. The focus should be partnerships with Indigenous peoples with lived experience, on their terms.

# Conclusion

The roots of abolition in Canada (Chartrand, 2021) and the United States (Chua, 2020) have strengthened in the wake of COVID-19, with grassroots-led work by Black, Indigenous and People of Colour (BIPOC) seeking supports for criminalized people, immediate decarceration and long-term abolition. Important work is being done by Canadian political scientists—in particular, Indigenous political scientists -that seeks to decolonize the discipline and Canadian structures and institutions. However, on the whole, political science does not reflect the wisdom of lived expertise of Indigenous criminalized people, including the importance of relational and abolitionist perspectives when looking at topics of carcerality. Indeed, there is little work available, and the discipline is largely silent. In this article, I defined and expanded on what the carceral state looks like in Canada, how its evolution is tied into ongoing colonial legacies, and the impacts felt not only through prisons but other social institutions. Drawing on a literature review of scholarly literature, grey literature and new media published in Canada and beyond, I articulated the current approach to studying the carceral in political science. I noted the paucity of research in the Canadian context and showed where attention has been cast previously. With only one article on the Canadian carceral state from the perspective of a political scientist (Nichols, 2014), there is opportunity for more work in this context. I described an improved approach to studying the carceral, arguing that a decolonized approach should be relational and abolitionist. Such an approach seeks deep relationships with people with lived expertise, in order to reduce and eliminate the use of carceral interventions and instead invest in communitydetermined supports. Gottschalk (2007, 2015) calls for experts to view engaging the scholarly, public and political arenas in discussions about the future of the carceral state and make this a leading political and public policy area, as part of their professional responsibility. I make a similar call to political scientists in Canada and urge centring the lessons already communicated by Indigenous scholars, writers and other advocates, including the importance of relationality and abolition. Such work is essential in developing a transformative practice that builds toward a future free of oppression.

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#### Notes

1 Interviewees express preference for Indigenous programming in prisons (Tetrault, 2022) but also describe the violence they experience through carceral institutions (Mussell, 2020). It is imperative to meet the "interests, needs, and preferences" (Tetrault, 2022: n.p.) of Indigenous peoples, but there are alternatives to carceral institutions.

**2** By which the authors mean "insurrectionary scholarship—or scholarship that challenges domination and oppression" (2018: 622).

3 In particular, scholarship with overlap in critical prison studies.

**4** The United States has a history of the highest rates of imprisonment globally and different demographic, social, economic and political features of imprisonment.

5 The carceral state includes institutions and systems such as prisons, policing and courts. The shadow carceral state is understood as additional institutions deriving authority from administrative and civil law, and expanding as locations of punishment (Beckett and Murakawa, 2012).

**6** Green (2006) writes about the murders of Neil Stonechild and other Indigenous peoples by police as exemplars of continuing racism in political culture.

7 Starblanket and Hunt (2020) illuminate settler colonial exclusion, violence and death of Indigenous peoples in rural Saskatchewan.

8 Palmater (2015) speaks to the meteoric increase in imprisonment of Indigenous people, as well as violence against Indigenous women and girls.

9 Kuokkanen (2014) explores the internalization and depoliticization of gendered violence in Canadian and Scandinavian communities, including state refusal to address violence against Indigenous women.

**10** Riddell and Baker (2018) examine the implementation of judicial decisions by police, and Small and Puddister (2020) explore the use of social media in criminal trials.

11 Kelly and Puddister (2017) write about Canadian penal populism, and Gordon (2021) researches the politics of victimhood in Canadian conservative ideology.

12 Hindmarch, Orsini, Kilty, and Balogh (Hindmarch et al., 2018; Hindmarch and Orsini, 2021; Kilty and Orsini, 2019a, 2019b; Kilty et al., 2017) research the criminalization of HIV non-disclosure, and Johnson and Porth (2023) write about the criminalization of sex workers through federal law and municipal policy communities.

13 MacDonald (2020) examines settler colonialism and silencing during the Colten Boushie murder trial, MacDonald and Hudson (2012) write about genocide and residential schools, and Murray (2017) speaks about the pan-territorial ideal of the residential school system used to quell Indigenous resistance. 14 For example, Lower Fort Garry in Saskatchewan (built 1830) was the location of militia that terrorized local Métis and suppressed the Red River Rebellion in 1869–1870 (Grebstad, 2019; Barkwell, 2017), the first federal penitentiary and asylum in that province in 1871, and a training base for the North-West Mounted Police (NWMP) in 1873 (Royal Canadian Mounted Police, 2021). The NWMP (precursor to the Royal Mounted Canadian Police) was formed by the federal government in 1873 to enclose, dispossess and regulate Indigenous peoples (Shantz, 2016). This includes suppressing the Red River provisional government (Ayala and Carrington, 2016), displacing Indigenous peoples from the Prairies (Nettelbeck and Smandych, 2010) and enforcing the pass system on the Prairies that restricted the movements of Indigenous peoples on and off reserves (Barron, 1988). Indigenous peoples were imprisoned at Lower Fort Garry until the construction of a larger penitentiary at Stony Mountain in 1878 (Edginton, 1988; Horky, 2020).

15 Regarding imprisonment in 2018/2019, Indigenous adults accounted for 31 per cent of provincial/territorial admissions and 29 per cent of federal admissions to prison, while representing five per cent of the Canadian adult population (Malakieh, 2020). In federal corrections, Indigenous men accounted for 29 per cent of men admissions to custody, and Indigenous women represented 41 per cent of women admissions to custody.

**16** Indigenous children are overrepresented at all points of child welfare decision making. For instance, in Ontario, among non-Indigenous Children's Aid Societies, the proportion of Indigenous children admitted to state guardianship was 2.6 times higher than their proportion in the child population (Ontario Human Rights Commission, 2018).

17 In Montreal, Quebec, data from 2014 to 2017 show that Indigenous and Black people are 4 to 5 times more likely to be stopped by police than are white people, and Indigenous women were 11 times more likely to be stopped by police than white women (Armony et al., 2019). Between 2007 and 2017, Indigenous peoples represented one-third of people shot to death by the Royal Canadian Mounted Police (RCMP) (Freeze, 2019). Further, between 2017 and 2020, 25 Indigenous people were shot and killed by the RCMP.

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